

SB

580



*For the Protection of Hawaii's Native Wildlife*

## **HAWAII AUDUBON SOCIETY**

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THE SENATE  
THE TWENTY-SIXTH LEGISLATURE  
REGULAR SESSION OF 2011

COMMITTEE ON WATER, LAND, AND HOUSING  
Senator Donovan M. Dela Cruz, Chair  
Senator Malama Solomon, Vice Chair

Thursday, February 3, 2011  
1:15 P.M., Conference Room 225, State Capitol

SENATE BILL NO. 580  
RELATING TO AQUATIC LIFE

Senator Dela Cruz, Senator Solomon, and members of the committee, my name is Linda Paul and I am the Executive Director for Aquatics for the Hawaii Audubon Society. I am testifying in qualified support for Senate Bill 580 because the bill cannot be enforced due to the requirements of HRS Sec. 187A-15. While this bill makes it unlawful for any person at any time to knowingly or intentionally sell or offer to sell, for aquarium purposes, aquatic life taken from state waters,

- “intent” is almost impossible to prove unless the person is caught in the act of selling the fish to an aquarium dealer or a home collector and the fish is visible;
- DLNR does not have the power to conduct administrative inspections of containers that might hold reef fish unless the inspecting officer has probable cause to believe that the container holds aquarium fish destined for sale.

This bill needs a section added to it that will amend HRS Sec. 187A-15, which currently requires that an enforcement officer has to have probable cause before he can inspect any bag, container, vehicle, or conveyance that might contain reef fish for sale. I would recommend that the language from HB 1499 HD2, SD1, (Twenty-Fourth Legislature, 2007-2008), be incorporated into a new Section 3 and it should apply to all permit holders. That language is as follows:

SECTION 3 (new). Section 187A-15, Hawaii Revised

Statutes, is amended to read as follows:

"§187A-15 Rights of inspection [~~ef-catch~~]. (a) Any agent of the department upon whom the board has conferred powers of police officers or any other enforcement officer of the State shall have the authority to conduct examinations and [~~searches~~] inspections of:

- (1) The contents of any bag or container of any kind used to carry aquatic life; or
- (2) Any vehicle or conveyance used to transport aquatic life;

~~[if such agent or officer has probable cause, as provided by law, to believe that such bag, container, vehicle, or conveyance contains]~~ for evidence of a violation of the condition of any license, permit, or registration issued under subtitle 5 of title 12 or any rule adopted thereunder. Written consent to inspection shall be a condition of any license, permit, or registration issued under subtitle 5 of title 12 by the department. No person shall refuse any enforcement officer of the department or any other enforcement officer of the State [~~such~~] an examination and [~~search-~~] inspection for purposes of determining compliance with the terms of any license, permit, or registration relating to aquatic life. Refusal to grant an examination or inspection shall result in immediate revocation of the license, permit, or

registration. Section 187A-13 shall not apply to this section.

(b) The owner of a commercial fishing license, permit, or registration shall not permit any other person to carry, display, or use the license, permit, or registration in any manner. Every individual to whom a license, permit, or registration has been issued shall physically possess the license, permit, or registration at all times when engaged in commercial fishing activities and shall show the license, permit, or registration upon the demand of any authorized representative of the department. Upon request the request of any authorized representative of the department, an individual shall not refuse to show the license, permit, or registration, or withhold permission to inspect the individual's vessel, container, cooler, carrier, or vehicle of any kind where marine resources may be concealed.

(c) Before a commercial fishing license, permit, or registration is issued, the applicant shall agree to comply with all terms and conditions of the applicable commercial fishing license, permit, or registration and all applicable laws, rules, and regulations, and shall consent to be subject to inspection by a duly authorized representative of the department.

(d) The department shall create a valid administrative inspection scheme to enforce its aquatic rules."

Coral reefs in the Indo-Pacific region are under pressure from global warming, runoff, physical and chemical destruction, and commercial overfishing. The home aquarium trade is a growing part of that pressure, with 99% of the trade going to hobbyists in the United States, Canada and Europe, although the Asian market is rapidly expanding.

While many collectors endeavor to act responsibly, the vast majority of aquarium fish are juveniles taken from reefs before they are large enough to produce offspring. Until more marine aquarium species come from aquaculture sources, the responsible thing for those who love to watch fish is to visit their public aquariums.

Thank you for giving me the opportunity to testify.

Linda Paul  
262-6859

## Dane Wicker

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**From:** Richard Bennett [drhbennett@konamist.net]  
**Sent:** Thursday, February 03, 2011 11:51 AM  
**To:** WLH Testimony  
**Cc:** Jeannie Yoshiko; Brent.A.Carman@hawaii.gov; Green Josh  
**Subject:** In support of SB 580

Measure: SB 580

Hearing Date/Time: Thursday, February 3, 2011 at 1:15 pm

Testifier Position: IN SUPPORT

The collection of aquarium fish in Hawaiian waters need to be halted completely and permanently.

I have been in the water observing our reefs for over 25 years. And like our Kupuna I too see a great loss of numbers and species types.

Locals also tell me that collector boats come into protected waters under the cover of night and take fishes and out of the water and then disappear before day break.

Some say that the Aquarium fishery is a sustainable resource. Yet absent valid long term historical data, and a means to set and enforce quotas it will never be sustainable.

As a scientist, I say with authority, we simply do not know enough about our fish species to make any estimations of sustainability. Abuses will continue as a function of market demand. Fish like drugs flow to money.

The water quality and the health of our reefs are in peril. Too much of our urban pollution runs into the sea placing ever more stress of the reef ecology

It is time to say enough and encourage aqua-cultural production and leave the wild species alone. A prohibition with an effective enforcement provision is needed and now.

Sincerely

RH Bennett PhD

Executive Director

H2O: Healthy Hawaiian Oceans

**Dane Wicker**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 03, 2011 12:05 PM  
**To:** WLH Testimony  
**Cc:** grospitch1@netscape.net  
**Subject:** Testimony for SB580 on 2/3/2011 1:15:00 PM

Testimony for WLH 2/3/2011 1:15:00 PM SB580

Conference room: 225  
Testifier position: support  
Testifier will be present: No  
Submitted by: Brian Grospitch  
Organization: Individual  
Address: Barrington, IL  
Phone:  
E-mail: [grospitch1@netscape.net](mailto:grospitch1@netscape.net)  
Submitted on: 2/3/2011

**Comments:**

As an employee of the Shedd Aquarium, I have seen first hand the effects of the improper collection of the remarkable species of the Hawaiian Islands. While I beleive it is a sad commentary, I believe we need to focus on what is best for our oceans.

**Dane Wicker**

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**From:** K. Williams [kdw@hawaiiantel.net]  
**Sent:** Thursday, February 03, 2011 2:22 AM  
**To:** WLH Testimony  
**Subject:** please support SB 580

**Importance:** High

Dear Honorable Chair Dela Cruz, Vice-Chair Solomon and Committee Members,

**Please support SB-580 to Protect our Reef Wildlife**

A million or more reef animals are captured on Hawaii reefs every year and sold as “ornamentals” in the saltwater aquarium hobby. Because these animals are fragile, up to 40% may die before even reaching their final U.S., Asia, or Europe destination. Most of the rest die within a year.

