
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, except for limited
2 protected areas, state law allows an unlimited number of permits
3 to collect aquarium fish to be issued, and there is no limit on
4 the amount collected for many species. The legislature further
5 finds that "sustainable" as it relates to aquatic life remains
6 undefined, and sustainability is not a factor that is considered
7 by the State when issuing licenses for commercial collection of
8 aquatic life.

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



1 findings demonstrate that a range of fisheries restrictions can
2 help reefs recover.

3 The legislature finds that it is critical that the State
4 leave healthy aquatic life on the reefs. The State's economy is
5 inextricably tied to its marine environment, and the economic
6 and environmental benefits of reef protection go far beyond
7 tourist dollars that currently drive the economy. Herbivore
8 populations that have declined or disappeared in Hawaii must be
9 restored to promote reef recovery and the socioeconomic well-
10 being of our people.

11 The purpose of this Act is to require the department of
12 land and natural resources to define "sustainable" and establish
13 sustainable collection practices and limits, for legislative
14 adoption, to ensure the sustainability of Hawaii's native near
15 shore aquatic life.

16 SECTION 2. (a) The department of land and natural
17 resources shall submit proposed legislation to the legislature
18 including a definition of "sustainable", a policy for
19 sustainable collection practices of near shore aquatic life,
20 limits on the total number of species and sustainable rates of
21 collection, and any additional resources required by the



1 department no later than twenty days before the convening of the
2 regular session of 2019.

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

7 (c) For purposes of this section:

8 "Aquatic life" has the same meaning as defined in section
9 187A-1, Hawaii Revised Statutes.

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

11 SECTION 3. The department of land and natural resources
12 shall not issue any new aquarium fish permits pursuant to
13 section 188-31, Hawaii Revised Statutes; provided that all
14 existing permits:

- 15 (1) Shall not be transferable to new persons; and
- 16 (2) May continue to be renewed by the department of land
17 and natural resources for current permit holders.

18 SECTION 4. If any provision of this Act, or the
19 application thereof to any person or circumstance, is held
20 invalid, the invalidity does not affect other provisions or
21 applications of the Act that can be given effect without the



1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 5. This Act shall take effect on December 24,
4 2088.



Report Title:

Hawaii Aquatic Life Protection; Sustainability

Description:

Requires DLNR to submit proposed legislation to the legislature by the 2019 regular session including a definition of "sustainable", a policy for sustainable collection practices of near shore aquatic life, limits on collection, and any additional resources required by the department. Prohibits issuance of new aquarium permits and transfer of existing aquarium permits. (SB1240 HD1)

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