

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
CARTY S. CHANG
Interim Chairperson**

**Before the House Committee on
OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS**

**Wednesday, March 25, 2015
9:00 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE CONCURRENT RESOLUTION 229/HOUSE RESOLUTION 160
REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO
DEVELOP RULES FOR AQUARIUM FISH PERMITTING THAT PROTECT
HAWAII'S AQUATIC WILDLIFE AND REEF ENVIRONMENTS**

House Concurrent Resolution No. 229/House Resolution 160 requests the Department of Land and Natural Resources ("Department") to develop rules to protect Hawaii's aquatic wildlife and reef environment. **The Department opposes these measures.**

The measures request the rules include provisions for designating a minimum percentage of coastal waters where aquarium collecting is prohibited, establish a per species catch limit at ninety percent of the unfished stock, establish limited entry for aquarium collectors, and a list of other regulations. The Department also notes that the measures single out the catch of aquarium collectors but do not include the take of commercial and non-commercial food fishers, who take many of the same species.

The Department has information that indicates the aquarium fishery is currently operating at a level that does not indicate significant population declines or major shifts in species diversity in areas where collecting is occurring. It is unclear why such a restrictive set of provisions are needed for this fishery.

Lastly, implementing these proposed provisions would require considerable resources, which are beyond the current capacities of the Department.

CARTY S. CHANG
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN S. QUINN
INTERIM FIRST DEPUTY

W. ROY HARDY
ACTING DEPUTY DIRECTOR - WATER

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



**TESTIMONY OF THE PET INDUSTRY JOINT ADVISORY COUNCIL
FOR CONSIDERATION OF THE HAWAII STATE LEGISLATURE
HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN
AFFAIRS IN OPPOSITION TO HCR 229
To be heard March 25th at 9:00 AM**

March 24th, 2015

The Pet Industry Joint Advisory Council (PIJAC) appreciates the opportunity to offer our views regarding HCR229, a bill making the sale of aquarium fish illegal, to the House Committee on Ocean, Marine Resources, & Hawaiian Affairs. As the country's largest pet trade association, representing the interests of all segments of the pet industry throughout the United States, PIJAC counts among its members national associations, organizations, corporations and individuals involved in the commercial pet trade. More specifically, PIJAC represents the interests of pet stores, suppliers, distributors, pet supply manufacturers, breeders, retailers and pet owners throughout the state of Hawaii and across the country.

Let me start by saying that nobody cares more about healthy and safe pets than do PIJAC and our members. We have for many years provided a well-respected animal care certification program that is widely utilized by not only persons in the commercial pet trade but shelters, humane societies and institutes of higher education as well. Our association has long been recognized as the voice for a responsible pet trade, and we routinely advocate legislative and regulatory proposals establishing governmental mandates where appropriate to advance the public interest and welfare of pets and the environment. PIJAC works closely with US Department of Agriculture and Department of the Interior to ensure effective enforcement of the federal Animal Welfare Act, management of threatened or endangered species and control of invasive species, and have since its inception. We regularly work with federal and state agencies as well as local governments to advance animal welfare and environmental interests.

The fact that HB873 is unnecessary is evidenced by the fact that it is justified under false pretenses. The entire preamble, with the exception of the final line, is completely unsubstantiated by the State of Hawaii's own reports and testimony. The final line of the preamble, that "the vast majority of Hawaii residents want restoration and protection of our reefs for current and future generations" is both a blinding flash of the obvious and completely misguided in that it implies that action is needed. The Hawaii Department of Land and Natural Resources (DLNR) has recently testified that current management practices have been highly effective in maintaining the health of the reef.

The data clearly show that Hawaii's current management practices are resulting in increased, not decreased, fish populations. In fact, the Hawaii DLNR found that the West Hawaii "no-aquarium collecting" Fish Replenishment Areas (FRAs), implemented in 1999, have been very successful in increasing populations of Yellow Tang (*Zebrasoma flavescens*) — the most heavily targeted aquarium fish accounting for 84% of the total catch. Fifteen years after closure, the population of Yellow Tang has increased 64.5% in the FRAs while its abundance in the Open Areas has not declined significantly."

**PET INDUSTRY JOINT
ADVISORY COUNCIL**

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Steve King (PIDA)
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Overall Yellow Tangs have increased substantially with a current population in excess of 3.6 million fish. In fact, the DLNR, based upon the effectiveness of the West Hawai'i FRAs for aquarium fish, recommends that it establish MPAs for non-aquarium fish species.