Keeping this wildlife on our reefs is good for the animals, important for healthy reef ecosystems and essential for our tourism-based economy.

This important measure does not prevent the responsible collecting of reef wildlife for education, research, cultural or consumptive purposes.

Thank you for supporting SB-580,

Mrs. K. Williams





# Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803  
808.538.6616 hawaii.chapter@sierraclub.org

## SENATE COMMITTEE ON WATER, LAND, AND HOUSING

February 3, 2011, 1:15 P.M.  
(Testimony is 1 page long)

### TESTIMONY IN SUPPORT OF SB 580

Aloha Chair Dela Cruz and Members of the Committee:

The Sierra Club, Hawai'i Chapter, with over 8,000 dues paying members and supporters statewide, supports the intent of SB 580, restricting the collection and sale of aquarium fish.

Hawaii's nearshore and reef fisheries are in decline. Part of the reason for their decline is the behavior of individuals and businesses who have little regard for Hawaii's precious natural resources. Hawaii's reef fish are being poached in record numbers with millions being exported and sold annually to European, Australian, and U.S. mainland collectors. Aquarium collecting leaves many of our fragile reefs picked clean and our reef systems should not be considered 'fisheries.' Hawaii's ornamental fish are worth far more in our waters—as synergistic components of the ecosystem and as attractive items for water-based tourism—than out of our water.

Please forward this measure in some form to restrict unsustainable commercial aquarium collection.

Mahalo for the opportunity to testify.

## Dane Wicker

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**From:** Barbara Kuehner [konakeenb@hawaii.rr.com]  
**Sent:** Wednesday, February 02, 2011 7:53 PM  
**To:** WLH Testimony  
**Subject:** Support for SB 580

I support the ban. Aquarium fish should be limited to those which can be raised in captivity. I am a frequent ocean user (swimmer) and do fish counts for the UH Sea Grant Program on the Island of Hawaii. My transect is at the Kailua Pier. Our reef fish are an important asset. Many tourists consider the Big Island a place for adventure ecotourism. Diving and snorkeling are important to the economy. An attempt has been made to placate the aquarium industry through establishment of fish replenishment areas. These have been partially successful in preventing complete decline of several species. However, it is very difficult to enforce a ban on taking aquarium fish when it is possible to fish in some places. If a complete ban were in force, then anyone taking fish for the aquarium trade would be illegal and the excuse that one didn't know he/she was not in the right area would not hold up. A ban will still be difficult to enforce, but it is a step in the right direction. Preserving the number and diversity of reef fish is important.

Thank you,  
Barbara Kuehner  
Lecturer in Biology  
UH Center West Hawaii  
808-322-4850

## Dane Wicker

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**From:** catherine gregoire [cattastrophe@hotmail.com]  
**Sent:** Wednesday, February 02, 2011 8:29 PM  
**To:** WLH Testimony  
**Subject:** Please support SB 580 to Protect our Reef Wildlife

Dear Honorable Chair Dela Cruz, Vice-Chair Solomon and Committee Members. Please support SB 580 to Protect our Reef Wildlife

- A million or more reef animals are captured on Hawaii reefs every year and sold as “ornamentals” in the saltwater aquarium hobby. Because these animals are fragile, up to 40% may die before even reaching their final U.S., Asia, or Europe destination. Most of the rest die within a year.
- Keeping this wildlife on our reefs is good for the animals, important for healthy reef ecosystems and essential for our tourism-based economy.
- This important measure does **not** prevent the responsible collecting of reef wildlife for education, research, cultural or consumptive purposes.

Catherine Gregoire

## Dane Wicker

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**From:** BigIsland Divers [info@bigislanddivers.com]  
**Sent:** Wednesday, February 02, 2011 8:39 PM  
**To:** WLH Testimony  
**Subject:** Support for SB 580, Kona loose 36,250+ divers/snorkelers/tourists a year

Aloha Chair Dela Cruz and Water and Land Committee members.

Measure: SB 580  
Hearing Date/Time: Thursday, February 3, 2011 at 1:15 pm  
Testifier Position: IN SUPPORT

Kailua-Kona alone stands to lose 36,250+ divers/snorkelers/tourists (plus thousands of depends/families) a year and the Millions of Tourists Dollars in revenue for the State of Hawaii, if the levels of tropical fish continue to drop. With continued removal of tropical fish from our ecosystem, by the Commercial Tropical Fish Collectors; Tourist will go to other diving destinations, with better intact and more preserved ecosystems.

I am the manager of Big Island Divers in Kailua-Kona, Hawaii. We are a local dive shop with over 15 full time and 6 part-time employees, that depends on a complete and healthy ecosystem to show tourists. We have seen and so has our repeat visiting tourists, the difference from year to year in our fish populations and our reef ecosystem. It's embarrassing to explain to tourist, about Kona's nick name of being the "Gold Coast", in reference to the once vast numbers of Yellow Tang, that no longer are along our shore line. All because of over collecting by the Commercial Tropical Fish Collectors.

The Commercial Tropical Fish Collectors argument is they stand to lose their jobs if the Tropical Fish Collection Ban is implemented, is insignificant to the Million/Billion dollar impact, from the lack of Tourists that will not come to Hawaii; if the diving/snorkeling industry fails, all because of a lack of fish to see in the water. It's that simple.

Our staff owe their livelihood to the continued health and maintenance of the West Shore of the Big Island Reef System. And at the current rate/situation, the Commercial Tropical Fish Collectors, with their failed attempts to self-regulate collection/management, are affecting our operations and the future business here in Hawaii.

Aloha and Mahalo, Frank Hendriks

Manager of Big Island Divers, Kailua-Kona Hawaii

Big Island Divers  
[www.BigIslandDivers.com](http://www.BigIslandDivers.com)  
1-808-329-6068

## Dane Wicker

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 02, 2011 9:44 PM  
**To:** WLH Testimony  
**Cc:** kinetic\_com@earthlink.net  
**Subject:** Testimony for SB580 on 2/3/2011 1:15:00 PM

Testimony for WLH 2/3/2011 1:15:00 PM SB580

Conference room: 225  
Testifier position: support  
Testifier will be present: No  
Submitted by: Wendy Harvey  
Organization: Individual  
Address: 40 Hoonani St. Kihei, HI  
Phone: 808-298-6208  
E-mail: [kinetic\\_com@earthlink.net](mailto:kinetic_com@earthlink.net)  
Submitted on: 2/2/2011

### Comments:

Aloha Chair Dela Cruz and Committee Members,

Thank you for hearing this important bill protecting reef wildlife from the international aquarium trade/hobby.

I support SB 580 because reef wildlife shouldn't be wasted - it should be protected for all of Hawaii. I've been an avid scuba diver and have seen a decline in the reef fish just in the last 5 years. Something needs to be done or the delicate balance of our reefs will suffer.

Thank you for your time.

## Dane Wicker

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**From:** sherryc3@gmail.com on behalf of Sherry [sc@sonic.net]  
**Sent:** Wednesday, February 02, 2011 10:19 PM  
**To:** WLH Testimony  
**Subject:** Measure: SB 580

Aloha Chair Dela Cruz and Water and Land Committee members,

Just in case I was missing something regarding SB 580, I watched the hours of public meeting on tropical fish collection when it was broadcast and rebroadcast on tv. I saw many many people speak out against it. I saw some people speak for it - those who are making money off collecting our natural resource and selling it around the world.

