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GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committees on
WATER & LAND
and
OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS**

**Friday, January 31, 2014
9:15 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 1911
RELATING TO AQUATIC RESOURCES**

House Bill 1911 proposes to establish an Aquatic Resources Special Fund and a non-resident marine or freshwater game fishing license. The fees would be placed into the Aquatic Resources Special Fund. **The Department of Land and Natural Resources (“Department”) acknowledges the intent of this bill and offers the following comments.**

1. The Department presently issues freshwater fishing licenses to both residents and non-residents.
2. The scope of the proposed bill should be broader to include both residents and non-residents who engage in non-commercial fishing. However, the licensing mechanism will require further analysis to determine how it should be implemented.
3. The Department supports the creation of a special fund for the administration and management of the State’s aquatic resources, but believes it would be useful to also include education and enforcement.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA’AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

BILL NO. HB1911
TITLE: RELATING TO AQUATIC RESOURCES
HEARING DATE: Friday, January 31, 2014
TIME: 9:15 am
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

FROM: Roy N. Morioka

SUPPORT WITH RESERVATIONS

Honorable Chairs Evans and Hanohano, Vice-Chairs Lowen and Cullen, Members of the House Committees on Water and Land, and Marine Resources and Hawaiian Affairs:

Thank you for this opportunity to offer SUPPORT WITH RESERVATIONS on HB1911. I found the intent of the bill to have merit, but believe that HB1912 to be more effective as it comprehensively provides for the licensing of ALL saltwater fishing and not single out one class of the user community.

The licensing process under HB1912 provides the mechanism from which the indoctrination of ALL saltwater fishermen to our state's fishery conservation and management rules and regulations can be best achieved. Enforcement without the user group's knowledge and understanding of our marine resource conservation and management rules and regulations is reactive rather than proactive.

On the other hand, I prefer the HB1911 provision for the special fund states: "Moneys in the special fund shall be expended for the management and administration of the State's aquatic resources" versus the provisions of HB1912 that states: "The saltwater fish special fund shall be used to support the activities of enforcement officers of the department responsible for conservation and resources enforcement functions."

DLNR/DAR has the daunting task of establishing conservation and management rules without directed funds and resources to perform the science and data analyses necessary to achieve their objectives. The special fund with provisions against "raiding" is critical to the department and division's ability to effectively perform their role and charter.

Finally, I strongly believe that the imperative is to indoctrinate and make accountable ALL saltwater resource users to ensure knowledge and understanding of their role as principal stewards of our precious marine resources. Effective enforcement is simplified through such a process.

Mahalo in advance for considering my comments as you make your decision today.

Respectfully Yours,
Roy N. Morioka
Fisherman and Resident

TESTIMONY BY KALBERT K. YOUNG
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEES ON WATER AND LAND, AND
OCEAN, MARINE RESOURCES, AND HAWAIIAN AFFAIRS
ON
HOUSE BILL NO. 1911

January 31, 2014

RELATING TO AQUATIC RESOURCES

House Bill No. 1911 requires the Department of Land and Natural Resources to establish a nonresident fishing permit program and establishes the Aquatic Resources Special Fund into which shall be deposited legislative appropriations and nonresident permit fees. Moneys in the special funds shall be used for the management and administration of the State's aquatic resources.

The Department of Budget and Finance does not take any position on establishing a nonresident fishing permit program. As a matter of general policy, the department does not support the creation of special funds which do not meet the requirements of Section 37-52.3, Hawaii Revised Statutes. Special or revolving funds should: 1) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program; 2) provide an appropriate means of financing for the program or activity; and 3) demonstrate the capacity to be financially self-sustaining. In regards to House Bill No. 1911, it is difficult to determine whether the fund will be self-sustaining.

I encourage the Legislature to scrutinize the fiscal and operational plan for this program to ensure that it does conform to the requirements of Section 37-52.3, Hawaii Revised Statutes.



HB1911
RELATING TO AQUATIC RESOURCES
House Committees on Water & Land and
Ocean, Marine Resources & Hawaiian Affairs

January 31, 2014

9:15 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on HB1911, which would establish nonresident fishing permits and fees for the taking of freshwater or marine game fish in Hawaiian waters.

OHA appreciates the potential of a nonresident fishing permit program to generate much-needed revenues to better manage our culturally, environmentally, and economically critical aquatic resources. In addition, we recognize that a nonresident fishing permit program may provide useful information as to the number of visitors who engage in recreational fishing activities while in Hawai'i. OHA notes that numerous other jurisdictions also use fishing licenses and fees to generate revenues for resource management purposes, including data collection and analysis, outreach, and enforcement activities.

OHA urges the committees to consider the appropriateness of requiring Native Hawaiian nonresidents of the state to obtain a fishing permit, should they wish to engage in fishing activities while in the islands on a temporary basis. OHA notes that Native Hawaiians continue to maintain claims to their ancestral lands, including submerged lands and other "ceded" lands taken without consent or compensation to the Native Hawaiian people or their sovereign government. Both the United States Congress and the State legislature have also recognized that the health and well-being of the Native Hawaiian people is intrinsically tied to their deep feelings and attachment to these lands; engaging in the timeless, place-based, and culturally-grounded activity of fishing may be an important means of maintaining such an attachment. Accordingly, it may be more appropriate for any nonresident fishing permit program to provide an exception or other special consideration for those Native Hawaiians who reside outside of these islands, and who may wish to fish while visiting on a temporary basis.

Thank you for the opportunity to testify.

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HB1911

Submitted on: 1/30/2014

Testimony for WAL/OMH on Jan 31, 2014 09:15AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica O. Kaikaina	Individual	Support	No

Comments: Aloha Madame Chairs Hanohano and Evans, I would like to submit testimony in support of this measure. I am hoping that this measure will allow/help us to monitor our ocean resources better. Aloha and Mahalo, Jessica O. Kaikaina

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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HB1911

Submitted on: 1/31/2014

Testimony for WAL/OMH on Jan 31, 2014 09:15AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dominic Souza	Individual	Support	No

Comments: I strongly support this measure!

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