
A BILL FOR AN ACT

RELATING TO COMMERCIAL AQUARIUM COLLECTION.

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

1 SECTION 1. The legislature finds that the department of
2 land and natural resources is currently undertaking the Holomua
3 marine initiative to work with communities to manage nearshore
4 marine resources around each main Hawaiian island so that local
5 resources are plentiful for present and future generations.
6 This initiative will result in rulemaking pursuant to chapter
7 91, Hawaii Revised Statutes, to achieve the initiative's
8 objectives.

9 The legislature further finds that, in recent years, the
10 department and board of land and natural resources have also
11 been considering whether to continue using the authority
12 previously granted to it by the legislature to issue permits for
13 the capture and sale of native reef wildlife for ornamental
14 display and commercial profit, or to end the practice pursuant
15 to petitions from the community.

16 The legislature finds that the capture and sale of the
17 State's native reef wildlife for ornamental display and



1 commercial profit are unsustainable and contrary to Native
2 Hawaiian values, including malama aina, aloha aina, kuleana for
3 the surrounding environment, and pono fishing practices, such as
4 taking only what is needed for family or community subsistence.

5 The legislature further finds that the 1953 territorial
6 legislature, in enacting legislation to permit commercial
7 aquarium fish collection using fine-meshed nets, currently
8 codified in section 188-31, Hawaii Revised Statutes, ignored,
9 disregarded, and effectively nullified the many traditional uses
10 of Hawaiian reef fish by falsely stating that fish taken for
11 aquarium display have "little or no value as food fish," and
12 that "the species of fish for aquarium purposes is not edible".

13 The legislature recognizes that many species of fish
14 targeted by aquarium collection, including lauipala (yellow
15 tang) and kole (goldring surgeonfish), have in fact been used
16 for subsistence and cultural purposes and have been critical to
17 maintaining healthy reef ecosystems to support these purposes
18 since time immemorial, up to and including the present day.

19 The legislature also finds that climate change and
20 associated ecological shifts require the State to keep as many
21 native fish in reef ecosystems as possible. Abundant



1 populations of herbivorous reef wildlife can bolster reef
2 resiliency against the effects of climate change by consuming
3 algae that bloom and smother reefs following ocean heat waves or
4 changes in ocean acidity. Reefs provide vital ecosystem
5 benefits, reducing the impact of extreme weather events and high
6 surf by moderating onshore erosion, protecting human
7 infrastructure, and mitigating harm to flora and fauna.
8 Moreover, on-reef tourism activities, including snorkeling and
9 diving, are a vital part of the State's nature-based tourism
10 economy, which is driven by healthy and vibrant ecosystems.

11 The legislature notes that in 1988, the State prohibited
12 the taking of sand, dead coral or coral rubble, rocks, soil, and
13 other marine deposits. Extending these prohibitions to
14 encompass the commercial collection and sale of reef wildlife
15 for the aquarium pet trade is now necessary to protect and
16 conserve the State's invaluable natural resources for present
17 and future generations, including traditional Native Hawaiian
18 cultural practices that depend on them. The legislature further
19 notes that these obligations and protections are enshrined in
20 article XI, sections 1 and 9, and article XII, section 7, of the
21 Hawaii State Constitution.



1 Accordingly, as the department of land and natural
2 resources continues working on the Holomua marine initiative,
3 and as the board of land and natural resources considers whether
4 to continue issuing permits for commercial aquarium purposes or
5 end the practice altogether, the purpose of this Act is to
6 prohibit:

7 (1) The harvest of aquatic life for commercial aquarium
8 purposes, regardless of the method of collection, in
9 counties with a population greater than five hundred
10 thousand; and

11 (2) The consideration of rules for the issuance of permits
12 for the harvest of aquatic life for commercial
13 aquarium purposes,
14 until rulemaking pursuant to the Holomua marine initiative has
15 been completed in counties with a population greater than five
16 hundred thousand.

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

20 "§188- Harvesting aquatic life for commercial aquarium
21 purposes; prohibition. (a) No person shall harvest aquatic



1 life from state marine waters for commercial aquarium purposes
2 in counties with a population greater than five hundred
3 thousand. The department of land and natural resources shall
4 not consider promulgating rules or issue permits for the harvest
5 of aquatic life from state marine waters for commercial aquarium
6 purposes until the department has promulgated rules pursuant to
7 the Holomua marine initiative and chapter 91 for counties with a
8 population greater than five hundred thousand.

9 (b) Nothing in this section shall be construed to:

10 (1) Affect:

11 (A) Captive-breeding and aquaculture activities
12 pursuant to section 187A-3.5; or

13 (B) The issuance of special activity permits
14 authorizing the capture and take of aquatic life
15 for scientific, educational, management, or
16 propagation purposes pursuant to section 187A-6;

17 or

18 (2) Prohibit the:

19 (A) Exercise of traditional and customary rights
20 protected pursuant to article XII, section 7, of
21 the Hawaii State Constitution;



1 (B) Lawful taking of fish for consumption or bait; or

2 (C) Lawful management or taking of aquatic life from
3 fishponds.

4 (c) As used in this section, "commercial aquarium purpose"
5 means the taking of aquatic life for profit, gain, or as a means
6 of livelihood for sale into the aquarium trade to be held in a
7 state of captivity as a pet or for ornamental display."

8 SECTION 3. If any provision of this Act, or the
9 application thereof to any person or circumstance, is held
10 invalid, the invalidity does not affect other provisions or
11 applications of the Act that can be given effect without the
12 invalid provision or application, and to this end the provisions
13 of this Act are severable.

14 SECTION 4. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 5. New statutory material is underscored.

18 SECTION 6. This Act shall take effect on July 1, 3000, and
19 shall be repealed upon the promulgation of rules pursuant to the
20 Holomua marine initiative and chapter 91, Hawaii Revised



- 1 Statutes, by the department of land and natural resources for
- 2 counties with a population greater than five hundred thousand.



Report Title:

DLNR; Office of Hawaiian Affairs Package; Aquatic Resources;
Fishing Regulations; Commercial Aquarium Collection;
Sustainability; Prohibition

Description:

Prohibits the harvest of aquatic life for commercial aquarium purposes, regardless of the method of collection, in counties with a population greater than 500,000 and the consideration of rules for the issuance of permits for the harvest of aquatic life for commercial aquarium purposes. Repeals upon promulgation of certain rules by the Department of Land and Natural Resources for counties with a population greater than 500,000. Effective 7/1/3000. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

