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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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

**Before the House Committee on  
OCEAN, MARINE RESOURCES, AND HAWAIIAN AFFAIRS**

**January 24, 2014  
11:00 AM  
State Capitol, Conference Room 325**

**In consideration of  
HOUSE BILL 1912  
RELATING TO FISHING**

House Bill 1912 proposes to authorize the Department of Land and Natural Resources (Department) to require a non-commercial saltwater fishing license with the fees being deposited into the saltwater fish special fund. The Department appreciates the intent of this bill but offers the following comments.

The provisions of Section 188-A(b), (c), and (d), Hawaii Revised Statutes, are generally already provided in Chapter 13-74, Hawaii Administrative Rules and may be duplicative. In addition, we would suggest that the statute language not be so prescriptive to give the Department the flexibility to amend the rules as needed.

We would suggest adding language to: 1) Change that the use of the term "fish" to all types of marine life and not just finfish and; 2) Authorize the Department to adopt, amend, or repeal rules to implement this section.

**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

TESTIMONY BY KALBERT K. YOUNG  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
STATE OF HAWAII  
TO THE HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES, AND  
HAWAIIAN AFFAIRS  
ON  
HOUSE BILL NO. 1912

January 24, 2014

RELATING TO FISHING

House Bill No. 1912 establishes a license and fee for non-commercial saltwater fishing and establishes the saltwater fish special fund for the deposit of fees to support the conservation and resources officers of the Department of Land and Natural Resources.

The Department of Budget and Finance does not take any position on licensing of non-commercial saltwater fishing. 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 changes 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. 1912, 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.

**cullen2**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 22, 2014 8:38 PM  
**To:** omhtestimony  
**Cc:** sunshineorchids@gmail.com  
**Subject:** Submitted testimony for HB1912 on Jan 24, 2014 11:00AM

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**HB1912**

Submitted on: 1/22/2014

Testimony for OMH on Jan 24, 2014 11:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Darrell Tanaka	Individual	Oppose	No

Comments: I am in opposition to this bill. It's another tax on fishermen and does very little for resource management. DLNR cannot effectively manage the commercial license, what makes you think they can manage a recreational license?? Commercial fishermen are caught poaching on a regular basis, yet their licenses are not revoked, why don't you fix that before you tax the recreational fishermen. Then show some backbone and fund enforcement from the state's general fund where there exists an ample amount of monies.

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**cullen2**

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**To:** omhtestimony  
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**HB1912**

Submitted on: 1/22/2014

Testimony for OMH on Jan 24, 2014 11:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kele olanolan	Individual	Comments Only	No

Comments: and its not that I'm opposed to paying....it's that I want to see much better structure in the license....like a drivers license....I want to see a breakdown of how it will be used for management...such as....if you get caught with undersize fish, first offense license suspended one month.....second offense 6 months...if you get caught poaching a reserve or lobsters out of season, license suspended 2 years.....that kind of structure.....they way they have it now is weak.

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**cullen2**

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**HB1912**

Submitted on: 1/22/2014

Testimony for OMH on Jan 24, 2014 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
kele olanolan	Individual	Comments Only	No

Comments: This is what my unko recommend...There's a easy solution to all this, without paying a fee. First, create a program that abels volunteers to become a part of the dlnc program. They have all the authorities of a officer. But when a arrest needs to be maid they have to call a officer. Problem solved. I've been an advocate for enforcement for some time now....I've come to learn how things in politics work.....do not be fooled!!!!!!.....here is what can happen, even if the funds from a fishing license is tied in with federal funds so it can't be re-directed...that's fine....but what will happen to the other current funds docare has right now?? that funds is still vulnerable to redirection.....so the leg will cut DLNR's overall budget by a few million forcing the DLNR director to make cuts to the Divisions, and being that docare now has funding from licenses, that makes available all the existing funds to be cut.....so docare will continue to be funded by license fees alright.....but you won't see any increase in positions because the funding from the state's general fund will be cut.....so that is why I say no to license fees. I am steadfast against any kind of fee for a fishing license....its just another tax....the state has plenty enough money to fund enforcement, their annual budget is something like 5 or 6 million a year, a drop in the bucket even if the state doubled it...they can use funds from the general fund, afterall, we fishermen pay our taxes, and more than just fishermen benefit from a healthy reef, so everyone should pay, which we already do by means of taxes....the problem isn't a lack of funding, its a lack of will power on the part of the legislature to properly fund enforcement. the only way this could work is if it were put into writing (Statute), the docare's current budget "shall not be decreased"....and it would be nice if the leg and the governor showed some support for natural resources by MATCHING FUNDS GENERATED BY THE LICENSE FEE....challenge them to it.....so if docare's current budget is 5million and its in writing that it can't be decreased, and the fishing license generates 2 million and the state matches that with another 2 million....now all of a sudden you looking at an annual budget of 9 million...almost twice of what now exists.....but it all needs to be in writing. I've researched this issue in the past....I know how the state can charge for a rec. license and not be unconstitutional....but I'm not saying shiet cuz I don't think this bill should pass.....if DLNR cannot properly manage its commercial licenses, then how the hell do we expect them to manage rec. licenses?? we got commercial fishers returning to our harbors with lobster during closed seasons, they get cited, but nothing hap pens to their licenses..they just allowed to continue the raping.....so until dlnc gets its head out of there asses and FIXES that