The "jobs" card was played over and over by fish collectors. Tropical fish collection is not a tradition in Hawaii. Before there were planes to take the fish from our waters, tropical fish collecting families were doing other jobs and making a living in other ways.

Tropical fish collectors are themselves exporting and killing jobs. They are killing the reefs, and thus killing our future in tourism. They are killing our good reputation for caring for the earth and all that is in it. Fish collectors can easily get new jobs showing tourists the reefs that they are currently robbing. They know where all the different species hang out and what times of year to find them. They know how to scuba dive. Don't fall for their plea to keep tradition alive and keep their jobs in Hawaii. They have all the skills already to do other jobs. They just prefer not to.

If the county of Hawaii wants to keep jobs in the state, then why am I sending my property tax checks to Seattle? Bring the jobs of processing the checks back to the county of Hawaii.

If the county of Hawaii wants to keep jobs in the state, then stop allowing the importation of finished leis from other countries. Local florists and lei makers can't compete with the cut rate pricing of leis in big box, non-Hawaiian, owned stores. Bring those jobs and that industry back to the county of Hawaii.

But whatever you do, send a message to the world that the county of Hawaii is tired of our heritage and precious resources being shipped off island. Stop all tropical fish collection in the waters of our county. Now. ASAP.

Mahalo for your attention to this matter. I look forward to the good news that all tropical fish collection has been stopped, immediately, and forever.

Sherry

# Protect Hawaii's Dwindling Coral Reef Wildlife: S.B. 580 Fact Sheet

Supported by these Advocates for the Protection of (Hawaii) Reef Wildlife: For the Fishes \* Humane Society of the U.S. \* Humane Society Int'l \* PONO \* Snorkel Bob Foundation \*

## ***Why S.B. 580 is needed:***

- \* Hawaii's marine aquarium trade is severely over-harvesting coral reef wildlife. Targeted populations in unprotected areas have been reduced to a fraction of natural abundance: Yellow Tangs are now 73% lower; 45% worse than 1999.
- \* According to DLNR: West Hawaii's Yellow Tang take is unsustainable and the trade is threatening native wildlife, causing species to nearly disappear from some areas where they once were common.
- \* Hawaiian endemics (those found nowhere else) are threatened with extinction by the trade. Almost half of the top 20 species collected are these natural treasures. Some are also among those species dying very quickly in captivity.
- \* Management via no-take areas exposes unprotected reefs and species to extreme over-collecting and fails to address cultural, financial, societal, or ecological issues posed by the aquarium trade.
- \* Aquarium collecting is considered by DLNR as a major cause of Oahu coral reef degradation, but no rules have been developed, though DLNR was urged by the 2008 Legislature to expeditiously do so.
- \* DLNR lacks resources for effective management/enforcement of the 260+ reef species targeted. A statewide law brings federal support by triggering the Lacey Act, making violation of state wildlife laws a federal offense.

## ***Reef wildlife has greater value economically, environmentally and culturally when left on the reefs:***

- \* Collection of Hawaii's coral reef wildlife for the trade negatively impacts reef beauty and health.
- \* 42% of Hawaii's visitors snorkel and scuba to view our reefs, a benign practice compared to extraction.
- \* \$800 million annually in marine tourism provides thousands of jobs to local residents. The aquarium trade is comparatively small with an estimated \$5 million in annual sales (collection/wholesale combined).
- \* Commercial trade compromises reefs by decreasing diversity/abundance of key species in algae, parasite & detritus control. 86% of all fish taken are algae-eaters.
- \* Undue pressure put on wild populations by wasteful high death rates (up to 40% die before reaching the hobbyist).
- \* Trade targets juvenile fish: weakening the food web for game fish species that depend on small fish for food.
- \* Jackpot incentives drive collection of vulnerable/rare species: one rare Hawaii endemic recently retailed for \$9500.

## ***Commercial collection conflicts with Hawaii's cultural and societal values:***

- \* Unlike Hawaii's native birds, coral and marine "live" rock, all legally protected from ornamental commercial extraction for decades, Hawaii's reef wildlife is not, though it clearly needs this modest protection.
- \* Captive animal basic needs should be met to ensure long-term/natural, not temporary, survival. Not only are handling and shipping death rates high, but up to 97% of all wildlife taken is estimated to die within a year of capture, though most are very long-lived in the wild (over 40 years for Yellow Tangs).
- \* Contributing to the unnecessary deaths are the multiple injuries caused from common trade practices like rapid ascents, fin/spine cutting and intentional starvation. Not only illegal, these and other trade aspects are also counter to native Hawaiian and other cultural/societal values respecting and revering nature and opposing waste and greed.

## ***A law protecting reef wildlife from aquarium trade supports fishers (subsistence, recreational & commercial):***

- \* Leaving these fish on the reef benefits predator/pelagic species (jacks, marlin, spearfish, tuna, etc..) which are linked to the health of our reef fish communities. More prey = more predators.
- \* Provides fairness and equity in regulation: recent DLNR size/bag limit draft rules intentionally exclude species considered important to aquarium trade, deferring to the trade practice of taking immature and undersize fish.
- \* Would NOT impact existing laws/regulations on taking reef fish for food or bait; scientific or educational purposes; cultural or religious use; aquariums in homes and display aquariums (where wildlife is displayed but not for sale).

For more information contact Inga Gibson: [igibson@humanesociety.org](mailto:igibson@humanesociety.org) (922-9910); or, Rene Umberger at [info@forthefishes.org](mailto:info@forthefishes.org) (283-7225)

## Dane Wicker

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**From:** Mel Malinowski [mel@malinowski.com]  
**Sent:** Wednesday, February 02, 2011 3:36 PM  
**To:** WLH Testimony  
**Subject:** SB 580

Aloha, Chair Dela Cruz & Water and Land Committee members,

My name is Mel Malinowski. I live in South Kohala on the Big Island. I write and publish snorkeling guidebooks and iPhone apps for the reef dwellers of Hawai'i.

I cannot testify in person at the first hearing of SB 580, but I would like to submit my testimony by email.

I am in support of SB 580.

My wife and I snorkel and dive in the waters of Hawai'i more than 300 days a year. We have been saddened to see a decline in the populations of many reef fish over the past several decades, particularly in the areas where commercial aquarium collectors take unlimited quantities of fish and ship them away from Hawai'i. This is not good for Hawai'i.

If this kind of stripping of our reefs of fish was proposed today, it would surely not be approved. It is not traditional, and began not that long ago, without adequate scrutiny. Now we have an opportunity to correct this mistake.

Studies have shown that these fish, which are sold for a small amount of money going to a small number of people in the industry, are worth 40 times as much if left in the reef here. They would benefit subsistence fishermen, sport fisherman (as they are part of the food chain essential for sport fish), the snorkeling and dive businesses (more fish attracts more business viewing them), and tourism.

I recommend that you approve SB580. A fair compromise might be to allow a 3 to 5 year phaseout period to allow those collecting to transition to other related work. There should be an exemption for collectioning for reef tanks here in Hawai'i, and for limited scientific purposes.

