



PHOTO: JOHN DAWES. The Supreme Court's ruling could spell disaster for Hawaii's well-managed fishery.

# HAWAII'S SUPREME COURT ISSUES INJUNCTION AGAINST AQUARIUM FISH COLLECTING

Just a few months ago, we were encouraged to learn that Hawaii Governor David Ige had vetoed a Bill that would have led to the eventual demise of the State's marine ornamental fishery. We all breathed a collective sigh of relief at the time, since this decision allowed breathing space for several matters relating to the fishery to be addressed and, if necessary, refined.

This decision was seen as a significant one in favour of what is widely recognised as one of the best monitored and managed fisheries in the world. Even so, everyone in the industry knew that the decision represented a temporary lull in the ongoing campaign brought against the sector by persistent anti-trade lobbyists hell-bent on stopping the sustainable harvesting of marine fishes with unsubstantiated claims of over-harvesting and depletion of reef stocks.

Unfortunately, on 6 September, the move that many of us expected exploded upon us, but in an unexpected fashion. Quite unlike earlier rulings, this latest one came from the Hawaii Supreme Court stating that commercial marine ornamental fish collecting employing fine-meshed nets and traps is subject to the Hawaii Environmental Policy Act (HEPA) and that, consequently, the Department of Land and Natural Resources (DLNR) is required to carry out an environmental impact review before it can issue fish collecting permits. It therefore informed the lower courts that it was issuing an injunction halting the collection of reef fish for aquaria until the review is carried out.

It does not indicate when the halt will come into effect, though. Nonetheless, we already know that the DLNR has ceased issuing new fishing permits and that it will not be renewing existing permits once they expire. They, like everyone else, keenly await the outcome of this latest move against the industry.

Quite how long or extensive the environmental review demanded by the ruling will be remains to be seen, but it could take many months to complete. It will not, however, have to be applied to every fishing permit, but to the overall activity of aquarium fish collection, a somewhat less severe requirement.

The Supreme Court's decision is, clearly, a victory – however temporary it may turn out to be – for the anti-trade lobby. In the words of attorney Paul Achitoff, the plaintiffs' representative, "It certainly is the biggest step forward in getting a handle on this industry, which has been virtually unregulated." Many will undoubtedly dispute this statement, and with justification, since Hawaii's marine sector is very well managed. Similar objections will be raised to other statements being made in support of the ruling such as, "Maybe now people will begin to realize that people are loving these beautiful fish to death." (Myoko Sakashita).

Despite the undoubted alarm that is felt throughout the industry right now, I think that virtually everyone who trades in Hawaii aquarium fish believes that some workable solution will be found. It seems unthinkable that the Hawaii fishery will be closed down permanently when there's no detailed evidence demonstrating that it is either unsustainable or unethical. Therefore, the optimists within the industry eagerly await a positive outcome from the environmental impact review that is being carried out. At the back of our minds, though, we all harbour the fear and knowledge that, far too often, reason and commonsense end up being sacrificed in the face of unrelenting, poorly researched campaigns.

As expected, PIJAC is currently working closely with Hawaii's fish collectors to overturn the ruling, and is collaborating with the DLNR on the environmental impact survey. Obviously, all this activity demands funds, so it's encouraging to learn that, as I write, generous donations have been received from various industry players, conscious of the fact that there is a lot to lose, especially when a whole industry could be permanently closed down without substantiated evidence against it. We await further news with bated breath! ■