

Honolulu, Hawaii

February 18, 2015

RE: H.B. No. 873  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Sir:

Your Committee on Ocean, Marine Resources, & Hawaiian Affairs, to which was referred H.B. No. 873 entitled:

"A BILL FOR AN ACT RELATING TO AQUATIC LIFE,"

begs leave to report as follows:

The purpose of this measure is to prohibit the sale for aquarium purposes of aquatic life taken within the State.

Your Committee received testimony in support of this measure from the member of the Kauai County Council representing District 14, Conservation Council for Hawai'i, Hanalei Watershed Hui, Animal Rights Hawaii, The Humane Society of the United States, Reef Rescue Alliance, and several hundred individuals. Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources, Pet Industry Joint Advisory Council, Tropical Marine Center, Ornamental Fish International, Drs. Foster and Smith's Live Aquaria, Quality Marine, Pohina Inc., Ornamental Aquatic Trade Association, LTD, and Route 66 Marine, LLC, and several hundred individuals. Petco Animal Supplies and several individuals submitted comments.

Your Committee finds that the aquarium fish trade is an important source of income for many Hawaii residents, including for those who collect fish and other aquatic species, and those who sell aquatic life and aquarium supplies. However, if left unregulated, the trade has the potential to cause serious environmental harm to coral reef ecosystems. Overfishing or



taking inappropriately sized or aged specimens can decimate natural species populations. Careless practices such as anchoring boats to reefs can destroy coral. These actions, which upset the ecological balance necessary to maintain healthy reef ecosystems, have far-ranging impacts on the overall condition of the ocean and the natural resources within it, upon which Hawaii's people and economy depend. The Department of Land and Natural Resources has stated that the State's fisheries are sustainable under current conditions. It is the intention of your Committee to ensure that they remain so.

Your Committee finds that, while most aquarium collectors do follow sound resource management and ocean stewardship practices, including maintaining a one percent catch fatality rate, the Division of Aquatic Resources has too few resources for meaningful enforcement against those few who do not. Those who violate laws and eschew sound practices contribute to not only environmental degradation but also ocean user conflicts, which endangers the safety of all ocean users and prevents Hawaii residents and visitors from enjoying the State's unique and irreplaceable natural resources.

Your Committee finds that regulating the aquarium trade in Hawaii involves balancing the interests and concerns of the diverse ocean user community with the need to protect the ocean's ecology. Your Committee received testimony on this measure from over 1,200 individuals: investment in this issue is vast, strong, and sincere on all sides. It is not your Committee's intention to deprive fishers and those in the aquarium trade of their livelihood. Rather, it is your Committee's intention to prevent environmental harm caused by overfishing, wasted catch, and damaged reefs and to stop user conflicts that threaten the safety of Hawaii's true greatest natural resource, it's people.

Your Committee has amended this measure by:

- (1) Deleting the ban on the sale of aquarium fish;
- (2) Inserting new language establishing an aquarium fish conservation program in the Division of Aquatic Resources of the Department of Land and Natural Resources and charging the Division with adopting rules for program administration, including by designating limited-entry areas, implementing certification and monitoring requirements for aquarium fish permits, limiting the number of permits available annually,




imposing bag and catch limits, and enhancing enforcement actions and penalties for violations;

- (3) Changing its effective date to December 24, 2088 to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purpose of clarity and consistency.

Your Committee finds the requirements of this amended measure, including maintenance of a one percent catch fatality rate, are already followed by most members of the aquarium trade and are achievable for any well-intentioned members of the trade who are not currently in compliance.

As affirmed by the record of votes of the members of your Committee on Ocean, Marine Resources, & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 873, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 873, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Ocean, Marine  
Resources, & Hawaiian Affairs,

  
KANIELA ING, Chair



State of Hawaii  
House of Representatives  
The Twenty-eighth Legislature **HSCR351**

**Record of Votes of the Committee on Ocean, Marine Resources, & Hawaiian Affairs**

| Bill/Resolution No.:<br><b>HB 873</b>   | Committee Referral:<br><b>OMH, JUD</b> | Date:<br><b>2/12/15</b> |          |          |
|---|--|-------------------------|----------|----------|
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure.   |  |                         |          |          |
| The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold<br><input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) |  |                         |          |          |
| OMH Members   | Ayes                                   | Ayes (WR)               | Nays     | Excused  |
| 1. ING, Kaniela (C)   | ✓                                      |                         |          |          |
| 2. LOWEN, Nicole E. (VC)  | ✓                                      |                         |          |          |
| 3. CULLEN, Ty J.K.  |  | ✓                       |          |          |
| 4. EVANS, Cindy   | ✓                                      |                         |          |          |
| 5. LEE, Chris   | ✓                                      |                         |          |          |
| 6. NISHIMOTO, Scott Y.  | ✓                                      |                         |          |          |
| 7. SAY, Calvin K.Y.   |  | ✓                       |          |          |
| 8. YAMANE, Ryan I.  |  | ✓                       |          |          |
| 9. POUHA, Feki  |  | ✓                       |          |          |
| 10. THIELEN, Cynthia  |  | ✓                       |          |          |
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|   |  |                         |          |          |
| <b>TOTAL (10)</b>   | <b>5</b>                               | <b>5</b>                | <b>0</b> | <b>0</b> |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted<br>If joint referral, _____ did not support recommendation.<br><div style="text-align: center; font-size: small;">committee acronym(s)</div>                              |  |                         |          |          |
| Vice Chair's or designee's signature: <u><i>Nicole E. Lowen</i></u>   |  |                         |          |          |
| Distribution: Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO  |  |                         |          |          |