

JAN 25 2017

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 aquatic life is in
2 decline in areas that have not been designated as fish
3 replenishment areas. According to the 2014 department of land
4 and natural resources report entitled, "Report on the Findings
5 and Recommendations of Effectiveness of the West Hawai'i Regional
6 Fishery Management Area" ("2014 DLNR Report"), populations of
7 native near shore species have disappeared as increasing threats
8 from climate change, ocean acidification, habitat degradation,
9 and pollution diminish prospects for their proliferation.

10 The legislature also finds that except for limited
11 protected areas, the law allows an unlimited number of permits
12 to be issued. Further, there is no limit on the taking of most
13 aquatic life. The legislature finds that "sustainable" as it
14 relates to aquatic life remains undefined, and sustainability is
15 not a factor that is considered by the State when issuing
16 licenses for commercial collection of aquatic life.



1 According to the 2014 DLNR Report, the State's marine
2 aquarium fishery, the State's most economically valuable
3 commercial inshore fishery, reported landings valued greater
4 than \$2,300,000 in fiscal year 2014. The commercial aquarium
5 industry targets herbivorous aquatic species, such as yellow
6 tangs, which comprise sixty-five to eighty per cent of the
7 trade's aquatic life removal.

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

18 The legislature finds that it is critical that the State
19 leave healthy aquatic life on the reefs. The State's economy is
20 inextricably tied to its marine environment, and the economic
21 and environmental benefits of reef protection go far beyond



1 tourist dollars that currently drive the economy. Herbivore
2 populations that have declined or disappeared in Hawaii must be
3 restored to promote reef recovery and the socioeconomic well-
4 being of our people.

5 The purpose of this Act is to place a moratorium on the
6 issuance of commercial aquarium fish permits to allow the
7 department of land and natural resources to define "sustainable"
8 and establish sustainable collection practices and limits, for
9 legislative adoption, to ensure the sustainability of Hawaii's
10 native near shore aquatic life.

11 SECTION 2. (a) The department of land and natural
12 resources shall not issue an aquarium fish permit for the taking
13 of near shore aquatic life for aquarium purposes, pursuant to
14 section 188-31, Hawaii Revised Statutes, until the following
15 conditions are met:

16 (1) The department of land and natural resources submits
17 proposed legislation to the legislature including a
18 definition of "sustainable", a policy for sustainable
19 collection practices of near shore aquatic life, and
20 limits on the total number of species and sustainable
21 rates of collection; and



1 (2) A definition of "sustainable" and a policy for
2 sustainable collection practices of near shore aquatic
3 life, including limits on the total number of species
4 and sustainable rates of collection, are enacted.

5 (b) The department of land and natural resources shall
6 promote research and education on the State's near shore aquatic
7 life and work to increase aquatic life health and numbers to
8 historical levels.

9 (c) This Act shall not prohibit:

10 (1) Any person exercising native Hawaiian gathering rights
11 and traditional cultural practices as authorized by
12 law or as permitted by the department of land and
13 natural resources pursuant to article XII, section 7,
14 of the state constitution;

15 (2) The taking of fish or other aquatic life for human
16 consumption or for sale for human consumption,
17 including the taking of fish for bait; and

18 (3) Special activity permits granted pursuant to section
19 187A-6, Hawaii Revised Statutes; provided that the
20 department of land and natural resources may impose
21 limitations or conditions on special activity permits



S.B. NO. 1240

1 for the taking of near shore aquatic life in
2 designated limited-entry areas.

3 (d) For the purposes of this Act:

4 "Aquatic life" has the same meaning as defined in section
5 187A-1, Hawaii Revised Statutes.

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

7 SECTION 3. This Act shall take effect upon its approval.

8

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S.B. NO. 1240

Report Title:

Hawaii Aquatic Life Protection; Aquarium Fish Permits;
Moratorium; Sustainability

Description:

Places a moratorium on aquarium fish permits until a definition of "sustainable" and sustainable practices and limits are proposed to the legislature and enacted.

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