
A BILL FOR AN ACT

RELATING TO AQUATIC LIFE.

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

1 SECTION 1. Hawaii's reefs are the world's third-largest
2 source of wildlife for aquarium hobbyists. Aquarium collection
3 is one cause of the loss of wildlife that threatens Hawaii's
4 reef environments and imperils the economic and other benefits
5 that these unique ecosystems provide to the State including
6 economic benefits through the tourism industry, quality of life
7 for all residents, and sustenance for local families.

8 The aquarium industry has operated for over fifty years
9 with no limits on the volume of take and no limits on the number
10 of permits issued. While the department of land and natural
11 resources reports that Hawaii's fisheries are sustainable at
12 current usage rates, it is important to ensure that fisheries
13 remain sustainable into the future.

14 The aquarium industry primarily targets herbivorous species
15 like the yellow tang. A decline in herbivorous fish is a known
16 stressor to coral reefs. Abundant and diverse communities of
17 herbivorous fish are vital for coral reefs' continuing health



1 and ability to recover from events like coral bleaching, which
2 has occurred throughout the State. A lack of herbivorous fish
3 jeopardizes the long-term stability of these fragile ecosystems.

4 Wildlife left on reefs benefits the reefs. Maintaining
5 herbivorous fish populations and restoring populations in areas
6 where they have declined or been lost are essential for the
7 protection of Hawaii's coral reefs and the State's unique marine
8 environment, which are inextricably linked to the current and
9 future well-being of Hawaii's people.

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

13 "§188- Aquarium fish conservation program. (a) There
14 is established within the division of aquatic resources the
15 aquarium fish conservation program for the purpose of regulating
16 the collection and trade for aquarium purposes of fish and other
17 aquatic life. The program shall implement conservation measures
18 and strategies to:

19 (1) Ensure the continued sustainability of the State's
20 fisheries;



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- 1 (2) Preserve the continued health and ecological balance
2 of coral reef environments throughout the State's
3 waters;
- 4 (3) Protect species of reef fish and other aquatic life in
5 accordance with state and federal law, with particular
6 consideration given to species endemic to the waters
7 surrounding the Hawaiian islands; and
- 8 (4) Monitor and enforce compliance with state and federal
9 law applicable to marine and water resources,
10 including the Coastal Zone Management Act.
- 11 (b) The aquarium fish conservation program shall include:
- 12 (1) Designation of limited-entry areas for the collection
13 of fish and other aquatic life for aquarium purposes;
- 14 (2) Development of certification requirements and other
15 conditions of eligibility for aquarium fish permits
16 issued under section 188-31 and special activity
17 permits issued under section 187A-6 for aquarium
18 collection activities;
- 19 (3) Monitoring of permit-holders' continuing eligibility
20 for an aquarium fish permit under section 188-31;



- 1 (4) A limit on the number of aquarium fish permits issued
2 annually under section 188-31, and provisions for the
3 transferability or non-transferability of permits;
- 4 (5) Bag and catch limits for fish and other aquatic life;
- 5 (6) Enhanced penalties for noncompliance with applicable
6 laws, administrative rules, and permit conditions
7 within designated limited-entry areas;
- 8 (7) Consistent enforcement of all permit requirements,
9 limits, and conditions for the collection of fish or
10 other aquatic life for aquarium purposes; and
- 11 (8) Any other requirements for the collection of fish or
12 other aquatic life or eligibility for aquarium fish
13 permits or special activity permits that the
14 department adopts pursuant to rule.
- 15 (c) Subject to the right of the State to exercise its
16 regulatory authority, the program shall not prohibit any person
17 exercising a customary and traditional right for subsistence,
18 cultural, or religious purposes, including native Hawaiian
19 gathering rights and traditional cultural practices as
20 authorized by law or as permitted pursuant to article XII,
21 section 7 of the state constitution.



1 (d) The program shall not prohibit the taking of fish or
2 other aquatic life for human consumption or for sale for human
3 consumption, including the taking of fish for bait.

4 (e) The program shall not prohibit special activity
5 permits granted pursuant to section 187A-6; provided that the
6 program may impose limitations or conditions on special activity
7 permits for the taking of fish or other aquatic life in
8 designated limited-entry areas.

9 (f) The board shall adopt rules pursuant to chapter 91 for
10 the purposes of this section. All rules adopted in accordance
11 with this section shall be effective and fully implemented no
12 later than July 1, 2018."

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, the department,
17 upon receipt of a written application, may issue an aquarium
18 fish permit, not longer than one year in duration, to use fine
19 meshed traps[7] or fine meshed nets other than throw nets[7] for
20 the taking of marine or freshwater nongame fish and other
21 aquatic life for aquarium purposes. No person shall take fish



1 or other aquatic life for aquarium purposes or enter into a
2 limited-entry area designated by the department pursuant to
3 section 188- with the intent to take fish or other aquatic
4 life for aquarium purposes without an aquarium fish permit.

5 (b) Except as prohibited by law, [~~the~~] permits issued
6 pursuant to this section shall be issued only to [~~persons~~]
7 applicants who can satisfy the department that [~~they possess~~]
8 the applicant:

9 (1) Possesses facilities to and can maintain fish and
10 other aquatic life alive and in reasonable health[~~-~~];
11 and

12 (2) Is certified by a national or international
13 certification agency or organization, recognized by
14 the department pursuant to rule, that maintains
15 standards for safe and ecologically sound aquarium
16 collection practices, including requiring a fatality
17 rate of one per cent or less for all fish and other
18 aquatic life collected.

19 (c) It shall be illegal to sell or offer for sale any fish
20 and other aquatic life taken under an aquarium fish permit



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Report Title:

Aquatic Life; Aquarium Fish Permit; Conservation

Description:

Establishes an aquatic life conservation program in the Division of Aquatic Resources to implement conservation measures, including limited entry areas and certification requirements, to regulate the collection of fish and other aquatic life for aquarium purposes.

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

