

JAN 18 2012

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATURE OF THE STATE OF HAWAII TO AMEND  
CHAPTER 188, HAWAII REVISED STATUTES, BY ADDING A NEW  
SECTION TO BE APPROPRIATELY DESIGNATED PROHIBITING THE SALE  
OF AQUATIC LIFE FOR AQUARIUM PURPOSES AND AMEND EXISTING  
SECTION 188F-4 REGARDING THE WEST HAWAII REGIONAL FISHERY  
MANAGEMENT AREA PLAN AND SECTION 189-11 REGARDING RECEIPTS  
IN MANAGEMENT AREA PLAN AND SECTION 189-11 REGARDING  
RECEIPTS IN DUPLICATE;

A RESOLUTION REQUESTING THE GOVERNOR TO ISSUE A MORATORIUM ON  
THE COMMERCIAL TAKE AND SALE OF AQUATIC LIFE TAKEN FOR  
AQUARIUM PURPOSES FROM STATE WATERS; AND  
REQUESTING THE HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES  
TO ADOPT A RULE PROHIBITING THE COMMERCIAL TAKE AND SALE OF  
AQUATIC LIFE TAKEN FOR AQUARIUM PURPOSES FROM STATE WATERS.

1 WHEREAS, article XI, section 1 of the Hawaii Constitution  
2 affirms the State's duty to conserve and protect Hawaii's  
3 natural beauty and all natural resources for the benefit of  
4 present and future generations; and  
5

6 WHEREAS, Hawaii state law recognizes that "all indigenous  
7 species of aquatic life" are "integral parts of Hawaii's native  
8 ecosystems" and are natural resources of significant scientific,  
9 cultural and environmental value, and accordingly, in order to  
10 "insure the continued perpetuation of indigenous aquatic life"  
11 the Legislature charged the State with the duty to "take  
12 positive actions to enhance their prospects for survival"; and  
13

14 WHEREAS, the total economic value of Hawaii's coral reef  
15 ecosystems is an estimated \$34,000,000,000 annually; and  
16

17 WHEREAS, Hawaii's indigenous and endemic aquatic species  
18 are being devastated by collection for aquarium purposes,



1 significantly altering reef wildlife assemblages and  
2 corresponding coral reef and marine ecosystem balance; and  
3

4 WHEREAS, the majority of aquarium-targeted aquatic life  
5 species are herbivores, providing the essential ecosystem  
6 service of protecting corals from being overgrown by algae; and  
7

8 WHEREAS, endemic species, occurring nowhere else in the  
9 world and contributing to Hawaii's natural legacy, are  
10 threatened with extinction by collection for aquarium purposes;  
11 and  
12

13 WHEREAS, the County of Maui has passed legislation to  
14 prevent further degradation of their reefs and aquatic life; and  
15

16 WHEREAS, despite measures, such as a collection prohibition  
17 along thirty-five per cent of the west Hawaii coastline,  
18 intended to mitigate aquarium trade related species depletion,  
19 scientific research proves that collection of reef fish for  
20 aquarium purposes continues to significantly diminish targeted  
21 populations, including endemic species, and important human food  
22 species like *kole* (goldring surgeonfish) and *paku'iku'i*  
23 (*achilles tang*); and  
24

25 WHEREAS, taking reef wildlife and disturbing reef  
26 ecosystems for decoration, entertainment, and display in  
27 corporate offices and private homes around the world is contrary  
28 to native Hawaiian values and cultural ideas, including the  
29 State of Hawaii motto, *Ua mau ke ea o ka aina i ka pono*, the  
30 life of the land is perpetuated in righteousness; and  
31

32 WHEREAS, article XII, section 7 of the Hawaii Constitution  
33 affirms protection of native Hawaiian rights customarily and  
34 traditionally exercised for subsistence cultural and religious  
35 purposes; and  
36

37 WHEREAS, a balanced marine ecosystem is important to the  
38 survival and sustainability of fishing grounds (*koa*) the ability  
39 to continue to fish and gather using customary and traditional  
40 methods and is a critically important element in perpetuating  
41 native Hawaiian customary and traditional practices; and



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1  
 2 WHEREAS, the County of Hawaii has passed a resolution that,  
 3 in order to prevent further degradation of their reefs and  
 4 aquatic life and to protect all of Hawaii's reefs and aquatic  
 5 life, urges the Legislature to enact a law prohibiting the sale  
 6 of aquatic life for aquarium purposes; and

7  
 8 WHEREAS, in a cultural and environmentally driven tourism  
 9 economy the continued protection of our reefs and its  
 10 inhabitants enhances the overall cultural experience which  
 11 brings millions of tourism dollars into the state coffers; and

12  
 13 WHEREAS, the Council of the County of Kauai urges the  
 14 Governor to ensure compliance with state laws intended to  
 15 protect Hawaii's natural and cultural resources by using his  
 16 constitutional authority as chief executive coupled with his  
 17 duty to see that the State's laws are faithfully executed to  
 18 issue a moratorium on the sale of aquatic life taken for  
 19 aquarium purposes from state waters; and

20  
 21 WHEREAS, the Council of the County of Kauai urges the  
 22 Department of Land and Natural Resources and the Legislature to  
 23 protect our reefs and its aquatic life and promote increasing  
 24 reef fish population that will continue to enhance the overall  
 25 experience of Hawaii's culture and natural resources and attract  
 26 and sustain the tourist industry of our State by prohibiting the  
 27 sale for aquarium purposes of aquatic life taken from state  
 28 waters; now, therefore,

29  
 30 BE IT RESOLVED by the Senate of the Twenty-sixth  
 31 Legislature of the State of Hawaii, Regular Session of 2012, the  
 32 House of Representatives concurring, that in order to protect  
 33 the reefs and aquatic life within the State of Hawaii:

- 34  
 35 (1) The Governor is urged to issue a moratorium on the  
 36 commercial take and sale of aquatic life taken for  
 37 aquarium purposes from state waters; and  
 38  
 39 (2) The Department of Land and Natural Resources is urged  
 40 to adopt rules prohibiting the commercial take and  
 41 sale of aquatic life taken for aquarium purposes from




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1 state waters while continuing to allow cultural,  
 2 sustenance, or bona fide research or educational take  
 3 for aquarium purposes; and  
 4

5 (3) The Hawaii State Legislature is urged to enact a law  
 6 that prohibits the taking of aquatic life for aquarium  
 7 purposes from the State's waters without a permit,  
 8 provides penalties for violating this prohibition, and  
 9 expands the West Hawaii Regional Fishery Management  
 10 Area to include all of West Hawaii's coastal waters;  
 11 and  
 12

13 BE IT FURTHER RESOLVED that certified copies of this  
 14 Concurrent Resolution be transmitted to the Governor,  
 15 Chairperson of the Board of Land and Natural Resources,  
 16 President of the Senate, Speaker of the House of  
 17 Representatives, Chairperson of the House of Representatives  
 18 Committee on Finance, and Mayor of each county.  
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 20  
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OFFERED BY:




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**By Request**

