

JAN 18 2013

A BILL FOR AN ACT

RELATING TO AQUATIC LIFE.

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

1 SECTION 1. Stretching for more than twelve hundred miles
2 in the central Pacific, Hawaiian coral reefs account for about
3 eighty-five per cent of all coral reefs in the United States.
4 In addition to providing humans with food, reefs protect
5 shorelines from erosion and storm damage by dissipating wave
6 energy and limiting the impact of waves. Coral reefs are also
7 responsible for the sandy beaches enjoyed by state residents and
8 visitors alike, as coral fragments, shells, and calcified algae
9 are the main components of beach sand.

10 Every year, aquatic life is collected on Hawaii's coral
11 reefs and shipped to the mainland United States, Europe, and
12 Asia for use in hobby aquariums. Because aquarium fish
13 collectors are highly selective and often capture large
14 quantities of individual fish of high value, the potential for
15 over-exploitation is high. Species of interest to aquarium
16 trade are often absent or in low numbers in areas frequented by
17 collectors.



1 Many coral reef fish and invertebrates have complex
2 relationships with the overall ecology of the reef. Their
3 removal may affect the long-term stability of these ecosystems.
4 For example, approximately eighty per cent of the catch of
5 marine ornamentals is herbivorous fish. A reduction in the
6 abundance of herbivores can cause algal overgrowth of coral,
7 adversely impacting the health of coral reefs.

8 The purpose of this Act is to:

- 9 (1) Prohibit the taking or harvesting of aquarium fish for
10 commercial sale; and
11 (2) Require the department of land and natural resources
12 to annually report to the legislature regarding
13 applications for aquarium fish permits.

14 SECTION 2. Chapter 188, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§188- Aquarium fish; taking or harvesting prohibited.

18 (a) It shall be unlawful for any person to take or harvest
19 aquarium fish from state waters for the purpose of selling the
20 aquarium fish.

21 (b) This section shall not apply to the taking or
22 harvesting of aquarium fish for the purpose of scientific study



1 or for display in a public aquarium operated for the benefit of
2 public education, pursuant to section 188-31.

3 (c) For the purposes of this section:

4 "Aquarium fish" means salt water fish, freshwater nongame
5 fish, or other aquatic life used for aquarium purposes.

6 "Aquarium purposes" means to hold salt water fish,
7 freshwater nongame fish, or other aquatic life alive in a state
8 of captivity as pets, for scientific study, or for public
9 exhibition or display, or for sale for these purposes.

10 "Take" means to fish for, catch, capture, confine, or
11 harvest, or to attempt to fish for, catch, capture, confine, or
12 harvest aquatic life."

13 SECTION 3. Section 188-31, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§188-31 Permits to take aquatic life for aquarium**
16 **purposes.** (a) Except as prohibited by law~~[7]~~ and subject to
17 section 188- , the department, upon receipt of a written
18 application, may issue an aquarium fish permit, not longer than
19 one year in duration, to use fine meshed traps, or fine meshed
20 nets other than throw nets, for the taking of ~~[marine or~~
21 ~~freshwater nongame fish and other aquatic life for aquarium~~
22 ~~purposes.]~~ aquarium fish for the purpose of scientific study or



1 for display in a public aquarium operated for the benefit of
2 public education. The department shall render a decision on a
3 completed application for an aquarium fish permit and notify the
4 applicant of the decision within ninety days of the department's
5 receipt of the application.

6 (b) Except as prohibited by law, the permits shall be
7 issued only to persons who can satisfy the department that they
8 possess facilities to and can maintain fish and other aquatic
9 life alive and in reasonable health.

10 (c) Where the director determines that public
11 participation is appropriate for the issuance of an aquarium
12 fish permit, the director may provide public notice and an
13 opportunity for public comments.

14 (d) The department shall submit an annual report to the
15 legislature no later than February 1 of each year, which shall
16 include a record of each aquarium fish permit application
17 received by the department and the decision rendered for each
18 application.