We are concerned that the regulatory structures proposed in HCR229 would represent a huge increased burden to the Hawaii DLNR when current management practices are proving to be highly effective.

We all want to ensure a healthy and diverse reef. The regulatory mechanisms covering the Hawaiian aquarium fishery supports the tenets of the sustainable use of renewable natural resources supported in the IUCN's Policy Statement on sustainable use. Hawaiians have been fishing for the aquarium trade in a responsible and sustainable manner that makes this law completely unnecessary. We oppose the attempt to criminalize Hawaiian fishermen for operating businesses that have taken them generations to build. PIJAC strongly opposes HCR229 and encourages the House Committee on Ocean, Marine Resources, & Hawaiian Affairs to side with science over unfounded accusations. We ask that the committee decline to take up, or defeat, HCR229.

Thank you for your consideration.

Robert A. Likins III
Director of Government Affairs
Pet Industry Joint Advisory Council

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 24, 2015 8:58 AM
To: omhtestimony
Cc: dean@HawaiiGoesFishing.com
Subject: Submitted testimony for HCR229 on Mar 25, 2015 09:00AM

HCR229

Submitted on: 3/24/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dean Sensui	Hawaii Goes Fishing	Oppose	No

Comments: The tropical fish collection fishery takes a very small fraction of the total number of fish harvested in Hawaii's waters and is therefore sustainable. It provides educational opportunities for keiki who might not otherwise get to see and appreciate how these fish live. And it also extends that sense of appreciation to aquarium displays in the Mainland. Fish sent there survive for years, contrary to what is commonly claimed. Let's continue to support the tropical fish collectors in Hawaii. It's not doing any harm to our marine ecosystem. Thank you for your consideration. Dean Sensui, executive producer. Hawaii Goes Fishing.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 24, 2015 5:09 AM
To: omhtestimony
Cc: Michael.Griffith@SegrestFarms.com
Subject: Submitted testimony for HCR229 on Mar 25, 2015 09:00AM

HCR229

Submitted on: 3/24/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Griffith	Segrest Farms	Oppose	No

Comments: I am writing on behalf of Segrest Farms, a wholesale supplier of ornamental fish based outside of Tampa, Florida. We supply freshwater and marine fish to the pet industry as well as to educational institutions such as public zoos and aquariums. While we cannot deny that our ability to offer marine species is largely dependent on the abilities of fishermen to catch these fish, we fully recognize that our trade cannot operate or even exist if it comes at the cost of destroying natural environments or populations. We support methods designed to ensure the long-term sustainability and viability of not only our business but also of the ecosystems on which it relies, even if sometimes that means limiting or eliminating the catch of certain species. However, we also believe that these regulations must be crafted around the best available objective scientific information, which is not being done with the current Hawaiian proposals. The Hawaiian ornamental fisheries are not only one of the best studied fisheries in the United States, they are one of the best studied and most sustainable fisheries in the world. There are almost two decades' worth of scientific studies that have been utilized to craft the current regulations and that are showing that current sustainability efforts are working. The current proposals are being designed to effectively shut down the Hawaiian fishery system and are ignoring strong, objective scientific data in favor of subjective emotional appeals. We cannot support these current regulatory proposals that are not based on any scientific information and that would take away Hawaiian fishermen's livelihood. We are disappointed that almost 20 years' worth of scientific research is being ignored in favor of an emotionally based agenda.

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TESTIMONY OF QUALITY MARINE IN OPPOSITION TO HCR229
For Consideration of The Hawaii State Legislature
House Committee on Ocean, Marine Resources, & Hawaiian Affairs

March 24, 2015

Dear Honorable Members of the Hawai'i State Legislature, please take into consideration our comments opposing HCR 229.

We recognize the importance of DLNR's continued management of the aquarium fishery, but we do not agree that a resolution bearing the specifics that HCR 229 details is either practical or meaningful to prescribe. A number of the resolutions prescribe management that may not be necessary to ensure the continued sustainable nature of the fishery, and /or are impractical and burdensome to administer.

The Resolution specifically requires the DLNR to develop certification requirements and systems for the aquarium fishery, that may or may not enhance or ensure the sustainability of the fishery. It requires arbitrary mortality thresholds be met and monitored, that also do not necessarily alter the sustainability of the fishery, and most importantly, the resolution requires environmental and cultural impact assessments be performed prior to the issuance or renewal of commercial aquarium collection permits, presumably on an individual / per-permit basis. This is wholly impractical, and likely unprecedented.

