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## A BILL FOR AN ACT

RELATING TO AQUARIUM LIFE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the aquarium aquatic  
2 life collecting industry has operated for over fifty years  
3 without limits or constraints on its catch or the number of  
4 collectors in the State.

5           The aquarium industry focuses on juvenile reef fish and  
6 small invertebrates and exports eighty-two per cent of its catch  
7 to the mainland United States. However, with expanding Asian  
8 markets, collectors are targeting more remote and deeper reefs  
9 as evidenced by the species sold on many internet websites.  
10 Endemic species such as the bandit angelfish and the masked  
11 angelfish sell for hundreds or even thousands of dollars each,  
12 with no regulation or limit.

13           Home aquariums in China reflect the new prosperity there,  
14 with large aquariums covering multiple walls that display adult  
15 eels and other large animals from Hawaii's reefs. Aquarium  
16 collecting is having major impacts on Oahu and Hawaii reefs and  
17 moderate impacts on Maui reefs where over-harvesting is reducing  
18 the marine tourism experience. Many coral reef fish and



1 invertebrates have complicated relationships to the overall  
2 ecology of the reef. Their removal may affect the long-term  
3 stability of these ecosystems. Significant population declines  
4 and major shifts in species diversity are now evident in coral  
5 reef areas where collection is occurring. The aquarium catch is  
6 mostly herbivore. Their removal could result in increased algal  
7 growth, due to a lack of grazers to keep the algae in check,  
8 with a corresponding decrease in coral cover.

9 The lack of regulation enables the industry to supply the  
10 growing demand for color, shape, and rarity. The Hawaiian  
11 cleaner wrasse is one of the most popular fish species collected  
12 and is known for its radiant color and lively movement. These  
13 fish pick parasites from many other fish, are found nowhere else  
14 in the world, and are collected and shipped daily without  
15 limitation. The Hawaiian cleaner wrasse will not eat fish food  
16 in captivity and eventually dies of starvation. Likewise,  
17 coral-eating butterfly fishes, prized by aquarists for their  
18 beauty, starve in a short period of time.

19 The purpose of this Act is to improve the regulation of  
20 aquarium aquatic life collecting to protect aquatic life and the  
21 marine environment.



1 SECTION 2. Chapter 188, Hawaii Revised Statutes, is  
2 amended by adding two new sections to part II to be  
3 appropriately designated and to read as follows:

4 "§188- Definitions. As used in this part, unless the  
5 context clearly requires otherwise:

6 "Aquarium collecting gear" means any equipment used to  
7 collect aquarium fish or animals including but not limited to  
8 hand nets, fence or barrier nets, fiberglass or metal tickle  
9 sticks, catch buckets, keeps, or baskets.

10 "Aquarium purpose" means to hold saltwater fish, freshwater  
11 nongame fish, or other aquatic life alive in a state of  
12 captivity as pets, for scientific study, or for public  
13 exhibition or display, or for sale for these purposes.

14 "Collect" means to take, catch, capture, harvest, confine,  
15 or to attempt to take, catch, capture, harvest, or confine  
16 aquatic life. The use of any aquarium collecting gear to take,  
17 catch, capture, harvest, or confine, or to attempt to take,  
18 catch, capture, harvest, or confine aquatic life by any person  
19 who is on or about the shores of the State or in a vessel in  
20 state waters shall be deemed to be a collection.

21 "Department" means the department of land and natural  
22 resources.



1 "Endemic" or "endemic species" means any aquatic life  
2 specimen found nowhere else other than Hawaii.

3 §188- Aquarium aquatic life; collection. (a) The  
4 department shall develop and maintain an aquarium collecting  
5 white list of aquatic species for each county. No aquatic  
6 species shall be collected, possessed, or sold for aquarium  
7 purposes in the State unless the species appears on the aquarium  
8 collecting white list of the county where the species is  
9 collected, possessed, or sold.

10 (b) The aquarium collecting white list shall include only  
11 species that are shown by an official, published department or  
12 equivalent federal agency study to meet the following criteria:

13 (1) The species can survive capture, transport, and  
14 captivity for at least one hundred eighty days; and  
15 (2) Based on historical evidence, the species is part of a  
16 stable or increasing population trend in the  
17 collection area.

18 (c) In addition to the requirements of subsection (b), the  
19 following criteria shall apply:

20 (1) The collection of the species in a county shall not  
21 exceed the average annual collection of the species in  
22 that county for the calendar years 2005 through 2007,



1           based on department collection reports for those  
2           years;

3           (2) The removal of the species does not negatively impact  
4           the reef ecosystem by contributing to algae overgrowth  
5           for herbivores, parasite overload on other reef fishes  
6           for cleaner wrasses and cleaner shrimp, or other  
7           harmful results; and

8           (3) The species is not endemic to Hawaii.

9           (d) The department shall inform all permit holders under  
10          section 188-31 of the species included in the aquarium  
11          collecting white list and the penalties for failure to comply  
12          with the restrictions regarding the collection of aquatic life.

13          (e) Any person who collects, possesses, or sells aquatic  
14          life for aquarium purposes that are not on the aquarium  
15          collecting white list shall be fined \$1,000 for each specimen  
16          collected, possessed, or sold.

17          (f) In addition to any other penalty or fine provided by  
18          law, any person violating this section shall be sentenced as  
19          follows:

20          (1) For a first violation, a fine of not more than \$1,000  
21          or thirty days imprisonment, or both;



1        (2) For a second violation within five years of a previous  
2        violation, a fine of not more than \$2,000 or sixty  
3        days imprisonment, or both; and

4        (3) For a third or subsequent violation within five years  
5        of a previous violation, a fine of not more than  
6        \$3,000 or ninety days imprisonment, or both."

7        SECTION 3. This Act does not affect rights and duties that  
8        matured, penalties that were incurred, and proceedings that were  
9        begun before its effective date.

10       SECTION 4. New statutory material is underscored.

11       SECTION 5. This Act shall take effect on June 1, 2011.

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INTRODUCED BY:

Calvin K. Y. Ang  
By Request

JAN 21 2011



**Report Title:**

Fishing Rights and Regulations

**Description:**

Prohibits the collection or sale for aquarium purposes of aquatic species unless the aquatic species appears on an aquarium collecting white list. Requires the DOA to prepare white lists for each county. Establishes penalties for violators.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

