

JAN 18 2012

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## SENATE 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

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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

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

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17           WHEREAS, Hawaii's indigenous and endemic aquatic species  
18 are being devastated by collection for aquarium purposes,  
19 significantly altering reef wildlife assemblages and  
20 corresponding coral reef and marine ecosystem balance; and

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1           WHEREAS, the majority of aquarium-targeted aquatic life  
2 species are herbivores, providing the essential ecosystem  
3 service of protecting corals from being overgrown by algae; and  
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5           WHEREAS, endemic species, occurring nowhere else in the  
6 world and contributing to Hawaii's natural legacy, are  
7 threatened with extinction by collection for aquarium purposes;  
8 and  
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10           WHEREAS, the County of Maui has passed legislation to  
11 prevent further degradation of their reefs and aquatic life; and  
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13           WHEREAS, despite measures, such as a collection prohibition  
14 along thirty-five per cent of the west Hawaii coastline,  
15 intended to mitigate aquarium trade related species depletion,  
16 scientific research proves that collection of reef fish for  
17 aquarium purposes continues to significantly diminish targeted  
18 populations, including endemic species, and important human food  
19 species like *kole* (goldring surgeonfish) and *paku'iku'i*  
20 (*achilles tang*); and  
21

22           WHEREAS, taking reef wildlife and disturbing reef  
23 ecosystems for decoration, entertainment, and display in  
24 corporate offices and private homes around the world is contrary  
25 to native Hawaiian values and cultural ideas, including the  
26 State of Hawaii motto, *Ua mau ke ea o ka aina i ka pono*, the  
27 life of the land is perpetuated in righteousness; and  
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29           WHEREAS, article XII, section 7 of the Hawaii Constitution  
30 affirms protection of native Hawaiian rights customarily and  
31 traditionally exercised for subsistence cultural and religious  
32 purposes; and  
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34           WHEREAS, a balanced marine ecosystem is important to the  
35 survival and sustainability of fishing grounds (*koa*) the ability  
36 to continue to fish and gather using customary and traditional  
37 methods and is a critically important element in perpetuating  
38 native Hawaiian customary and traditional practices; and  
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40           WHEREAS, the County of Hawaii has passed a resolution that,  
41 in order to prevent further degradation of their reefs and



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1 aquatic life and to protect all of Hawaii's reefs and aquatic  
2 life, urges the Legislature to enact a law prohibiting the sale  
3 of aquatic life for aquarium purposes; and  
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5 WHEREAS, in a cultural and environmentally driven tourism  
6 economy the continued protection of our reefs and its  
7 inhabitants enhances the overall cultural experience which  
8 brings millions of tourism dollars into the state coffers; and  
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10 WHEREAS, the Council of the County of Kauai urges the  
11 Governor to ensure compliance with state laws intended to  
12 protect Hawaii's natural and cultural resources by using his  
13 constitutional authority as chief executive coupled with his  
14 duty to see that the State's laws are faithfully executed to  
15 issue a moratorium on the sale of aquatic life taken for  
16 aquarium purposes from state waters; and  
17

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

27 BE IT RESOLVED by the Senate of the Twenty-sixth  
28 Legislature of the State of Hawaii, Regular Session of 2012,  
29 that in order to protect the reefs and aquatic life within the  
30 State of Hawaii:  
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32 (1) The Governor is urged to issue a moratorium on the  
33 commercial take and sale of aquatic life taken for  
34 aquarium purposes from state waters; and  
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36 (2) The Department of Land and Natural Resources is urged  
37 to adopt rules prohibiting the commercial take and  
38 sale of aquatic life taken for aquarium purposes from  
39 state waters while continuing to allow cultural,  
40 sustenance, or bona fide research or educational take  
41 for aquarium purposes; and