Please consider the nature of this resolution in the framework of the other fisheries sectors, and consider whether this prescribed framework and management architecture is warranted, justifiable, or meaningful.

We appreciate the opportunity to voice our opposition to HCR 229.

Respectfully,

G. Christopher Buerner, Quality Marine

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 24, 2015 8:00 AM
To: omhtestimony
Cc: octopus@maui.net
Subject: Submitted testimony for HCR229 on Mar 25, 2015 09:00AM

HCR229

Submitted on: 3/24/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Rene Umberger	Reef Rescue Alliance	Comments Only	Yes

Comments: We will present our comments at the hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 24, 2015 9:16 AM
To: omhtestimony
Cc: rtubbs@hawaii.rr.com
Subject: Submitted testimony for HCR229 on Mar 25, 2015 09:00AM
Attachments: tESTIMONY 2015 Opposed HCR 229.docx

HCR229

Submitted on: 3/24/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ron Tubbs	RT Distributors Inc.	Oppose	Yes

Comments: Tish is a very bad resolution which could result in lawsuits against the state and DLNR. Very poorly thought out resolution. We should learn form past mistakes like the ones Alaska made with their fishery which they are still in litigation over. It also hurt the fishery. Our Hawaii State DLNR met with fishermen and we recently made rules with the fishermen and the researchers who know how tom manage Hawaii's important ecosystems. All involved should be commended for all their hard work not asked to do more?

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Opposed to OMH Jud Resolutions HCR 229, HR 160, HCR 80, HCR 68

Any form of limited entry will or permit restrictions could force the state and DLNR into extensive and long lasting court litigation as it has in Alaska. This would be very costly to the state! The whole idea of forcing DLNR into to doing such a thing is a big mistake legally and ecologically. This mistake has happened before and the state of Alaska lost costly lawsuits, see links below for Alaska. Alaska had 25,000 permits not the 94 active permits Hawaii has. We do not need a limited entry program at this time.

http://www.cfec.state.ak.us/Publications/CFEC_response_to_Lawson_Report.pdf

http://www.cfec.state.ak.us/Publications/CFEC_response_to_Lawson_Report.pdf

Aquarium fish collectors in Kona and Oahu just spent the last 5 years doing two rules packages with DLNR. These resolutions have already been done. New bag limits, size limits, fish species take restrictions, net sizes, and many other laws will go into effect for Oahu as soon as the Governor signs it which may be in effect in as few as a few weeks. To ask us to sit in 5 years more of meetings and negotiations without any scientific cause or reasoning is a slap in the face to DLNR members and fishermen that have worked so hard to ensure Hawaii's fish populations and reefs are healthy for all ocean users. We are already over regulated and highly sustainable.

The Kona rules package went into effect January 2014. Their rules package includes size limits, bag limits, species limits in addition to their extensive FRA system. Populations are healthier than ever and record fish drops just occurred.

Dr. DAN A. POLHEMUS:

"So, in the grand scheme of things, the aquarium take on Maui is literally a drop in the bucket, representing less than 2% of the total mortality of reef animals that year. This serves to point out that undue focus and hyperbole about aquarium collecting and its impact on the reefs is dangerously shortsighted and counterproductive. We need to think and act holistically".

Dan Polhemus

Dr. DAN A. POLHEMUS

Division of Aquatic Resources

e-mail: Dan.A.Polhemus@hawaii.gov

How big of an impact is the Hawaii Aquarium Fishery?

One large shark consumes twice as much fish in weight than all the aquarium fishermen in the whole state take combined. One shark eats 20% of it's body weight per day.



If a large 800 pound tiger shark consumes 160 pounds of fish per day then one shark eats two time more fish than all aquarium fish collectors take for the whole state of Hawaii. There are hundreds of such sharks in Hawaii and tens of thousands of other smaller sharks too. Kaneohe Bay has over 10,000 Hammerheads alone.

The average reef fish taken for aquarium fish purposes weighs 1 ounce making one large shark's daily diet equal to 2560 small reef fish a day. In one year 486,000 reef fish were taken state wide by aquarium fish collectors. This helps to put the fishery into perspective. The fish we take are then saved from sharks, eels and other predators. Life on the reef results in high 90% plus DOA rates. Unlike aquarium DOA shipping rates of 1-3%!