We should not allow Hawai'i to be stripped of resources for sale abroad.

Mel Malinowski  
Indigo Publications



## Dane Wicker

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**From:** Mary Wills [marywills@earthlink.net]  
**Sent:** Wednesday, February 02, 2011 5:20 PM  
**To:** WLH Testimony  
**Subject:** I am strongly against Tropical Fish Collection.

Aloha Chair Dela Cruz and Water and Land Committee members,

I am strongly against Tropical Fish Collection.

Please stop the destruction of Hawai'i reefs. Collection of fish for aquaria damages the reefs, takes away the breeding population, and has far too many casualties of other species -- just so someone can have a specimen slowly die in their tanks at home. Protect the fish, protect the reefs, protect the ocean, protect the planet! Stop the widespread destruction for an industry that only serves to kill fish. There is no safe harvesting, only destruction caused by the collecting.

I own a condo on the Big Island and wish to have the native fishes there for all to enjoy IN THEIR NATURAL ENVIRONMENT.

I will say it again: I am strongly against Tropical Fish Collection. Please make sure all of Hawai'i's waters are safe for the fish and all of the critters that live there.

Thank you.

Mary Wills

**Dane Wicker**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 03, 2011 9:48 AM  
**To:** WLH Testimony  
**Cc:** marenrachel@sbcglobal.net  
**Subject:** Testimony for SB580 on 2/3/2011 1:15:00 PM

Testimony for WLH 2/3/2011 1:15:00 PM SB580

Conference room: 225  
Testifier position: support  
Testifier will be present: No  
Submitted by: maren springer  
Organization: Individual  
Address:  
Phone:  
E-mail: [marenrachel@sbcglobal.net](mailto:marenrachel@sbcglobal.net)  
Submitted on: 2/3/2011

**Comments:**

Aloha Chair Dela Cruz and Committee Members, Thank you for hearing this important bill protecting reef wildlife from the international aquarium trade/hobby. I support SB 580 because reef wildlife should be protected for all of Hawai'i.

## Dane Wicker

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 03, 2011 9:51 AM  
**To:** WLH Testimony  
**Cc:** dtech1224@gmail.com  
**Subject:** Testimony for SB580 on 2/3/2011 1:15:00 PM

Testimony for WLH 2/3/2011 1:15:00 PM SB580

Conference room: 225  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Darryl Darensbourg  
Organization: Individual  
Address: 622 162nd St S Spanaway, WA 98387  
Phone: 1-253-468-6498  
E-mail: [dtech1224@gmail.com](mailto:dtech1224@gmail.com)  
Submitted on: 2/3/2011

### Comments:

The scope of this is that the State of Hawaii wants to entirely stop ALL aquarium animals from being taken from there waters. This just simply don't make any sense. As you know, the Hawaiian islands covers a huge area. The impact on the saltwater aquarium trade will be enormous. I am sure at a minimum, the cost of most of these animals will skyrocket overnight. Do you remember a couple of years ago when Hawaii put a limit on the number of Tangs being taken by collectors? The cost of the Tangs literally quadrupled over night. THIS Bill will cause a dramatic increase in the cost of all aquarium animals regardless of where they come from.

I am totally supportive of preserving the natural reefs, they are one of the great treasures that we have here on earth. I am not however supportive of a minority voice making the most noise and convincing the state legislators to pass bills simply to satisfy a few.

Reasonable harvesting of fish for ornamental trade is just common sense. It provides economic sanctuary for the local economy, It gives reason to maintain the reefs. If you don't believe this look what happened in Africa in the early eighties when they put a ban on hunting elephants. Until that point the natives viewed the elephants as a nuisance but tolerated them because they brought in money from big game hunters. After they was banned, they was nothing more than big animals that was destroying their crops. Now there is less elephants than before. Don't make much sense does it? The same thing will happen in Hawaii if they take away this valuable commodity. The reefs will be worse off than ever.

## Dane Wicker

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**From:** Grant Heidrich [grant@gheidrich.com]  
**Sent:** Thursday, February 03, 2011 9:44 AM  
**To:** WLH Testimony  
**Subject:** SB 580

I urge you to vote in support of this bill and to enforce a total ban on the collection of ornamental (aquarium) fish in the state of Hawaii.

I am a tax payer in the state of Hawaii, and have been a lifelong diver, spending some of my most treasured moments on reefs throughout the world. The entire reef ecosystem is threatened by the ongoing collection of reef fish, in particular those species endemic to the state of Hawaii. Some 10 of the top 20 collected species are endemic. Why are we depleting our natural resources?

It impacts our tourism business, destroys jobs in our state where we desperately need new jobs, and undermines the value of real property along the coast, hence eroding our tax base! Furthermore, most of the money generated in the aquarium trade ends up outside the state- in the hands of distributors and retail shops all over the United States. Our state receives virtually no benefit, yet suffers the consequences of this thoughtless trade practice.

I hope sound decision making will prevail as you consider this critical bill.

Best wishes, and thank you for doing your best on our behalf,

Grant Heidrich

**Dane Wicker**

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**From:** perinodesigns@gmail.com on behalf of Judy Perino [perino@hawaii.rr.com]  
**Sent:** Thursday, February 03, 2011 10:26 PM  
**To:** WLH Testimony  
**Subject:** Coral magazine article about SB580

**Please take a moment to read this recent article in Coral Magazine which was referenced during today's hearing regarding SB580.**

**Thank you, Senators for your time, attention, and patience in hearing testimony and giving the ramifications of passage of this bill your most sincere consideration.**

**Sincerely,**

**Judith Perino**

<http://www.coralmagazine-us.com/content/snorkle-bob-bill-would-ban-aquarium-fish-collection-hawaii>

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Judith Smith Perino  
Perino Designs  
PH. 808 325 5919  
FAX 808 325 6262

**LATE**

**Dane Wicker**

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**From:** Robin Lynn [cybermeez@gmail.com]  
**Sent:** Friday, February 04, 2011 5:09 AM  
**To:** WLH Testimony  
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* OPPOSITION TO SB 580, PERTAINING TO AQUATIC LIFE

Honorable Chair Dela Cruz, Vice-Chair Solomon and Committee Members, I urge you to oppose SB 580 as it pertains to aquatic life.

As a marine aquarium hobbyist I normally I support all initiatives with the goal of preserving coral reefs and those animals that live on them, but I do not support SB 508. Hawaii's proposed law is not legislation aimed at stopping the true reason for declining fish populations and destruction of the reef – climate change and pollution. Pollution mainly from corporate agriculture and golf courses – among Hawaii's biggest political lobbyists and campaign contributors.  
<http://www.followthemoney.org/database/IndustryTotals.phtml>

While I agree that the ornamental fish trade needs limits on the numbers of each species captured annually – which will likely lead to greatly improved, more humane collection processes and an increased demand for captive bred marine animals – focusing this bill on the aquarium hobby is a political ploy. The marine aquarium hobby has contributed greatly to the conservation and public awareness of coral reefs and their inhabitants. Marine aquarium hobbyists are responsible for increased scientific understanding and the first successful captive breeding of numerous fish and invertebrate species, as well as the intra-hobby exchange of captive corals. Both practices are designed to limit the demand and collection of wild marine animals and preserve the coral reefs of the world. <http://www.marinebreeder.org/>

Reefs bleached by pollution and climate change are even being rebuilt by hand by planting fragments cut from more hardy, temperature resistant, hobbyist raised and aquacultured corals. <http://www.coralrestoration.org/CRF/index.php>

I and other marine hobbyist's care deeply for the animals in our charge and do not view any living creature as "disposable" as other testimony in favor of this bill has asserted. Our passion is one of preservation not destruction.

Since the proposed law as it is currently written does nothing to address the true threats and instead penalizes the very hobbyists that drive reef conservation, I urge you to oppose SB 508 and introduce a better bill that would truly protect marine life from the perils they face.

Sincerely,  
Robin Lynn

**Dane Wicker**

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**From:** Brent Carman [brent.a.carman@gmail.com]  
**Sent:** Thursday, February 03, 2011 10:27 AM  
**To:** WLH Testimony  
**Subject:** In Support of SB 580

Aloha Chair Dela Cruz and Water and Land Committee members,

Measure: SB 580

Hearing Date/Time: Thursday, February 3, 2011 at 1:15 pm

Testifier Position: IN SUPPORT

My Name is Brent Carman. I was raised on Hawaii Island. I am a marine biologist and have worked in Kona for the last 13 years studying the effects of the aquarium trade on West Hawaii reefs. I work for DAR and my official title is Fisheries Technician IV. However I am not testifying as a state employee and have remained silent for fear of losing my job. I am testifying today as keiki o ka aina. Last week 27 Jan 2011 we caught three poachers aquarium collecting in a protected area. This is not an isolated incident. Some people purport to represent the community here in West Hawaii or because they sit on the West Hawaii Fisheries Council they represent the community at large, this is not true. Everyone that talks to me, every fisher that comes into our office, and all of our staff except one wants this fishery BANNED. The data is clear that it is unsustainable. The participants in this fishery are not kanaka maoli nor is this a traditional or cultural use of the resource. The ecosystem services these fish provide to the overall health of the reef system are much more important and much more valuable than taking them off for people to look at in their home aquarium just to die then be replaced once again by another fish over and over again. These aquarium fish species keep our reefs healthy so in turn the reefs can provide for the needs of the food fishes we so much like to eat. There are basically 30 people who collect aquarium fish full time however many times more rely on the reefs for sustenance and a vibrant ocean tourism economy. Aquarium collecting diminishes both of these. Many people dive once in Hawaii and never come back because of the lack of fish to see. Is this how we want people around the world to think of Hawaii? Our reefs can not handle the commercial extraction of fish. They are just too narrow and there is just not enough fish nor recruitment of new fish to make it sustainable. We on the Big island do not want our reefs ending up looking like Maui or Oahu. We have a chance to stop the decline now and even help to improve the resource. This fishery has not been managed properly and for the foreseeable future will continue to not be. We can not wait another ten years for effective rules to be implemented and without enforcement fraud and poaching will continue to occur as it has for the last 30 years. So I and the people of Hawaii urge you to eliminate this wasteful use of our precious resource. Please support a Ban On Aquarium Collecting.

Mahalo,  
Brent Carman

# SUPPORT!

**SB580**  
**(AQUARIUM FISHES: PROHIBITIONS, LICENSE, PENALTIES)**  
Thursday, February 3, 2011, 1:15 p.m.  
State Capitol, Rm. 225

**WATER, LAND, HOUSING COMMITTEE (WLH)**  
Sen. Donovan M. Dela Cruz, Chair  
Sen. Malama Solomon, Vice Chair

Dear Senators:

I am pro any law/regulations that will strengthen the protection our islands aquatic life from human use and damage. Fishes used in aquariums currently are not given much protection or spotlight at all despite the size of this "hobby industry". Poor regulations have led to devastating effects in many native ecosystems as the **rampant demand/use/abuse of the aquatic reef fishes take its toll on our local marine life and coral reefs.**

Please support this bill as it seeks to establish prohibitions, penalties, and fines for knowingly selling aquatic life for aquarium purposes taken from waters within the jurisdiction of the State. It also requires an **aquarium permit** to take marine or freshwater nongame fish and other aquatic life for aquarium purposes which will help regulate some of the illegal fishing activities currently happening in the State.

Thank you~

**Anjie Pham**  
**Honolulu, Hawaii**



## Dane Wicker

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**From:** Nina Monasevitch [oceanmana@hawaiiantel.net]  
**Sent:** Thursday, February 03, 2011 3:39 PM  
**To:** WLH Testimony  
**Subject:** Measure: SB 580

Aloha Chair Dela Cruz and Water and Land Committee members.

Measure: SB 580

Hearing Date: Thursday, February 3, 2011

Testifier Position: IN SUPPORT

As a 32 year resident of Kauai, I have been diving Hawaiian (all Islands) waters for 30 of those years. I am shocked and deeply saddened by the horrible decimation of reef fish as well as reef degradation I am witnessing. Strict measures must be taken immediately if the fragile fish and reef ecosystem are to survive. I'm sure you are reading all of the current science on the crisis of the reefs and fish populations.

It is unbelievable and morally and ecologically unconscionable that the aquarium fish extraction has never been regulated and remains unlimited in the number of collectors and the number of fish collected!

Aquarium collecting is immoral to myself and many people. These fish are not used for food but for short-term decoration—"ornamental." A key speaker for the industry on the mainland, estimates that 2% survive the 2<sup>nd</sup> year of captivity—when they could be working for Maui reefs and people for 40 years. This is nothing short of cruelty and a disastrous waste.

The life of our ocean depends on taking a strong stand now. Please support a ban to all commercial aquarium collecting.

Mahalo for your consideration of this critical issue for Hawaii's future.

Respectfully,

Nina Monasevitch

4457 Laukini Rd.

Lihue, HI 96766

**Dane Wicker**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 03, 2011 5:33 PM  
**To:** WLH Testimony  
**Cc:** HARRISMDW001@hawaii.rr.com  
**Subject:** Testimony for SB580 on 2/3/2011 1:15:00 PM

Testimony for WLH 2/3/2011 1:15:00 PM SB580

Conference room: 225  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: William Harris  
Organization: Individual  
Address:  
Phone:  
E-mail: [HARRISMDW001@hawaii.rr.com](mailto:HARRISMDW001@hawaii.rr.com)  
Submitted on: 2/3/2011

Comments:

## Dane Wicker

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 03, 2011 9:25 AM  
**To:** WLH Testimony  
**Cc:** ScottSampson@hotmail.com  
**Subject:** Testimony for SB580 on 2/3/2011 1:15:00 PM

Testimony for WLH 2/3/2011 1:15:00 PM SB580

Conference room: 225  
Testifier position: support  
Testifier will be present: No  
Submitted by: Scott Sampson  
Organization: Individual  
Address: Port Orchard, WA  
Phone:  
E-mail: [ScottSampson@hotmail.com](mailto:ScottSampson@hotmail.com)  
Submitted on: 2/3/2011

### Comments:

Since 1975 my family and I have traveled to the Hawaiian Islands nearly annually. The highlight of my visits is swimming in the ocean and snorkeling the reefs. You might call me an ecotourist and I would agree.

