

## **Aquarium fish collecting bill deferred indefinitely**

By CAROLYN LUCAS-ZENK

A controversial bill to require holders of aquarium fish permits to specify all species collected, and in what collection areas, has been deferred indefinitely.

During Tuesday's hearing in Honolulu, members of the Committee on Water and Land and Committee on Energy and Environment voted to hold **Senate Bill 26**, of which the testimony for and against was nearly equal. More than 208 people submitted written and in-person comments.

If the bill is enacted, the issuance of renewable aquarium fish permits for the collecting of indigenous species would be prohibited unless a population survey, conducted by the state Department of Land and Natural Resources or credible third party, has determined such a harvest is sustainable in the specified collection area.

Several testifiers urged lawmakers to add strong definitions for the words "sustainable" and "collection area" used in the bill. Such explanations would address ambiguity, as well as ensure protection for the complex ecosystems.

DLNR Chairman William Aila Jr. explained during the hearing, which was streamed online, that his department has been issuing one-year aquarium permits for almost 60 years and analyzing the commercial catch data for all fish, including aquarium fish. He said the main aquarium collecting zones are in the near-shore areas around West Hawaii and Oahu, which are also areas where DLNR has done extensive studies, monitoring and management work. DLNR's analysis is that aquarium collecting is a sustainable fishery. Aila repeatedly told lawmakers no depletion or resource problem associated with the aquarium industry exists.

Aila also said DLNR disagrees with the legal obligation to undertake additional population surveys beyond what his department already does. He stressed DLNR would need more money and adequate time to conduct such surveys, as well as produce something of value and merit. When Sen. Russell Ruderman, D-Puna, Ka'u, asked if a year to 18 months would be adequate time for DLNR to survey one or two of the most targeted species, Aila said no and explained the value of having 15 years worth of data.

Sen. Maile Shimabukuro, D-Waianae, Makaha, asked how DLNR ensures catch data is reported accurately. Aila said monthly commercial fishing reports are cross-checked against the commercial dealer's purchase reports. He added the department's enforcement officers also make inspections.

Supporters of the bill, including Ginger Towle of the West Hawaii Humane Society, stressed the need for strict laws and enforcement.

“We need to be continually aware and protect our natural treasures, because once they’re gone, they’re gone,” she wrote. “You only need to look at other areas in the state that have been seriously affected and that is everyone’s fault for not addressing this serious over-aquarium fishing sooner.”

Mark Schacht of Green Divers Production supports the bill, saying “Hawaii’s current efforts to regulate the taking of wild fish from the reefs by collectors is too weak to be effective.” In his written testimony, Schacht asked lawmakers to stop the plundering of Hawaii’s reefs by unregulated collectors.

“Our understanding is that resource managers currently consider species populations as sustained even if they have been depleted by as much as 90 percent,” he wrote. “The fact that some species might possibly very slowly recover over a period of many years after having been depleted to the 90 percent level does nothing to protect or preserve the other legitimate nonaquarium uses — recreational, cultural, local fishing, etc. — which are very significantly degraded when 90 percent of a species disappears.”

Opponents claimed the bill is not based on science and undermines decades of work, including that done collaboratively between DLNR, those in the industry and community-based marine advisory organizations like the West Hawaii Fisheries Council. Instead of helping maintain a well-regulated, sustainable fishery, they said the bill would result in an outright ban of aquarium collecting since nearly all of Hawaii’s fish are indigenous. They also touched on the dozens of jobs potentially lost and possible economic hardship.

In his written testimony, Scott Brien, an aquarium fisherman and West Hawaii Fisheries Council member, urged lawmakers to review the years of data from DLNR’s Division of Aquatic Resources and state aquatic biologist Bill Walsh before making any decisions regarding the bill. He also asked them to “take with a grain of salt the passionate testimony made with exaggerations and false statements.”

“We have data to show our fishery is sustainable,” he wrote. “Banning or overburden regulations are foolish and unwarranted.”