issue.....da hell with rec. licenses. Recreational fishing licenses means we lose our right to sustenance. Yeah we all have FB and internet so for most of us an annual fee is nothing, but there are natives still out there who actually fish for food because that's their only means to eat. The sad part is they probably won't even get a chance to voice their opinions since life is hard enough trying to survive. It's recreation for most of us because we do it for fun, but those who do it purely for sustenance have the true right. Recreational Licenses will just turn all those natives into criminals. That's not even touching the cultural aspect of it...imagine paying a yearly tax to go to church...Then there is a problem with giving them more power over citizens. Once they have this program in place it will be easier for them to set even stricter rules later on, like limiting more areas where we can fish. Remember the hotel and condo owners have the money so a program like this gives them a chance to get a foothold into the system where they can start "buying" laws into their favor...I wanna preserve the fish and the reef, but I wanna preserve my rights as a native first These are some basic concerns from my unko and fellow fisherman!!! I'm all for conservation of land and sea natural resources, but where will the money go and how will it be used... I see you as a board member and sit chair on a lot of different type of conservation and environmental groups if u really like the Hawaiian waters replenish with life BAN LAY NETTING!!!! That is the source of all damage everything and anything swims in it baby, adult fish DIE once caught up in the net NO way of releasing or reviving fish when they check nets!!! LAY NETS =DEATH TRAP!!

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**LATE**

**cullen3**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 23, 2014 11:22 PM  
**To:** omhtestimony  
**Cc:** makaala@hawaiian.net  
**Subject:** Submitted testimony for HB1912 on Jan 24, 2014 11:00AM

**HB1912**

Submitted on: 1/23/2014

Testimony for OMH on Jan 24, 2014 11:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Makaala Kaaumoana	Hanalei Watershed Hui	Oppose	No

Comments: Testimony in opposition The traditional subsistence fishers of Hawaii should be exempted from any fees or licensing to conduct their constitutionally protected rights. This bill neither recognizes nor protects customary practices of Hawaii nei. This bill would preempt the Federal requirement to permit recreational fishers in Federal waters and thus eliminate much needed data collection regarding recreational fisher take. Hui Ho'omaluku i ka 'Āina is a taro root organization founded in the early 1980's by traditional practitioners of moku Halele'a to address threats and impacts to the natural and cultural resources of Kaua'i. Founded by farmers and fishermen, weavers and hunters, we seek to provide context for issues related to the ecology of our ahupua'a. The organization is an active advocate for those native things and ways that are disappearing. We are not a nonprofit, we are an activist organization. We do not whine and wait, we act.

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# FISHING TALES

with  
*Mike  
Sakamoto*

**LATE**

Testimony to the House Committee on Ocean, Marine Resources and Hawaiian Affairs  
January 23, 2014

Testimony in opposition to HB 1912, Relating to Fishing

To: The Honorable Faye Hanohano  
The Honorable Ty Cullen  
Members of the Committee

My name is Stefanie Sakamoto, and I am testifying on behalf of Fishing Tales with Mike Sakamoto, a company that was founded by my father in 1985. In addition to producing a fishing show in Hawaii for 18 years, Mike Sakamoto was a tireless fishing advocate, whose philosophy was the preservation of fishing rights and ocean resources for future generations.

