

STAND. COM. REP. NO.

657

Honolulu, Hawaii

FEB 15 2019

RE: S.B. No. 931  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 931 entitled:

"A BILL FOR AN ACT RELATING TO MARINE AQUARIUM FISHING,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit all commercial capture of aquatic life for aquarium purposes, regardless of the method of collection, and allow the following practices to continue:

- (1) Issuance of special activity permits pursuant to section 187A-6, Hawaii Revised Statutes;
- (2) Issuance of recreational permits for non-commercial capture of aquatic life for aquarium purposes, in accordance with existing laws and rulings regarding compliance with environmental assessments;
- (3) Captive-breeding and aquaculture efforts, as regulated by section 187A-3.5, Hawaii Revised Statutes; and
- (4) The exercise of traditional and customary practices, the lawful taking of fish for consumption or bait, and the lawful management or taking of aquatic life from fishponds.



Your Committee received testimony in support of this measure from Friends of Hanauma Bay, Moana Ohana, The Humane Society of the United States, West Hawaii Humane Society, Hawai'i Reef and Ocean Coalition, Young Progressives Demanding Action, Free Access Coalition, Live Freely Sanctuary, For the Fishes, Animal Rights Hawai'i, Ho'omanapono Political Action Committee, Maui Land & Water Planning LLC., Kihei Community Association, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Center for Biological Diversity, Sierra Club Moku Loa Group, Surfrider Foundation, Keiko Conservation, and over two hundred fifty individuals. Your Committee received testimony in opposition to this measure from the Hunting, Farming, and Fishing Association; Marine Conservation Science Institute; Tropical Fish Emporium LLC; Association of Zoos and Aquariums; Hawai'i Fishermen's Alliance for Conservation and Tradition, Inc.; Hawaii Tropical Fish Association; Hawaiian Reefdwellers; The Shark Reef; Pet Industry Joint Advisory Council; and over fifty-six individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that it is important for the State to have an unbiased environmental impact statement and comprehensive cultural assessment on the impacts of aquarium fishing on the natural resources and culture of Hawaii before lawmakers can make any long-term decisions regarding the aquarium fishing industry. Your Committee finds that to allow the commercial trade to continue in a manner that adversely impacts marine resources would be contrary to effective marine resource management and traditional Hawaiian practices.

Your Committee has amended this measure by:

- (1) Limiting the prohibition on harvesting aquatic life for commercial aquarium purposes to only harvesting that is done by using a fine-mesh net or fine-mesh trap in any state marine waters, with certain exceptions, and extending this prohibition to persons operating under a commercial marine license;
- (2) Inserting language to prohibit any person from possessing a fine-mesh net or fine-mesh trap on their person or within a vessel within state marine waters or



on or about the shore where fish can be taken, and impose a \$5,000 fine for a violation;

- (3) Defining "fine-mesh" as the rhombic (diamond-shaped) opening enclosed by four bars of twines or equal length at the four corners where the opening is less than three centimeters measured between corners when the mesh is stretched;
- (4) Inserting language to require the Research Corporation of the University of Hawaii (RCUH) to prepare an environmental impact statement to evaluate the impacts of the Department of Land and Natural Resources' issuance of commercial aquarium permits on Oahu and West Hawaii;
- (5) Inserting language to require the RCUH to complete a comprehensive cultural impact assessment in coordination with the Office of Hawaiian Affairs and Native Hawaiian organizations, including but not limited to the Aha Moku Advisory Committee and Hunting, Farming, and Fishing Association;
- (6) Requiring the RCUH to submit a progress report to the Legislature no later than twenty days prior to the Regular Session of 2020;
- (7) Requiring the Governor to be the accepting authority and to accept the environmental impact statement no later than twenty days prior to the Regular Session of 2021; and
- (8) Inserting language to require the Department of Land and Natural Resources to establish a marine aquarium fishing advisory group to guide the RCUH and Office of Hawaiian Affairs toward completion of the environmental impact statement and cultural impact assessment;
- (9) Amending section 1 to reflect its amended purpose;
- (10) Inserting an appropriation of \$500,000;
- (11) Changing the effective date to July 1, 2019;



- (12) Inserting a repeal date of June 30, 2021; and
- (13) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 931, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 931, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Water and Land,



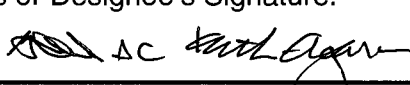
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KAIULANI'Ī KAHALE, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:* <b>SB931</b>	Committee Referral: <b>WTL, JDC</b>	Date: <b>2/13/2019</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KAHELE, Kaiali'i (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
NISHIHARA, Clarence K.				X
RIVIERE, Gil	X			
FEVELLA, Kurt				X
<b>TOTAL</b>	<b>3</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes