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Aquarium fish measures swim into crosscurrents

By CHRIS HAMILTON, Staff Writer

POSTED: June 3, 2010

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WAILUKU - Maui County's coral reefs and colorful fish are under assault by permitted collectors - and outside poachers - who capture the fish to sell to aquarium owners across the globe, according to two Maui County Council members who presented bills on Wednesday to regulate the industry here.

Council Members Wayne Nishiki and Mike Molina wrote companion bills aimed at bolstering a reef fish population that experts contend has shrunk by nearly 60 percent in the past 20 years.

The measures take different tacks: Molina's requires more humane treatment of aquarium fish; Nishiki's establishes an application and permit system to regulate the aquarium fish trade.

Current state law, which is enforced by the state Department of Land and Natural Resources, requires fish collectors to obtain permits that allow the use of fine mesh nets or traps in capturing fish and that "they possess facilities to and can maintain fish and other aquatic life alive and in reasonable health."

Nishiki chairs the council's Public Services Committee that began reviewing the measures Wednesday. The panel deferred action on the bills for two weeks.

During public testimony, the bills drew both support and fire.

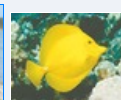
Robert Wintner, owner of the Snorkel Bob's chain of dive shops, was among those in favor of county regulation.

"If we fail now, reef recovery will support a greedy few who sell Maui's soul to Mainland hobbyists for chump change," he said. "An aquarium fish leaves about \$4 in Maui County but retails on the Mainland for \$50 on up."

One of the commonly taken reef fish for aquariums is the yellow tang, which feeds on reef algae, he said.

On the other side of the debate, tropical fish collectors and owners called the bills draconian and unnecessary. They contended that Maui County only accounts for 2 percent of the tropical fish collection

Article Photos



The Maui News / MATTHEW THAYER photo
State Department of Land and Natural Resources enforcement officer John de Jesus uses binoculars to scan the Kihei coast while on patrol with volunteer Francis Benevides Jr. on Wednesday afternoon. Among their other duties, state enforcement officers check that people collecting aquarium fish from reef areas have state permits to do so and are not in restricted marine reserves.

Fact Box

REEF FISH PROTECTION BILLS

Maui County Council Members Wayne Nishiki and Mike Molina have introduced two companion bills intended to protect reef fish and limit their capture for sale to aquarium owners.

Molina's bill would do the following to require the humane treatment of aquarium fish:

* Prohibit many industry practices, including withholding food for more than 12 hours;



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industry in Hawaii.

Others said that collecting reef fish for aquariums disregards Native Hawaiian cultural respect for fish and threatens the visitor industry, which draws people to the islands, in part, to see colorful reef fish while snorkeling or diving.

About 30 people came out testify. Many were in favor of regulation, but even among those folks, several were not satisfied with the wording of the bills and asked for amendments.

"What's it gonna cost? Tell us in dollars and cents," said aquarium hobbyist Bill Blietz.

He said passing the bills would require setting up an enforcement and permitting infrastructure in a time of deficit budgets. He said that while everyone wants to protect the reefs, the measures go too far.

"Is the county going to hire aquarium police?" he asked. "Stay outta my family's aquariums."

Opponents said the bills would make criminals of people passionate about having and obtaining aquarium fish.

However, environmentalists and tourism industry officials joined in supporting the measures.

Maui Hotel & Lodging Association Executive Director Carol Reimann applauded the bills, but she wanted to exempt resort and residential fresh water koi ponds. She also wanted aquarium owners who do not sell fish to be exempted, such as the Maui Ocean Center.

A couple of the fish collectors in particular bitterly debated the assertion by Wintner and others that 99 percent of reef fish die within a year of captivity. They maintained that fish live longer in captivity than in the wild.

While the state regulates the aquarium fish industry, the bills' supporters said the state laws are missing crucial elements, such as providing for better reporting of catches and providing mortality rates and rules for humane treatment.

One of two licensed Maui tropical fish collectors, Marjorie Koch, said she and her husband, Eric, usually keep a low profile, but the bills need to be crafted with their help.

Randy Fernley, of the Hawaii Tropical Fish Association, said some items prohibited in Molina's animal cruelty bill are unnecessary. Piercing the bladder with a needle, for instance, saves fish from dying if they decompress too quickly while being brought to the surface, he said.

Eric Koch said collectors do whatever they can to protect the fish.

"Our objective is to share these fish with other people so they can keep them as pets," Koch said.

Commercial diver Rene Umberger accused the collectors of underreporting their catches. It is an unregulated industry, she insisted.

"Keeping wild animals as pets is inhumane," Umberger said.

Wintner said that when aquarium fish die, the collectors come back for replacements and further deplete the county's reef fish population.

Jeff Strahn, general manager of Maui Dive Shop, said the collectors take more than they should, then they hide when they come into the boat landings with buckets of fish.

"Just ban the commercial collection, distribution and sale of all aquarium fish life in the County of Maui, and then you won't have to do all the other things that are in the bill," he said.

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denating the swim bladder; trimming the spine or fins; exposure to air; and temperature changes of more than 2 degrees.

* Include causing the death of fish as being an inhumane treatment of aquatic life.

* Require documentation of mortality rates and disposal methods of dead fish.

* Provide that violations would be a misdemeanor with a fine of between \$500 and \$2,000 and up to a year in jail.

Nishiki's bill would do the following to regulate the aquarium fish trade:

* Set up a Maui County application and permit system with the Finance Department for anyone who intends to catch fish and other aquatic life for aquariums, including mammals and amphibians.

* Provide permits that would be good for a year, with the County Council determining the cost of permits.

* Require collectors to submit reports every 180 days that include collection totals; number sold by species; number that died while in permit holder's possession; number of collection traps; and immediate destination of species.

* Allow the county Department of Finance director to suspend or revoke a permit at any time.