We can also compare this to the 70 to 100 percent of total state fish catch on each Island being eating fish which results in 100% death rate.

The low overall catch and the ability of the fish to replenish the reef with their 1 to 5 million fry per spawning make recruitment of any fish taken quick. The small fish have only a 5% survival rate to adult breeding stage so taking a few of the small fish makes very little impact on overall fish populations.

Fish counts are the highest across the state as they have ever been due to a great recruitment this year. It was due to an increase in food supply for the small fish which now have increased populations dramatically state wide. We should be touting this for tourism we have great reefs with tons of fish!

We do not need these specific resolutions but more funding for DLNR is needed.

Ron Tubbs B.S. N.D.

3765 Zip Industrial Blvd.
Atlanta, GA 30321
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Rep. Kaniela Ing, Chair
Rep. Nicole Lowen, Vice Chair
Committee on Ocean, Marine Resources, and Hawaiian Affairs
Wednesday, March 25, 2015

In Opposition to HR160 and HCR 229

I am a manager of a tropical fish distributor in Atlanta, GA. We buy fish from Hawaiian fishermen on a weekly basis. We understand the need to keep the marine environment healthy. It is quite important to our livelihood that the collection practices be sustainable.

We are opposed to HR160 and HCR 229. The requirements are too strict and the collection area is too vague. Commercial Fisherman will not be able to adhere to these and maintain their livelihood.

Thank you for your time,

Steve Hughes
Sales Manager / Marine Manager
Sun Pet Ltd.
Atlanta, GA

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 23, 2015 7:57 PM
To: omhtestimony
Cc: kulamist@aol.com
Subject: Submitted testimony for HR160 on Mar 25, 2015 09:00AM

HR160

Submitted on: 3/23/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne Sugiyama	Wayne's Ocean World, Inc.	Oppose	No

Comments: Dear OMH Committe Members, I am opposed to HR160HD1 and the similar concurrent resolution HCR229HD1. I am opposed to limited entry unless it is "grandfathered in" for current license holders. I have had my aquarium permit since 1971. I have seen permit holders come and go. Many that dropped out have said that aquarium fish collecting is very hard. That in itself is self limiting. I have not seen many newcomers in this industry, in fact I see less collectors and fewer exporters. For bag limits, this is another self limiting issue. The industry determines the demand, and with less divers and exporters, we don't see a need for bag limits. For this and sustainability issues, the DLNR already tracks the fish collections and cross checks with dealers to verify data. And the DLNR conducts underwater fish counts, in this case the fish populations are increasing even with current fish collecting. I am opposed to separate permits for commercial aquarium fishing. A commercial fishing permit should cover all types of fishing, and not single out one industry. A working group is not necessary, it would take away time and money for government employees to sit in on meetings that are to satisfy 2 people from Kihei Maui that always create the "doom and gloom" scenario for the reefs on Maui - where no aquarium fish are collected anyway. Please do not pass this resolution. Sincerely, Wayne Sugiyama

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Rep Kaniela Ing, Chair

Rep Nicole Lowan, Vice Chair

Committee on Ocean Management and Hawaiian Affairs

Testimony in Opposition to HCR 229 / HR 160

Aloha Committee Members,

My name is Randy Fernley, I own Coral Fish Hawaii with my wife and I strongly oppose HCR 229 and HR 160.

Located in Alea on Oahu, **Coral Fish Hawaii** is the largest retail tropical fish store in the state selling both saltwater and freshwater fish, aquariums and aquarium supplies. This resolution, if it goes forward, will be a death sentence for the store and my family. I also would be personally responsible for over \$300,000 in rent to my landlord for the term of my lease.

Given the parameters outlined in both resolutions Coral Fish Hawaii could no longer stay in business, and it would be a death sentence for my family, my employees and for the hundreds of people in the state who enjoy marine aquariums.

Please do not pass this resolution. Marine tropical fish in the state of Hawaii are known worldwide for their quality and low mortality. **Please do not listen to these Sea Shepard activists who preach doom and gloom, while padding their own self-serving pockets**

Thank you for your time and Aloha,

John R. Fernley / Owner Coral Fish Hawaii

Rep. Kaniela Ing, Chair
Rep. Nicole Lowen, Vice Chair
Committee on Ocean, Marine Resources, and Hawaiian Affairs
Wednesday, March 25, 2015

In opposition to HR 160 and HCR 229

I am a commercial fisherman on Oahu, with the majority of my income from saltwater aquarium fish. My livelihood depends on robust fish populations and a healthy marine environment, and I support reasonable and balanced resource management. However, the measures proposed in these resolutions are unworkable and are clearly designed to eliminate our fishery outright, rather than sustain it for the long term.