19 [~~e~~] (e) It shall be illegal to sell or offer for sale
20 any fish and other aquatic life taken under an aquarium fish
21 permit unless those fish and other aquatic life are sold alive
22 for aquarium purposes [~~-~~] pursuant to subsection (a).



1 (f) The department may adopt rules pursuant to chapter 91
2 for the purpose of this section.

3 [~~d~~] (g) For the purposes of this section:

4 "Aquarium fish" means salt water fish, freshwater nongame
5 fish, or other aquatic life used for aquarium purposes.

6 [~~1~~] ~~"Aquarium purposes" means to hold salt water fish,~~
7 ~~freshwater nongame fish, or other aquatic life alive in a state~~
8 ~~of captivity as pets, for scientific study, or for public~~
9 ~~exhibition or display, or for sale for these purposes; and~~

10 [~~2~~] "Aquarium fish permit" means a permit issued by the
11 board for the use of fine mesh nets and traps to take salt water
12 fish, freshwater nongame fish, or other aquatic life for
13 aquarium purposes.

14 "Aquarium purposes" means to hold salt water fish,
15 freshwater nongame fish, or other aquatic life alive in a state
16 of captivity as pets, for scientific study, or for public
17 exhibition or display, or for sale for these purposes."

18 SECTION 4. Section 189-11, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§189-11 Receipts in duplicate.** Every commercial marine
21 dealer shall issue receipts to the person from whom marine life



1 is obtained and shall provide the following information in the
2 receipt:

- 3 (1) The date of the issuance;
- 4 (2) The name of the person to whom the receipt is issued;
- 5 (3) The following information with respect to each of the
6 varieties of marine life as the department shall
7 require including:

- 8 (A) The weight in pounds of each of the varieties
9 received;

- 10 (B) The numbers of marine life when they average a
11 pound or more; and

- 12 (C) The price per pound paid; and

- 13 [~~(D) With regard to aquarium fish, regardless of
14 weight, the number and species of the fishes,
15 and]~~

- 16 (4) The signature of the dealer who issues the receipt.

17 Any dealer taking the dealer's own marine life or handling any
18 marine life taken by commercial marine licensees working for or
19 with the dealer, shall make out the same receipt, giving market
20 price for the marine life as prevails on the date of receipt. A
21 duplicate copy of this receipt shall be kept on file at the
22 premise where the marine life was sold by the dealer issuing the



1 same for a period of twelve months from the date of issuance,
2 and the duplicate copy shall be available for inspection upon
3 the demand of any conservation officer authorized to enforce the
4 laws of the State."

5 SECTION 5. Section 188-31.5, Hawaii Revised Statutes, is
6 repealed.

7 [~~§188-31.5~~ Aquarium fish for export; monthly count.

8 ~~The department of land and natural resources shall adopt rules~~
9 ~~in accordance with chapter 91 to monitor the aquarium fish catch~~
10 ~~report and fish dealer's report for export of aquarium fish~~
11 ~~taken from the waters of the State for aquarium purposes~~
12 ~~pursuant to section 188-31. A monthly count of the quantities~~
13 ~~taken of each individual species of aquarium fish exported shall~~
14 ~~be reported to the board."]~~

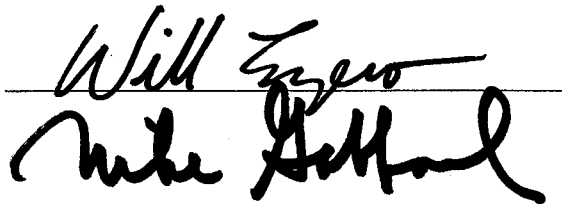
15 SECTION 6. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 7. This Act shall take effect upon its approval.

18



INTRODUCED BY:



S.B. NO. 677

Report Title:

Aquarium Fish; Taking; Prohibition; Permits; DLNR

Description:

Prohibits the taking or harvesting of aquarium fish for commercial sale. Requires DLNR to annually report to the legislature regarding applications for aquarium fish permits.

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