
A BILL FOR AN ACT

RELATING TO AQUATIC LIFE.

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

1 SECTION 1. Hawaii's reefs are the world's third-largest
2 source of wildlife for aquarium hobbyists. Aquarium collection
3 causes a loss of wildlife that threatens Hawaii's reef
4 environments and the socioeconomic benefits they provide,
5 including to tourism, which is a crucial contributor to the
6 State's economy, and to the sustenance of local families.

7 The aquarium industry has operated for over fifty years
8 with no limits on the volume of take and no limits on the
9 number of permits. While the department of land and natural
10 resources reports that Hawaii's fisheries are sustainable at
11 current usage rates, it is important to ensure that fisheries
12 remain sustainable into the future.

13 The aquarium industry primarily targets herbivorous species
14 like the yellow tang. A decline in herbivorous fish is a known
15 stressor to coral reefs. Abundant and diverse communities of
16 herbivorous fish are vital for coral reefs to recover from
17 events like the recent unprecedented coral bleaching that



1 occurred throughout the State. Without herbivorous fish, the
2 long-term stability of these fragile ecosystems is in jeopardy.

3 Wildlife left on reefs benefits the reefs. Maintaining
4 herbivorous fish populations and restoring populations in areas
5 where they have declined or been lost are essential for the
6 protection of Hawaii's coral reefs and the current and future
7 socioeconomic well-being of Hawaii's people, which is tied to
8 its unique marine environment.

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

12 "§188-_____ Aquarium fish conservation program. (a) There
13 is established within the division of aquatic resources the
14 aquarium fish conservation program for the purpose of regulating
15 the collection and trade for aquarium purposes of fish and other
16 aquatic life. The program shall implement conservation measures
17 and strategies to:

18 (1) Ensure the continued sustainability of the State's
19 fisheries;



- 1 (2) Preserve the continued health and ecological balance
2 of coral reef environments throughout the State's
3 waters;
- 4 (3) Protect species of reef fish and other aquatic life in
5 accordance with state and federal law, with particular
6 consideration given to species endemic to the waters
7 surrounding the Hawaiian islands; and
- 8 (4) Monitor and enforce compliance with state and federal
9 law applicable to marine and water resources,
10 including the Coastal Zone Management Act.
- 11 (b) The aquarium fish conservation program shall include:
- 12 (1) Designation of limited-entry areas for the collection
13 of fish and other aquatic life for aquarium purposes;
- 14 (2) Development of certification requirements and other
15 conditions of eligibility for aquarium fish permits
16 issued under section 188-31 and special activity
17 permits issued under section 187A-6 for aquarium
18 collection activities;
- 19 (3) Monitoring of permit-holders' continuing eligibility
20 for an aquarium fish permit under section 188-31;



- 1 (4) A limit on the number of aquarium fish permits issued
2 annually under section 188-31, and provisions for the
3 transferability or non-transferability of permits;
- 4 (5) Bag and catch limits for fish and other aquatic life;
- 5 (6) Enhanced penalties for noncompliance with applicable
6 laws, administrative rules, and permit conditions
7 within designated limited-entry areas;
- 8 (7) Consistent enforcement of all permit requirements,
9 limits, and conditions for the collection of fish or
10 other aquatic life for aquarium purposes; and
- 11 (8) Any other requirements for the collection of fish or
12 other aquatic life or eligibility for aquarium fish
13 permits or special activity permits that the
14 department adopts pursuant to rule.
- 15 (c) The program shall not prohibit any person exercising a
16 customary and traditional right for subsistence, cultural, or
17 religious purposes, subject to the right of the State to
18 regulate that right, including native Hawaiian gathering rights
19 and traditional cultural practices as authorized by law or as
20 permitted pursuant to article XII, section 7 of the state
21 constitution.



1 (d) The program shall not prohibit the taking of fish or
2 other aquatic life for human consumption or for sale for human
3 consumption, including the taking of fish for bait.

4 (e) The program shall not prohibit special activity
5 permits granted pursuant to section 187A-6; provided that the
6 program may impose limitations or conditions on special activity
7 permits for the taking of fish or other aquatic life in
8 designated limited-entry areas.

9 (f) The board shall adopt rules pursuant to chapter 91 for
10 the purposes of this section. All rules adopted in accordance
11 with this section shall be effective and fully implemented no
12 later than July 1, 2018."

13 SECTION 3. Section 188-31, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§188-31 Permits to take aquatic life for aquarium
16 purposes. (a) Except as prohibited by law, the department,
17 upon receipt of a written application, may issue an aquarium
18 fish permit, not longer than one year in duration, to use fine
19 meshed traps, or fine meshed nets other than throw nets, for the
20 taking of marine or freshwater nongame fish and other aquatic
21 life for aquarium purposes. No person shall take aquatic life



1 for aquarium purposes or enter into a limited-entry area
2 designated by the department pursuant to section 188- without
3 an aquarium fish permit.

4 (b) Except as prohibited by law, the permits shall be
5 issued only to persons who can satisfy the department that [~~they~~
6 ~~possess~~] the person:

7 (1) Possesses facilities to and can maintain fish and
8 other aquatic life alive and in reasonable health[~~-~~];
9 and

10 (2) Is certified by a national or international
11 certification agency or organization, recognized by
12 the department pursuant to rule, that maintains
13 standards for safe and ecologically sound aquarium
14 collection practices, including requiring a fatality
15 rate of one per cent or less for all fish and other
16 aquatic life collected.

17 (c) It shall be illegal to sell or offer for sale any fish
18 and other aquatic life taken under an aquarium fish permit
19 unless those fish and other aquatic life are sold alive for
20 aquarium purposes.



1 The department may adopt rules pursuant to chapter 91 for
2 the purpose of this section.

3 (d) For the purposes of this section:

4 (1) "Aquarium purposes" means to hold salt water fish,
5 freshwater nongame fish, or other aquatic life alive
6 in a state of captivity as pets, for scientific study,
7 or for public exhibition or display, or for sale for
8 these purposes; and

9 (2) "Aquarium fish permit" means a permit issued by the
10 board for the taking of fish and other aquatic life
11 and for the use of fine mesh nets and traps to take
12 salt water fish, freshwater nongame fish, or other
13 aquatic life for aquarium purposes."

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on December 24,
17 2088.



Report Title:

Aquatic Life; Aquarium Fish Permit; Conservation

Description:

Establishes an aquatic life conservation program in the Division of Aquatic Resources to implement conservation measures, including limited entry areas and certification requirements, to regulate the collection of fish and other aquatic life for aquarium purposes. (HB873 HD1)

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