We are in opposition to HB 1912, Relating to Fishing, as currently drafted. While we are not conceptually opposed to a saltwater recreational fishing license, we feel that this is an issue that has not been fully thought-through. For example, who would have to get the license? Would tourists have to get the license to fish on their vacation? Would children have to hold a license in order to fish with a bamboo pole for very small game? How much would this licensure cost, and how often would the license need to be renewed? Would fishermen who are already registered in the National Saltwater Angler Registry be required to hold this license as well?

Again, we are not opposed to the concept of a fishing license in Hawaii. We are simply concerned that many questions need to be answered. If this is a program that the legislature is interested in pursuing, a recreational saltwater fishing license should be used for education and research purposes.

Thank you for the opportunity to testify.

Mahalo,

Stefanie Y. Sakamoto



cullen3

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 23, 2014 9:58 PM  
**To:** omhstestimony  
**Cc:** livealoha.duke@gmail.com  
**Subject:** Submitted testimony for HB1912 on Jan 24, 2014 11:00AM

**HB1912**

Submitted on: 1/23/2014

Testimony for OMH on Jan 24, 2014 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
kalai dudoit	Individual	Oppose	No

Comments: I strongly oppose this bill hb1912. Aloha my name is kala'i Dudoit i am 16 years old and I reside in Waimanalo Oahu. By passing bill HB1912 you will not only take away my freedom but my happiness as well. Fishing has been apart of my life from a very young age and I was taught always to take care of the ocean and in return it would take care of me. passing HB1912 will do know good, it will only cause more illegal activity in the community. Instead of having non residents have a say in this issue, let the people of Hawaii speak and have a say. I Strongly oppose paying a fee to take part in a cultural activitie. Many foreigners say its time for change but in my eyes changing this will upset many people. I am a native Hawaiian and I was taught to be adaptive and to live off the land and ocean. There are many questions that i have.HOW can I live off the land?if I am being charged. What will the less fortunate or people who don't have money do? This is the one thing that makes Hawaii special being able to be self sufficient without the burden of paying. Passing this bill will only bring income in but will there really be a stop to over harvesting?. I feel that the residents of Hawaii nei and the native Hawaiians should be able to claim there soviernty in a situation such as hb1912. Instead of having to pay for a fishing lisencc crack down on DLNR employes have them show there presence more.I am at the beach everyday and I fail to see a dlNr officer, if I'm lucky I seen them 2 times outta month of going to the beach. the biggest problem we have is uneducated individuals such as non residents ruining it for those who are educated . I ask you with all the kindness of my heart to say no to bill hb1912 for the sake of freedom and the rights of the native Hawaiians and residents of Hawaii nei. The true born and raised residents

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**Sent:** Friday, January 24, 2014 12:12 AM  
**To:** omhtestimony  
**Cc:** makani.christensen@gmail.com  
**Subject:** \*Submitted testimony for HB1912 on Jan 24, 2014 11:00AM\*

**HB1912**

Submitted on: 1/24/2014

Testimony for OMH on Jan 24, 2014 11:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
makani	Individual	Oppose	Yes

Comments:

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Bill Status/Measure Status

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Hawaii Revised Statutes  
(contains 2013 Acts)

[Browse HRS Sections](#)  
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Search examples:

**fishing license** will search for the words fishing AND license

**fishing OR license** will search for the words fishing or license

**fishing - license** (minus sign) will search for the words fishing NOT license

**"fishing license"** (in quotes) will search for the exact phrase fishing license

Preview Submission

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Submitting Testimony for **HB1912**

Name:

Email address: **lmhubbard@hawaiiantel.net**

Testifying on behalf of:

Testifier position: **Support**

Testifying in person: **Yes**

Testimony file: No file attached.

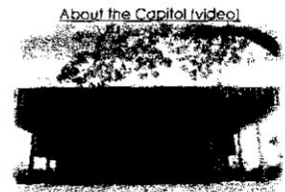
Comments

The recipients of licenses should attend classes on the fishing rules and regulations. Moreover, anyone using resources should be taught the proper way to remove any resources from the ocean. Our limu beds have been devastated by abusive gatherers. At Makapuu I saw a kane using baby fish as bait which made

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Rules priorities: Niihau, Opihi, Aquarium

Standardize Permits Licenses

Minimum size for ahi

community based fishing areas

subistence fishing

Aha Moku = consultation process

Hanohano - Outsiders want to recolonize Hawaii?

Hanohano - not accepted by community

Erin not local