Some of the problems with this resolution are:

- **The statements in the resolution's introduction are false and misleading.** Our fishery is one of the best studied near shore fisheries in the state. It is clear from the best available science that our fishery is well managed and sustainable at current levels. We are **not** causing a "loss of wildlife that threatens Hawaii's reef", nor are we negatively affecting tourism. Our fishery is not significantly affecting herbivore populations, as has been conclusively demonstrated through 17 years of comprehensive reef monitoring in West Hawaii.
- **The management goals in Section 2 are arbitrary and impossible to meet.** Fish populations within an area can fluctuate by more than 10% from year to year, due to factors that have nothing to do with fishing. The standards imposed by this resolution bear no resemblance to any form of fisheries management used in Hawaii or elsewhere, and this section would effectively mean that nobody would be allowed to fish.
- **The "limited entry areas" in Section 3 are not properly defined.** It is unclear what a "limited entry area" is supposed to mean. Without clear, well defined rules, it is not possible for the state to effectively implement the law.
- **The requirement for an EIS in section 4 would make it impossible for any fisherman to maintain a permit.** The time and expense required to conduct an EIS would be prohibitive for any business in our fishery. Moreover, since our permits must be renewed annually and an EIS would almost certainly take longer than a year to complete, nobody in Hawaii would be able to comply with this section. No other commercial fishery in the United States requires its participants to conduct an EIS when renewing a permit.

Please do not pass this resolution. It will not help with resource management and will only serve to polarize our community.

Thank you for the opportunity to testify,



Matthew Ross

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 23, 2015 6:43 PM
To: omhtestimony
Cc: nahacky@gmail.com
Subject: Submitted testimony for HCR229 on Mar 25, 2015 09:00AM

HCR229

Submitted on: 3/23/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Nahacky	Individual	Oppose	No

Comments: Aloha, This resolution contains considerable incorrect information. It's recommendations in most part are without merit. Most of the recommendations would be difficult to enforce and expensive to enforce. The recommendations target one fishery only and one that is highly regulated with ongoing improvement. As a fish collector, lifelong aquarist, and exporter residing in Hawaii for 48 years please look closely at this resolution and see if it sets the way forward for other fisheries in Hawaii or whether it is just an attempt to shut a well managed fishery providing employment. Thank you.

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TESTIFIER: Dr. Bruce Carlson

Waikiki Aquarium Director (1985 - 2002)
Georgia Aquarium, Conservation Director (2002-2010)
Present: Retired, Ewa Beach

COMMITTEE: Ocean, Marine Resources & Hawaiian Affairs

DATE & TIME: Wednesday March 25, 2015 9:00am

MEASURE: **HR 160 and HCR 229**

I am presenting this as personal testimony today.

HR 160 and HCR 229 are seriously flawed and would be **impossible to implement**. I therefore **oppose** these resolutions unless they are extensively amended.

1. In Section (2) the requirement for "90% of unfished levels" is not defined:
 - Which species are to be covered by this provision?
 - Populations vary spatially so what geographic areas are included?
 - Populations also vary temporally so what time frame is specified to determine the "90% unfished level"?

The rest of this paragraph is unintelligible:

"...with permits being reduced or phased out if not achieved within five years in areas where commercial aquarium collecting is prohibited in less than seventy percent of the coastal waters".

2. What precisely is a "**limited-entry**" area? The language in section (3) is vague and very confusing. This needs some serious thought and definition or it should be deleted.

3. Section (4) establishing certification might be acceptable if this resolution called for a valid training and certification program. However, the provisions and true intent of this section are clearly to impose conditions that would make it difficult or impossible to conduct business, especially during the process of conducting an environmental assessment, EIS, and cultural assessment.

As an ichthyologist and someone who cares deeply about conservation, I find myself opposed to measures such as this one because I do not care for the tactics and distortions used by opponents to tropical fish collecting. Much more importantly, however, I try to use science and data to guide my decisions. On this issue, the DLNR has decades of data to indicate that tropical fish collecting, in the West Hawaii area, has not caused any populations of targeted fishes to collapse nor is there any evidence of significant environmental harm. As an aquarist, I also understand the value of aquariums for people of all ages to gain an understanding and love of reef animals. The majority of fish biologists today began their scientific careers through a love of aquariums, myself included.

