

JAN 26 2011

A BILL FOR AN ACT

RELATING TO AQUARIUM AQUATIC LIFE.

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

1 SECTION 1. The legislature finds that for over fifty
2 years, the aquarium aquatic life collecting industry has
3 operated largely without limits or constraints on its catch or
4 the number of collectors in the State.

5 The aquarium industry focuses on juvenile reef fish and
6 small invertebrates and exports eighty-two per cent of its catch
7 to the mainland United States. However, with expanding Asian
8 markets, collectors are targeting more remote and deeper reefs,
9 as evidenced by the species sold on many internet websites.
10 Endemic species such as the bandit angelfish and the masked
11 angelfish sell for hundreds or even thousands of dollars
12 each, with no regulation or limit.

13 Home aquaria in China reflect the new prosperity there,
14 with large aquariums covering multiple walls that display adult
15 eels and other large animals from Hawaii's reefs. Aquarium
16 collecting is having major impacts on Oahu and Hawaii reefs, and
17 moderate impacts on Maui reefs, where over-harvesting is
18 reducing the marine tourism experience. Many coral reef fish



1 and invertebrates have complex relationships with the overall
2 ecology of the reef. Their removal may affect the long-term
3 stability of these ecosystems.

4 Significant population declines and major shifts in species
5 diversity are now evident in coral reef areas where collection
6 is occurring. The aquarium catch is mostly herbivore and their
7 removal could result in increased algal growth, due to a lack of
8 grazers to keep the algae in check, with a corresponding
9 decrease in coral cover.

10 No constraint on collecting allows the industry to meet the
11 growing demand for color, shape, and rarity. The Hawaiian
12 cleaner wrasse is one of the most popular fish species
13 collected and is known for its radiant color and lively
14 movement. These fish pick parasites from many other fish, are
15 found nowhere else in the world, and are collected and shipped
16 without limitation daily. The Hawaiian cleaner wrasse will not
17 eat fish food in captivity and eventually dies of starvation.
18 Likewise, coral-eating butterfly fishes, prized by aquarists for
19 their beauty, starve in a short period of time.

20 The purpose of this Act is to enhance and improve the
21 regulation of aquarium aquatic life collecting to protect and
22 preserve Hawaii's aquatic life and marine environment.



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

4 "§188- Aquarium aquatic life; collection. (a) The
5 department shall develop and maintain an aquarium collecting
6 white list of aquatic species for each county. No aquatic
7 species shall be collected, possessed, or sold for aquarium
8 purposes in the State unless the species appears on the aquarium
9 collecting white list of the county where the species is to be
10 collected, possessed, or sold.

11 (b) The aquarium collecting white list shall include only
12 species that are shown by an official, published study by the
13 department, or equivalent federal agency, to meet the
14 following criteria:

- 15 (1) The species can survive capture, transport, and
16 captivity for at least one hundred eighty days; and
17 (2) Based on historical evidence, the species is a stable
18 or increasing population trend in the area that the
19 species is being collected.

20 (c) In addition to the requirements of subsection (b), the
21 following criteria shall apply:



1 (1) The collection of a species in a county shall not
2 exceed the average annual collection of the species in
3 that county for the calendar years 2005 through 2007,
4 based on department collection reports for those
5 years;

6 (2) The removal of a species does not negatively impact
7 the reef ecosystem by contributing to algae overgrowth
8 for herbivores, parasite overload on other reef fishes
9 for cleaner wrasses and cleaner shrimps, or other
10 harmful results; and

11 (3) The species is not endemic to Hawaii.

12 (d) The department may adopt rules recognizing native
13 Hawaiian traditional and customary rights with regard to marine
14 resources for subsistence, cultural, or religious purposes.

15 (e) The department shall inform all commercial and
16 recreational permit holders under section 188-31, of the
17 species included in the aquarium collecting white list and the
18 penalties for failure to comply with the restrictions
19 regarding the collection of aquatic life.

20 (f) Any person who collects, possesses, or sells aquatic
21 life, for aquarium purposes, not on the aquarium collecting



1 white list shall be fined \$1,000 for each specimen collected,
2 possessed, or sold.

3 (g) In addition to any other penalty or fine provided by
4 law, any person violating this section shall be sentenced as
5 follows:

6 (1) For a first violation, by a fine of not more than
7 \$1,000, imprisonment of not more than thirty days, or
8 both;

9 (2) For a second violation within five years of a
10 previous violation, by a fine of not more than
11 \$2,000, imprisonment of not more than sixty days, or
12 both; and

13 (3) For a third or subsequent violation within five years
14 of a previous violation, by a fine of not more than
15 \$3,000, imprisonment of not more than ninety days, or
16 both.

17 (h) As used in this section, unless the context requires
18 otherwise:

19 "Aquarium collecting gear" means any equipment used to
20 collect aquarium fish or animals including, but not limited to,
21 hand nets, fence or barrier nets, fiberglass or metal tickle
22 sticks, catch buckets, keeps, or baskets.



1 "Aquarium purpose" means to hold saltwater fish,
2 freshwater non-game fish, or other aquatic life alive in a
3 state of captivity as pets, for scientific study, or for public
4 exhibition or display, or for sale for these purposes.

5 "Collect" means to take, catch, harvest, confine, or to
6 attempt to take, catch, harvest, or confine aquatic life. The
7 use of any aquarium collecting gear to take, catch, capture,
8 harvest, or confine, or to attempt to take, catch, capture,
9 harvest, or confine aquatic life by any person who is on or
10 about the shores of Hawaii or in a vessel in Hawaiian waters
11 shall be construed as collecting under this section.

12 "Department" means the department of land and natural
13 resources.

14 "Endemic" or "endemic species" means any aquatic life
15 specimen found nowhere else other than Hawaii."

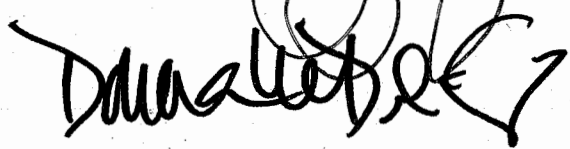
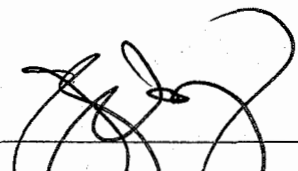
16 SECTION 3. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 4. New statutory material is underscored.

20 SECTION 5. This Act shall take effect on June 1, 2011.

21

INTRODUCED BY: _____



Blair
Hill N. 102.

Malone

Clarence K. Michener

David N. [unclear]



Report Title:

Aquarium Aquatic Life; DLNR

Description:

Enhances the regulation of aquarium aquatic life collection in the State by requiring DLNR to develop a list of aquatic species that may be collected or sold for aquarium purposes. Effective 6/1/11.

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