Between 1997 and 2007 I observed a noticeable decline in the number of reef fish. The once abundant and dominant yellow tangs are now virtually absent. I clearly remember my question to the marine ecologist on the beach, "Where have all the fish gone? It seems like all the fish have gone away." His reply that the recent storm had pushed them away from shore struck me as hollow. Now it seems that the evidence is clear, the number of fish has truly and dramatically declined. My personal observation has been confirmed by scientific evidence.

As an ecotourist my personal response to declining reef health in Hawaii will be to visit less often. You all know the impact of tourism on your economy. Nearly half of all economic activity and four jobs out of every five in Hawaii depend on tourism. Every tourism dollar I spend is worth \$1.75 to your economy. Every tourism dollar I spend spent in Mexico or someplace else is a \$1.75 lost to your economy. Coral reef wildlife attract nearly \$800 million in annual recreation and marine tourism revenue, that equates to \$1.4-billion in economic impact. How much do aquarists contribute to the economy at \$4 per wholesale fish, \$6-million, maybe?

So I urge you to protect your reefs. Even if you don't protect them for their sheer beauty at least protect them for your economy.

## Dane Wicker

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 03, 2011 9:11 AM  
**To:** WLH Testimony  
**Cc:** ashcoftop@aol.com  
**Subject:** Testimony for SB580 on 2/3/2011 1:15:00 PM

Testimony for WLH 2/3/2011 1:15:00 PM SB580

Conference room: 225  
Testifier position: comments only  
Testifier will be present: No  
Submitted by: alfred ching, jr  
Organization: Individual  
Address: 2718 Puuhoolai St. Kihei, Hawaii  
Phone: 808 385-9919  
E-mail: [ashcoftop@aol.com](mailto:ashcoftop@aol.com)  
Submitted on: 2/3/2011

**Comments:**

Testimony for SB580  
2011

February 3,

My name is Alfred Ching, Jr and am a registered voter in Kihei, Maui County, Hawaii.

I support this proposed bill in general principle.

Anyone taking aquarium type fish for the purpose of selling should purchase a license and be subject to the rules as proposed in the bill. The license fee should be set somewhere between \$200-500 or high enough to only attract the serious collectors. The cost of entry to get into this business should be high in order to protect the fish collected so the resource does not go to waste.

Sub-section b.) No one should be allow to collect, capture or fish specifically for these types of fish, including the group of people for traditional gathering rights unless the apply for a temporary permit. The Traditional gathering right's people are still citizens or residents of this State and Nation and should follow the rules with no exception. (close the loop holes)

A special limited time permit should be made for those people who want to collect, capture our use these fishes for traditional purposes. This permit should be valid for a short period of time, for example two weeks or four weeks. The permit should be made available to all persons and not only traditional persons. Should the same people want to gather or exercise their rights again they have to apply again for another permit to be valid for the dates they want to do their activity. This should close some loop holes for enforcement purposes. This

Sen. Donovan Dela Cruz, Chair  
Sen. Malama Solomon, Vice Chair  
Committee on Water, Land, & Housing  
Thursday, Feb. 3, 2011

### **In opposition to SB 580, relating to Aquatic Life**

I work as a full time commercial fisherman on Oahu, with the majority of my income coming from saltwater aquarium fish. I also have a Bachelors of Science degree in Marine Biology from the University of Hawaii and have participated in a number of research projects concerning coral reef conservation, fisheries monitoring, and marine exploration. As a fisherman, I am proud to be part of what I know is a healthy and sustainable fishery that contributes to our economy, while providing thousands of people in Hawaii and around the world an opportunity to enjoy the ocean and its creatures. I am strongly opposed to SB 580, which has no scientific basis and would needlessly eliminate a vibrant and sustainable local industry.

As fishermen, our livelihoods depend on maintaining healthy reefs and healthy fish stocks, and we have no desire to see our resources depleted. I strive to fish in a responsible and sustainable manner, taking only the fish that I need and rotating my collection sites to ensure that the fish are replenished before I visit them again. I do not use destructive fishing methods, break coral, or collect species that are unsuitable for captivity. I am careful to follow all current fishing regulations and have submitted full and accurate catch reports to DLNR every month, as required by law. I have no desire to interfere with the rights of other ocean users, and am careful to avoid fishing in areas frequented by recreational divers and snorkelers.

For the following reasons, I am opposed to SB 580:

#### **The aquarium industry supports hundreds of local residents and their families**

Since 1953, when the state began issuing aquarium permits, the aquarium industry has provided a livelihood for many Hawaii residents. This includes not only fishermen such as myself, but also fish dealers, pet stores, aquarium maintenance personnel, and many others. These are legitimate businesses, licensed and regulated by the state. All told, hundreds of people in the state earn a living directly from the aquarium industry. These are local families, with children to feed, bills to pay, and elderly relatives to support. The passage of SB 580 would instantly take away our livelihoods and plunge many local families into unemployment and poverty.

#### **Our industry is a critical part of Hawaii's diversified economy**

According to DLNR, the aquarium fishery is currently the most economically significant near-shore fishery in the state; with landed values exceeding those of akule, lobster, and even bottomfish. However, that is only a small part of the picture. The fish we catch support a much larger industry - when the cost of retail & wholesale sales, imported fish, dry goods, tank maintenance, air freight, and packing materials are considered, the overall value of the industry

is many times greater than the initial value of our fish. Hawaii has already suffered enough as a result of the poor economy, and it would be foolish to eliminate an export industry that provides valuable income to the state.

### **The aquarium industry supports & complements the tour industry**

Disturbingly, proponents of this bill have claimed that the fishery is harmful to tourism, and are using this as rationalization for eliminating our industry. Although it is true that tourism is far more lucrative than any fishing activity, this should not be used as justification for eliminating one type of business in favor of another. In Hawaii, there are hundreds of square miles of ocean; more than enough for everybody to share. On Oahu, the aquarium fishery has been in operation for more than fifty years, and our activities have not stopped the development and growth of a thriving tourist industry. Here, there is no conflict between us and the dive tour companies - we realize that their business is important and we have always been able to work together. In fact, we and other fishermen contribute significantly to the income of local dive shops through the purchase of air fills, dive equipment, and gear maintenance. Moreover, aquariums in hotels, restaurants, and other venues play a significant role in enhancing the visitor experience. As part of a diversified economy, the aquarium trade complements tourism rather than hurts it.

### **The aquarium fishery has proven to be sustainable & compatible with healthy reefs**

The state Department of Land & Natural Resources has been monitoring the aquarium fishery since the early 1970s. At no point in time has there been any evidence of a declining fishery, especially on Oahu where the fishery has remained extremely stable for the past ten years. While there is some concern regarding the Big Island yellow tang fishery, the state is actively working to manage that fishery and ensure that it remains viable for years to come. We have been diving the same reefs for more than 40 years, and have not seen a long term decline in fish abundance - each year the fish return just as strong as before. If the supposed depletion of fish was true, we would have been out of business long ago.