In conclusion, much more work is needed to define the provisions in HR 160 and HCR 229 so they are understandable and can be implemented. It would be better to ask for a committee to be convened to work on these issues, craft definitions and create a certification program that has a chance of succeeding.

House Committee on Ocean, Marine Resources, & Hawaiian Affairs

Testimony in Opposition to HCR229 and HR160

Testimony in Support of HCR229 HD1 and HR160 HD1

March 25, 2015

Committee Members,

My name is Dennis Yamaguchi and I oppose both HCR229 and HR160, but support HCR229 HD1 and HR160 HD1. HCR229 and HR 160 are identical to a bill HB873, which was deferred by the House Judiciary Committee this session. Both these resolutions ask DLNR to address rules that are currently in place.

An example is catch limits. Hawaii Island already has bag limits on certain species and no take on 50+ aquarium fish. Oahu has a rules package awaiting Governor Ige's signature which has daily catch limits on the most fished aquarium species.

Another example is penalties. We have State wide civil fines for reporting violations, fishing in restricted areas, and for non-compliance with vessel identification on the Big Island.

HCR229HD1 and HR160HD1, on the other hand, which requests a working group to provide recommendations for future management of the aquarium fish industry, may have merit. While the member makeup of the group may need fine tuning, it is a good starting point in addressing concerns about the aquarium fish industry.

Please do not pass HCR229 and HR160, and please do pass HCR229 HD1 and HR160 HD1.
Thank you.

Dennis Yamaguchi

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 23, 2015 7:11 PM
To: omhtestimony
Cc: nahacky@ilhawaii.net
Subject: Submitted testimony for HCR229 on Mar 25, 2015 09:00AM

HCR229

Submitted on: 3/23/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ulla Carmiencke	Individual	Oppose	No

Comments: Aloha, As a fish collector and fish packer in west Hawaii I only request that this fishery be treated the same as any other fishery. If you feel these are reasonable, enforceable, and cost effective means to regulate a fishery please re-write the resolution to include the take of all fish. Thank you Ulla

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 23, 2015 7:15 PM
To: omhtestimony
Cc: jonikamiya@gmail.com
Subject: Submitted testimony for HR160 on Mar 25, 2015 09:00AM

HR160

Submitted on: 3/23/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Joni Kamiya	Individual	Oppose	No

Comments: Laws must be based evidence and science not on arbitrary rules made by activist groups. If the fishermen are abiding to the evidence put forth, they should not have their livelihoods shut down.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 22, 2015 2:23 PM
To: omhtestimony
Cc: mjellings@hawaii.rr.com
Subject: Submitted testimony for HCR229 on Mar 25, 2015 09:00AM

HCR229

Submitted on: 3/22/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Carl M Jellings Sr	Individual	Oppose	No

Comments: In Strong Opposition This Resolution will take very limited resources and funding from more important causal effects of reef degradation and fish displacement from near shore non source and source pollution. and is unnecessary at this time.

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omhtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 21, 2015 7:45 AM
To: omhtestimony
Cc: etvuong@hotmail.com
Subject: *Submitted testimony for HCR229 on Mar 25, 2015 09:00AM*

HCR229

Submitted on: 3/21/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Erik Vuong	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 23, 2015 11:39 AM
To: omhtestimony
Cc: tinaowens@hawaii.rr.com
Subject: Submitted testimony for HCR229 on Mar 25, 2015 09:00AM

HCR229

Submitted on: 3/23/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tina Owens	Individual	Oppose	No

Comments: I strongly oppose this resolution. It is a regurgitated version of HB 873 which deservedly died earlier in the session. Kill this beast.

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omhtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 23, 2015 10:59 AM
To: omhtestimony
Cc: tony@pop-hawaii.com
Subject: *Submitted testimony for HR160 on Mar 25, 2015 09:00AM*

HR160

Submitted on: 3/23/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tony Costa	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 24, 2015 1:00 PM
To: omhtestimony
Cc: rkester1@gmail.com
Subject: Submitted testimony for HCR229 on Mar 25, 2015 09:00AM

HCR229

Submitted on: 3/24/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Renee Kester	Individual	Oppose	No

Comments: I strongly oppose this resolution. Regulation without evidence and data of harm is just wrong and further erodes away our local customs. Please protect not only our resources but our way of life as well. Vote no. Mahalo.

