
A BILL FOR AN ACT

RELATING TO AQUATIC LIFE.

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

1 SECTION 1. The legislature finds that, except for limited
2 protected areas, state law allows an unlimited number of permits
3 to collect aquarium fish to be issued, and there is no limit on
4 the amount collected for many species. The legislature further
5 finds that "sustainable" as it relates to aquatic life remains
6 undefined, and sustainability is not a factor that is considered
7 by the State when issuing licenses for commercial collection of
8 aquatic life.

9 The legislature finds that herbivorous fish play a
10 significant role in maintaining the resiliency of coral reefs as
11 they exert strong top-down pressure on macro algae growth on the
12 reef, and the decline in wild herbivore populations is a known
13 stressor to coral reefs. Scientists estimate in "Recovery
14 Potential of the World's Coral Reef Fishes", MacNeil et al.,
15 Nature, April 2015, that the time needed for a moderately fished
16 coral reef to recover is approximately thirty-five years and as
17 many as fifty-nine years for more depleted reefs. Their



1 findings demonstrate that a range of fisheries restrictions can
2 help reefs recover.

3 The legislature finds that it is critical that the State
4 leave healthy aquatic life on the reefs. The State's economy is
5 inextricably tied to its marine environment, and the economic
6 and environmental benefits of reef protection go far beyond
7 tourist dollars that currently drive the economy. Herbivore
8 populations that have declined or disappeared in Hawaii must be
9 restored to promote reef recovery and the socioeconomic well-
10 being of our people.

11 The purpose of this Act is to:

- 12 (1) Require the department of land and natural resources
13 to define "sustainable" and establish a policy for
14 sustainable collection practices and a process for
15 determining limits for certain species, for
16 legislative adoption, to ensure the sustainability of
17 Hawaii's native near shore aquatic life; and
- 18 (2) Prohibit the department of land and natural resources
19 from issuing new aquarium fish permits to use fine
20 meshed traps or fine meshed nets other than throw nets



1 to take aquatic life and from transferring or renewing
2 existing permits except under certain conditions.

3 SECTION 2. (a) The department of land and natural
4 resources shall submit proposed legislation to the legislature
5 including a definition of "sustainable", a policy for
6 sustainable collection practices of near shore aquatic life, a
7 process for determining annual catch limits for each of the top
8 forty species of near shore aquatic life for sustainable rates
9 of collection, and any additional resources required by the
10 department no later than twenty days before the convening of the
11 regular session of 2019.

12 (b) The department of land and natural resources shall
13 promote research and education on the State's near shore aquatic
14 life and work to increase aquatic life health and numbers to
15 historical levels.

16 (c) For purposes of this section:

17 "Aquatic life" has the same meaning as defined in section
18 187A-1, Hawaii Revised Statutes.

19 "Near shore" means up to three miles from the shoreline.

20 SECTION 3. The department of land and natural resources
21 shall not issue any new aquarium fish permits to use fine meshed



1 traps or fine meshed nets other than throw nets to take aquatic
2 life pursuant to section 188-31, Hawaii Revised Statutes;
3 provided that all existing permits:

4 (1) Shall not be transferrable to other persons; provided
5 that permits may be transferred prior to July 1, 2022,
6 if the permit is not deemed lapsed at the time of
7 transfer; provided further that a permit is deemed
8 lapsed if the permit has not been renewed for five or
9 more years immediately preceding the time of transfer,
10 including any duration prior to the effective date of
11 this Act; and

12 (2) May continue to be renewed by the department of land
13 and natural resources for current permit holders;
14 provided that a permit shall be deemed lapsed and
15 shall not be renewed if the permit has not been
16 renewed for five or more years immediately preceding
17 the time of application for renewal, including any
18 duration prior to the effective date of this Act.

19 SECTION 4. If any provision of this Act, or the
20 application thereof to any person or circumstance, is held
21 invalid, the invalidity does not affect other provisions or



1 applications of the Act that can be given effect without the
2 invalid provision or application, and to this end the provisions
3 of this Act are severable.

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



Report Title:

Hawaii Aquatic Life Protection; Sustainability

Description:

Requires DLNR to submit proposed legislation to the legislature by the 2019 regular session including a definition of "sustainable", a policy for sustainable collection practices of near shore aquatic life, a process for determining limits on collection practices of near shore aquatic life, and any additional resources required by the department. Prohibits issuance of new aquarium permits. Prohibits transfer of current permits subject to certain provisions. Prohibits renewal of permits that have not been renewed for five or more years.

(CD1)

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