Moreover, research conducted since 1998 in Kona, where the majority of fish collection occurs, has shown no difference in coral health or algal abundance between areas where the fishery is permitted and areas that are closed. It is clear that the fishery is not harmful to the health of the reef. This information is readily available from DAR should anybody be so concerned.

### **Fishing should be managed based on science, not politics or emotion**

Most aquarium fishermen, myself included, recognize the need for appropriate regulations to conserve the resources upon which we depend for a living. However, rules must be based on science, rather than emotion, and must accurately reflect the concerns of all parties involved. It is important to recognize that, when dealing with commercial fisheries, the livelihoods of many people are at stake. As such, in 2008 we supported the passage of HCR 347, which directed the Department of Land and Natural Resources to develop additional regulations for our industry on Oahu. Over the past three years, we have been working extensively with the

Department to facilitate this process. During the past year, I have personally dedicated much of my time to helping the state revise the catch report system to increase its accuracy and effectiveness. This measure would carelessly negate these efforts and the twelve years of painstaking work that have gone into creating and managing the West Hawaii Fisheries Management Area.

**This bill originates from Maui County, but would eliminate businesses statewide**

I am especially concerned that this bill was introduced by legislators from Maui, and is being largely supported by individuals from that island. The island of Maui has never supported a significant aquarium industry, and it is clear that any problems affecting Maui's reefs stem from other causes. Nearly all of the aquarium fish caught in the state are from Oahu and Big Island; Maui has contributed between 2 and 3 percent of the catch. How can one county, that is not even a significant part of the aquarium industry, propose legislation to hurt fishermen in other counties? I would certainly not support a bill to ban bicycle tours on Haleakala or snorkel charters to Molokini.

**In summary, SB 580 is a flawed and harmful bill.** It would needlessly shut down a thriving local industry, put hundreds of Hawaii residents out of work, and deprive many people in Hawaii and around the world of an enjoyable, educational, and enriching hobby that fosters an appreciation for the marine environment like no other. The aquarium fishery has proven to be sustainable, it has proven to be compatible with healthy coral reefs, and it has proven to be compatible with the tourist industry. In the interests of responsible fisheries management, I urge the committee not to pass this bill.

Thank you for the opportunity to testify,

A handwritten signature in black ink, appearing to read 'Matthew Ross', written in a cursive style.

Matthew Ross

## Dane Wicker

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**From:** g2@hokua.org  
**Sent:** Thursday, February 03, 2011 8:37 AM  
**To:** WLH Testimony  
**Subject:** Support SB 580; Aquatic Life, Senate WLH 2-3-11, 1:15pm

Dear Honorable Chair Dela Cruz, Vice-Chair Solomon, and Committee Members,

Please support SB 580 to protect our reef wildlife. Keeping this wildlife on our reefs is not only good for the animals, important for healthy reef ecosystems, but also plays a critical role for our tourism based economy. One of the major attractions of our islands is its natural beauty, which cannot be duplicated! One can go to many other places and find the same or better man made attractions than we have, including mega malls, but they would be hard pressed to match the beauty of our waters!

A friend of mine told me that when he went diving in Cancun, he was told that he could not take anything from the ocean. He can't understand why we would allow people to indiscriminately take from our beautiful waters. What will be left for future generations to enjoy??? Please look at the bigger picture!

Thank you for your kind consideration,

Ginny Tiu



**Dane Wicker**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 03, 2011 8:12 AM  
**To:** WLH Testimony  
**Cc:** maryv@hawaii.rr.com  
**Subject:** Testimony for SB580 on 2/3/2011 1:15:00 PM

Testimony for WLH 2/3/2011 1:15:00 PM SB580

Conference room: 225  
Testifier position: support  
Testifier will be present: No  
Submitted by: Mary Vandamme  
Organization: Individual  
Address:  
Phone:  
E-mail: [maryv@hawaii.rr.com](mailto:maryv@hawaii.rr.com)  
Submitted on: 2/3/2011

**Comments:**

Please do the right thing for the future of our reef and support efforts to MANAGE the taking of fish from our ocean.



February 3, 2011

COMMITTEE ON WATER LAND AND HOUSING  
RE: Support S.B. 580; Relating to Aquatic Life

Senator Donovan M. Dela Cruz, Senator Malama Solomon, and other distinguished committee members, I want to thank you for the opportunity to support S.B. 580.

Speaking from a tourism dependent business, I urge you to pass this important legislation protecting Hawaii's aquatic life. The tourism industry is Hawaii's natural resource. International and national dollars spent in Hawaii on tourism are considered an export, and tourism is the major export for our state. Tourism export is a unique positive experience that leads to more dollars that stay in HAWAII. Everyday, we run six snorkel tours, with each visitor paying \$119.00 for the opportunity to swim with reef fish. They specifically choose to experience Hawaii's diverse and unique marine life first hand rather than at an aquarium. In fact, during peak season over 200 passengers a day make snorkeling an objective of their Hawaii vacation bringing in an estimated \$20,000.00 a day.

The environmental issues of harvesting reef fish for aquarium purposes are undeniable, but so are the fiscal impacts of letting this practice continue unregulated. Without Hawaii's aquatic life, I would not have a job and my crew of 20 would be unemployed, along with the many other snorkel and scuba businesses in Hawaii and the network of referrals and agents we work with.

Thank you for your attention to this important issue and your commitment to protecting Hawaii's aquatic life and the industries that depend on keeping reef fish in Hawaii's reef where they belong.

Very respectfully,

Brian Mixon, Captain

TO: Senator Donovan M. Dela Cruz, Chair; Senator Malama Solomon, Co-Chair, Members of the Committee on Land, Water and Housing, Hawaii Legislature

RE: Committee Hearing, February 3, 2011

FROM: Pacific Whale Foundation, Anne Rillero, Conservation Director, 300 Ma'alaea Road, Suite 211, Wailuku, HI, 96793

RE: TESTIMONY IN SUPPORT OF S.B. 580 RELATING TO AQUATIC LIFE

Pacific Whale Foundation is a nonprofit organization with headquarters in Maui; we have more than 300,000 supporters across the United States and worldwide. Our mission is to protect our oceans through science and advocacy. Through educational ecotours, we introduce Maui visitors and residents to the ocean environment, in a manner that encourages conservation and stewardship of marine resources and generates funding for marine research, public education and conservation programs. We thank the Senate Committee on Land, Water and Housing for your hearing on S.B. 580.

**Pacific Whale Foundation strongly supports SB 580, which would establish prohibitions, penalties and fines for knowingly selling aquatic life for aquarium purposes taken from waters within the jurisdiction of the State of Hawaii.**

**This bill is essential in protecting Hawaii's tourism industry, our state's number one industry.** Our beautiful coral reefs have significance in Hawaii's appeal as a world-class visitor destination. As a NOAA Economics report stated, Hawaii's coral reefs are vital to the State's approximately \$800 million/year marine tourism industry.

**43% of Hawaii visitors engage in snorkeling or diving activities.** That's nearly one out of every two people who visit Hawaii. They don't visit alone; they bring spouses, family and friends. The reefs are an important attraction to these visitors. According to a DAR presentation by Athline Clark, there are 1,000 ocean recreation businesses in Hawaii and as stated earlier, they are 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 5<sup>th</sup> most popular activities for visitors from the West.