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omhtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 24, 2015 1:52 PM
To: omhtestimony
Cc: tish@thepetdepothawaii.com
Subject: *Submitted testimony for HCR229 on Mar 25, 2015 09:00AM*

HCR229

Submitted on: 3/24/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tish Rothwell	Individual	Oppose	No

Comments:

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House Committee on Ocean, Marine Resources, & Hawaiian Affairs; Hearing on 3.25.2015; 9:00 am

Comments on HCR229/HR160 Requesting DLNR to Develop Rules for Aquarium Collecting

Aloha Honorable Chair Ing, Vice-Chair Lowen, and Committee Members,

The Reef Rescue Alliance offers comments for your consideration. These resolutions ask that DLNR protect Hawaii aquatic wildlife and reef environment with rules for the aquarium (AQ) trade. While we appreciate the intent, we respectfully ask that you consider DLNR actions over the past 8 years under two directors—actions that show aversion to developing such AQ rules to adequately address environmental, cultural, ethical and economic concerns.

1) HCR347, adopted in 2008, urged DLNR to “proceed expeditiously with the adoption of rules to regulate the ornamental reef fishery; to confer with all stakeholders in the process; and, report on progress to the legislature.” As directed, DAR’s commercial fisheries manager conferred with stakeholders, including Reef Rescue Alliance members. DLNR then reported to the legislature that it could not identify “legislative authorities that would allow targeted regulation of the [ornamental reef fish] industry” and that “rules would apply to all resource users (recreational, food and aquarium harvesters).” These statements were proven false when the Oahu and West Hawaii AQ trades proposed their own rules, and DLNR accepted those rules.

2) Other public interests overwhelmingly opposed those rules, because they failed to address fundamental concerns. Public testimony on the West Hawaii white list rule was opposed 3 to 1 in 3,500 submittals. This opposition is a matter of record, at a time when senior West Hawaii DLNR aquatics staff sent emails to organizations and individuals—emails worded to stifle dissent. We can only speculate the ratio of dissent, if Kona DAR had been neutral on the issue.

The rule was co-written by DLNR staff, AQ trade interests and the West Hawaii Fisheries Council, which is heavily weighted with AQ trade interests and has historically dismissed public concerns. The white list protected a few species, but more importantly protected revenue at 99%. It was adopted despite strong opposition. It gave the impression of meaningful regulation. It facilitates continuing depletion of heavily targeted species and sizes. It does nothing to address ongoing cruel and inhumane treatment of reef animals captured and sold as pets. It conflicts with cultural practices.

3) Further controversy at DLNR recently came to light with the Oahu AQ rule proposal which led to the resignation of DARs aquatics administrator last October. That administrator refused to sign-off, because those AQ trade rules were “contrary to good natural resource management”. He publically opposed the rules in testimony before the BLNR, stating that fishery rules should be science-based and formulated in close collaboration with all impacted stakeholders.

4) This unprecedented action caused the board to direct DLNR staff to work with scientists and stakeholders on new Oahu AQ rules and report back in mid-2015. Scientists and stakeholders had been excluded from the process. Two board members, Vernon Char and Ulalia Woodside, agreed to participate, and the first stakeholder meeting was held in early November. DLNR allowed nine uninvited AQ trade

interests to disrupt the meeting. Some of those AQ traders vowed to never work with the stakeholders. Little was accomplished.

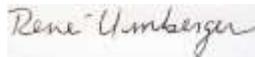
However, a subsequent meeting in February with the scientist group (and no AQ interests) showed adequate data for science-based rules. Also confirmed was the need to define “sustainable”—to determine, its means of measurement, management goals and metrics. This is progress. Our history shows that conflicts arise when one user group’s “sustainable” looks like “depletion” to most others.

The stakeholder group will soon meet again, without disruption (we hope), to discuss concepts essential to a well-rounded definition of “sustainability”. Also up for review are the concerns enumerated in these resolutions and voiced by the broader communities.

This is the department’s opportunity for effective collaboration in responsible AQ-trade rule making. We have no guarantee of success on collaborative results, and a legislative solution may be the only remedy. We ask that you let this process proceed, and revisit the issue next year when the results are in.

Thank you for this opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Rene Umberger". The signature is written in black ink on a light-colored background.

Rene Umberger
Reef Rescue Alliance