
A BILL FOR AN ACT

RELATING TO AQUARIUM FISH.

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

1 SECTION 1. The legislature finds that the aquarium fishing
2 industry in West Hawaii is one of the most well-regulated
3 fisheries within the State. The establishment of the West
4 Hawaii regional fisheries management area by the 1998
5 legislature has also required the department of land and natural
6 resources to undertake many years of ongoing data collection
7 regarding the fishes and habitat important to the fishery. The
8 length and depth of these studies is recognized nationwide and
9 makes West Hawaii's reefs one of the best-understood marine
10 ecosystems in the State.

11 The legislature understands that living natural resources,
12 such as tropical fish, have a variety of factors that determine
13 the health and vibrancy of any individual population.
14 Commercial exploitation may or may not always be involved in the
15 natural fluctuations in a population. The decision to determine
16 cause and effect should be made by scientists specializing in
17 such cycles.



1 The legislature further finds that the department of land
2 and natural resources, to appropriately manage living natural
3 resources, must often make decisions and impose temporary
4 measures in a timeline that is inconsistent with the constraints
5 imposed on the rulemaking process as set forth in chapter 91,
6 Hawaii Revised Statutes.

7 The purpose of this Act is to create the dynamic management
8 of the aquarium fishing industry by enhancing the department of
9 land and natural resources' ability to regulate the aquarium
10 fish industry in real-time.

11 SECTION 2. Chapter 188F, Hawaii Revised Statutes, is
12 amended by adding three new sections to be appropriately
13 designated and to read as follows:

14 "§188F- Temporary management measures. (a) Within the
15 management area, the board of land and natural resources may
16 impose temporary management measures, including but not limited
17 to:

18 (1) Bag limits;

19 (2) Periods of time when commercial aquarium take of a
20 particular species is prohibited; and

21 (3) A moratorium on the take of a species for aquarium
22 purposes if the board finds that overall populations



1 of the identified aquarium species within the
2 management area may be, or have been, jeopardized by
3 overharvesting or other factors.

4 (b) The board shall consider the views of the department
5 and the public at a publicly noticed board meeting when taking
6 action to establish or lift any species management action
7 established under this section or rule adopted pursuant to this
8 section. The board shall review the status of populations of
9 species subject to the species management actions during each
10 five year review conducted pursuant to section 188F-5, or sooner
11 if the facts merit an earlier review.

12 (c) Violation or failure to comply with species management
13 actions under this section shall result in loss of the fisher's
14 commercial marine license and aquarium permit for a period of
15 not less than one year.

16 §188F- **Limited entry program.** The department shall
17 establish a limited entry program for commercial aquarium
18 fishers in the management area by January 1, 2014.

19 §188F- **Commercial aquarium catch reports.** (a) The
20 department shall require that daily catch reports submitted to
21 the department for catch within the management area shall be
22 completed by the end of each daily fishing trip.



1 (b) The department shall require any commercial aquarium
2 fisher to present the fisher's daily catch report for inspection
3 upon the request of any agent of the department upon whom the
4 board has conferred powers of police officers, or who has
5 otherwise been authorized."

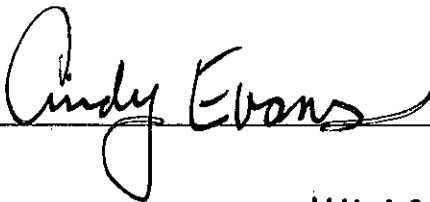
6 SECTION 3. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 4. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.

11

INTRODUCED BY:



JAN 19 2012



H.B. NO. 2129

Report Title:

Aquatic Life; West Hawaii Regional Fisheries Management Area

Description:

Authorizes DLNR to impose temporary management measures within the West Hawaii regional fisheries management area. Requires DLNR to establish a limited entry program for commercial aquarium fishers.

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