With proper training, such as what visitors receive at Haunama Bay or while onboard educational ecotours such as those offered by Pacific Whale Foundation, the impact of snorkelers and divers on reefs is negligible.

**The aquarium collecting trade is relatively small. The Department of Land and Natural Resources estimates that it is at about 2.3 million.** Yet at the same time, the aquarium collecting trade has significant detrimental impacts to our island's coral reefs. More than 700,000 reef animals are gathered by the aquarium collecting trade in Hawaii. This trade, while providing little in the way of revenues for the state, 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. Yellow tangs, which are herbivores, have been reduced in numbers by 45% in Hawaii since 1999, largely due to aquarium collecting.

**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, which puts pressure on these valuable endemics. 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). Among the study's conclusions was 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 take the steps to move SB580 through the legislative process into law. Thank you.

**Dane Wicker**

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**From:** Collins, James [james.collins@segrestfarms.com]  
**Sent:** Thursday, February 03, 2011 7:48 AM  
**To:** WLH Testimony  
**Cc:** Moore, Sandy  
**Subject:** Senate Bill 580

Good Day,

As a citizen of the United States, I find this proposal to be quite offensive and over-reaching. This is tantamount to taking away ones rights to own pets. My livelihood, as well as many others, depends on the trade of a number of aquatic species including fishes from Hawaiian waters in particular.

The tropical fish keeping industry benefits the Hawaiian people as well as furthering conservational and educational efforts throughout the country. An out right ban on the sale/trade of Hawaiian species will be devastating to this industry as a whole.

Please consider the ramifications,

**James Collins**  
*Lab Manager*  
Segrest Farms Inc  
6180 Big Bend Rd  
Gibsonton, FL 33534  
PH: 813-677-9196 ext 239  
FAX: 813-677-4867  
[james.collins@segrestinc.com](mailto:james.collins@segrestinc.com)

## Dane Wicker

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**From:** Fish Connection [fishconnection@frontier.net]  
**Sent:** Thursday, February 03, 2011 7:22 AM  
**To:** WLH Testimony  
**Subject:** Opposed to SB 580

Honorable Representatives,

I have made my livelihood in the aquarium trade for over twenty years and I have seen us make huge strides in developing a fully sustainable and very worthwhile industry. Indeed, by the very nature of the trade, those devoted to this hobby are environmentally conscious and many can be credited with wonderful, positive changes that affect our own business, and the environment as a whole.

My business creates informed, involved, caring individuals through education and by supplying quality, consciously collected livestock. Mine is a worthwhile hobby, and it we are all part of it. I am deeply opposed to this sweeping legislation, not just for businesses like mine, but also for the negative effects it would have on education of our public.

Thank you for hearing my concerns.

Respectfully,

Bruce Longwell  
FISH CONNECTION  
Durango, CO

## Dane Wicker

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**From:** Catherine Goeggel [puaa@hawaii.rr.com]  
**Sent:** Thursday, February 03, 2011 7:31 AM  
**To:** WLH Testimony  
**Subject:** for HB 580 Thurs. Conf Room 325 1:15 pm

ANIMAL RIGHTS HAWAI'I  
ADVOCATING FOR ANIMALS SINCE 1975  
PO BOX 10845  
HONOLULU, HI 96816  
ANMALRIGHTSHAWAII.ORG

HOUSE COMMITTEE ON WATER, LAND AND HOUSING Thursday, Feb. 3, 2011 Conference Room 325 State Capitol

Chair Donovan Dela Cruz  
Vice-Chair Malama Solomon

HB 580  
POSITION; SUPPORT

I am Cathy Goeggel, President of Animal Rights Hawai'i. We support SB 580 because something must be done to stop the rape of our reefs to supply the aquarium industry.

In the 40 years I have lived in Hawai'i, I have seen fewer and fewer reef fish. It is sad to take those beautiful animals and imprison them for life in tanks. Since reproduction in captivity is rare, more and more fish are taken away. It is not good for the health of our near shore waters and has an impact on our tourism industry.

Please support HB 580.

Respectfully submitted,

Cathy Goeggel  
President



## Dane Wicker

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**From:** Rosemary Karlsson [rosemarykarlsson@gmail.com]  
**Sent:** Thursday, February 03, 2011 5:53 AM  
**To:** WLH Testimony  
**Subject:** Support SB 580; Aquatic Life

Please support this bill.

Rosemary Karlsson  
PO Box 492266  
Keaau, HI 96749  
808-966-6589

## Dane Wicker

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**From:** Glen Fettes [glen@fishmartinc.com]  
**Sent:** Thursday, February 03, 2011 5:32 AM  
**To:** WLH Testimony  
**Subject:** Fish ban

Greetings,

Intelligently discussed regulation would be the better alternative to a total ban. Banning the collection of a replenishable resource is just not business friendly. I oppose the ban

Glen Fettes

Fish Mart Inc

28 Richard St

West Haven Ct 06516

203-937-7387

[glen@fishmartinc.com](mailto:glen@fishmartinc.com)

## Dane Wicker

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**From:** Mary Juntilla [Mary.Juntilla@maslon.com]  
**Sent:** Thursday, February 03, 2011 4:56 AM  
**To:** WLH Testimony  
**Subject:** Hearing Being Held Today by the Senate Committee on Water, Land and Housing on SB 580

To Whom it May Concern:

I am a resident of Minnesota and Hawaii [especially Maui] has become our favorite vacation destination. In fact, I am trying to put together a trip for the 6 of us right now.

I became a member of the Pacific Whale Foundation on one of our vacations while on a whale watching trip. I want to be part of saving the beautiful water life that exists in Hawaii.

I hope this email is not too late for the Senate Committee to hear my voice. I would like to voice my support of establishing prohibitions, penalties, and fines for knowingly selling aquatic life for aquarium purposes taken from waters within the jurisdiction of the State. One of the most beautiful things about Hawaii is to be able to snorkel around the islands and enjoy these beautiful fish.

**PLEASE, PLEASE, PLEASE vote to pass bill SB 580 and save these beautiful fish.** Thank you for listening to my support of this bill.

Mary

### Mary M. Juntilla | Legal Secretary

to Neil I. Sell, Bradley A. Pederson  
and Elaine M. Hause  
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**When it matters most.**

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## Dane Wicker

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**From:** Sebbo [sebbo@earthlink.net]  
**Sent:** Thursday, February 03, 2011 1:51 AM  
**To:** WLH Testimony  
**Subject:** Measure: SB 580

Aloha Chair Dela Cruz and Water and Land Committee members.

Please consider measure: SB 580 very carefully. Tropical fish are a great natural resource of Hawaii. They should stay in Hawaii so everyone can enjoy them. The taking of fish for profit, especially since a great number of the fish die in transit or shortly thereafter, is destroying the underwater beauty of the islands. Please consider carefully the gift that the islands have in these fish, and stop people from stealing them.

Thank You,  
R Schulherr

Bill # 580

**LATE**

Dane

There is a reason personal (constituent) attacks on our industry have failed. General consensus feel diverting costly legislative time from issues of immediate concern, may cause the public to doubt operations at the Big Square Building.

Glenn T. Fukuda  
com. tropical fish collector