

# APPENDIX 1

RECOMMENDATIONS from 2016 Study Group Report

## XII. RECOMMENDATIONS

The Study Group takes no collective position on a preferred option or whether an RPL system should be implemented at this time.

However, if any of these options are to be pursued at a later date, the Study Group recommends that the following be considered:

### A. OUTREACH

- Undertake extensive outreach, consultation, and discussions with affected stakeholders statewide prior to and as part of the decision-making process.
- As part of any outreach effort, ensure that this study is available to the public in general and to fishing stakeholders in particular.

### B. ADDITIONAL RESEARCH AND INFORMATION GATHERING

- Improve the definition of non-commercial fishing and an understanding of the demographics of affected population segments, for example, the delineation between boat and shore-based fishers, their age, and their geographic distribution and how issues of sustenance and subsistence fishing apply.
- Consult non-commercial Native Hawaiian fishing practitioners to identify practices that are a part of traditional subsistence, cultural, ceremonial, or religious activities. These may include types of gear, restricted areas or seasons, and high value species.
- Consult with charter fishing industry representatives to identify RPL elements that would work easily for charter patrons and businesses, and consider ways to use RPL fees collected through charter operations to improve State infrastructure used by this industry.
- Continue to collect additional information from other states on their lessons learned, special issues, the social challenges that have arisen, and financial costs and benefits of how generated funds can and have been used. However, be conscious of demographic, geographic, historic, and cultural differences between Hawai'i and the other states in considering the adoption of any approaches.
- Carefully consider and conduct further analysis on the financial implications of prospective fee-waivers or exemptions from any potential RPL system. Develop a more thorough understanding of the full range of costs the State may incur if it seeks to implement any of the RPL systems examined.
- Consider ways to align any RPL system with complementary data collection efforts that improve management of near-shore waters.
- Ensure that the State has specific plans for how data will be collected, used, and shared before data collection efforts

begin. Conduct further research into any confidentiality and data protection issues that may apply.

### C. FUNDS

- Ensure that any and all funds collected from any form of RPL system are deposited in the Sport Fish Special Fund and protected and dedicated to managing marine fisheries.
- Ensure that any funds derived from a fee-based RPL system are additive. The addition of funds from any fee-based RPL system should not replace or reduce General Funds and/or other funds currently supporting DAR or other DLNR divisions for fisheries management and conservation.
- Recognize that DLNR is already systematically underfunded and a new RPL system may not fully alleviate that situation for fisheries management.
- If an RPL system is pursued that would generate additional net revenue, the use of that revenue should strive to meet the needs identified in Objective 1 (better data) and Objective 2 (enhanced information and dialogue) of this study.

### D. ADVISORY BOARD

- Establish a formal advisory board to consult with DAR to improve communication and information exchange on matters pertaining to non-commercial fishing in local waters.
- Ensure adequate representation from different segments of the fishing communities, both geographically and by type of fishing.
- Define and publicize lists of any special gear, restricted areas, or individual species, if a potential RPL system considers charging permit fees for using special gear, fishing in restricted areas, or fishing for specific species.
- If any RPL system is enacted, require that DAR provide annual reports. The annual reports should be provided to an advisory board prior to being released to the public. The annual reports should address the data collected and how it was used to support fisheries management. The report should also include the amount collected from fees (if applicable) and how they were spent to support fisheries management. If a portion of the fees are provided to DOCARE for aquatics enforcement, the report should also describe how those enforcement funds were spent. If data is collected, the report should summarize the preliminary data and include the refined findings when they are analyzed. At minimum, the report should summarize how fishermen benefit from the RPL program.

### E. NATIVE HAWAIIAN RIGHTS

- Undertake focused outreach and consultation with the Native Hawaiian community to determine how best to reach Native Hawaiian fishers and fisher groups, particularly in communities where fishing is important to subsistence and cultural practice. Address concerns that traditional and customary fishing practices could be

adversely affected by an RPL system or that exercising them could be construed as criminalized by a new RPL system. Solicit Native Hawaiian views and opinions or analyses from recognized experts on acceptable approaches for avoiding these perceptions.

- Develop systems, trainings and policies to avoid criminalization of native Hawaiian practitioners.
- If a permit system is implemented, provide a mechanism for Native Hawaiian non-commercial fishing practitioners to identify their traditional fishing area(s), types of gear, restricted areas or seasons, and specific species that are a part of their traditional subsistence, cultural, ceremonial, or religious practices.



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non-commercial saltwater and freshwater system. Strive for simplicity for the users.

- If a fee-based license or permit is pursued, look into the advantages and disadvantages of creating different tiers of licenses (e.g., levels or categories, such as a single boat license that can cover several non-commercial fishers on the same boat).

## F. ENFORCEMENT

- Provide information and training for DOCARE and other law enforcement personnel about changes to the law under any new RPL system, particularly about how to validate any proposed RLP system exemptions. Enlist their assistance with specific outreach and community education, including for Native Hawaiian related issues and concerns.
- Increase the presence of community-based DOCARE officers simultaneous with implementing any new RPL system. Ensure that they know and understand the communities of non-commercial fishers in the areas to which they are assigned.
- Recognize that any RPL system provisions regarding DOCARE's right to inspect personal coolers may be particularly sensitive to certain fishers. Clarify under what terms and conditions such inspections may be warranted. Other state laws may be sources of guidance on the types of language that can be used to specify and limit the consent to inspection.

## G. OTHER

- Research other possible mechanisms for producing additional information and data to support informed decision-making in non-commercial fishing management.
- Consider ways to combine any new RPL system with other existing DAR fishing license programs, such as a combined