



University of Hawaii at Manoa

Environmental Center
Crawford 317 • 2550 Campus Road
Honolulu, Hawaii 96822
Telephone (808) 948-7361

Office of the Director

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SB 1430, SD 1 RELATED TO FISHING

Statement for
House Committee on
Ocean and Marine Resources
Public Hearing, 22 March 1979

By
Doak C. Cox, Environmental Center
Richard E. Brock, Hawaii Institute of Marine Biology

SB 1430, SD 1 would amend HRS Section 188-25, which restricts the use of firearms and spears in fishing so as to eliminate a present prohibition of spear fishing for commercial fishing. This statement on the bill does not reflect an institutional position of the University.

When the prohibition against commercial spearing was first enacted, about 1970, it became apparent that:

- 1) Certain types of fish could not effectively be taken by hook, and the availability of these types on the market was reduced, perhaps as the result of the prohibition.
- 2) Increases in the populations of these types suggested that some increase in their harvest was possible without undue detriment.

As a result, about two years ago u'u, uhu, and kumu were exempted from the prohibition against commercial spearing. No undue detriment seems to have resulted from the exemption of these types from the prohibition. However, it is not clear that any increase in their availability in the market has resulted. It should be noted that u'u are commonly taken by net and hook, uhu by net, and kumu by trap and net, as well as all three by spearing.

It is possible that some additional types of fish might reasonably be exempted from the ban against commercial taking by spear. However, what is proposed in SB 1430, SD 1 is a total elimination against spearing for commercial purposes.

Ideally, from a practical standpoint, the harvest of any type of fish should be controlled to the optimum sustainable yield, taking ease of catch and fish size into account. With harvesting at less than this rate, the taking is easier and the average size of fish taken is larger, but the total weight of fish taken is smaller. With harvesting at more than this rate, the taking is more difficult, the average size of fish taken is smaller, and, because the population is reduced, the total catch is reduced. Other matters than practicality

should be considered—the recreational aspects of fishing, the aesthetic aspects of viewing fish, and the ecological aspects of conservation. The esthetic and conservation aspects are, of course, the reason for establishing marine preserves.

The contrast between the population densities of fish in Hanauma Bay, which is one of these preserves, and those elsewhere on Oahu suggests that the rest of the Oahu shoreline is overfished. From the practical standpoint this cannot safely be concluded, because the maximum population densities there result from underfishing. However, there can be little doubt that the rates of harvest of most types of nearshore fish are in excess of the optimum sustainable yield—that is that there is overfishing—around most of Oahu and in many areas around the neighbor islands. The total elimination of the ban on spearfishing for commercial purposes, as proposed, without substitutes of some other means of management of fish harvests is thus contrary to the overall public interest.

It has been claimed that netting, trapping, and hooking are more indiscriminate than spearing. This is true, but it must be recognized that many fish taken by trap or net are released unharmed. Fish taken by spear cannot be so released.

Subsection c of HRS 188-25, which prohibits the commercial spearing of fish (with the exceptions noted) also prohibits the commercial spearing of turtles. However, SB 1430, SD 1, would add the spearing of turtles and aquatic mammals to the prohibition in subsection (a).

In summary, we believe that passage of SB 1430, SD 1 would be unwise unless it were accompanied by provisions for some other form of regulation of nearshore fishing under a management plan.