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# RPL Report FAQs

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## What is the Report entitled “Feasibility of a Non-Commercial Marine Fishing Registry, Permit, or License (RPL) System in Hawai‘i”?

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- It is a report that explores the potential benefits and impacts of different forms of a non-commercial marine fishing registry, permit, or license system for the State of Hawai‘i.
- It specifically evaluates the different options against the 3 objectives (defined below) and comments on some of the pros and cons of a pursuing such options for Hawai‘i.
  - Objective 1:** Provide additional and more robust data to support fisheries management;
  - Objective 2:** Foster more two-way dialogue between fishers and managers; and
  - Objective 3:** Create sources of independent, continuous funding to support effective fisheries management and enforcement.
- The report does not identify a preferred option or recommend that a specific system should be created.

## What aspects of a RPL System are addressed in the report?

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- **RPL Systems in other States** – The report highlights the basic systems for saltwater fishing in other coastal states and includes information obtained from interviews with fisheries managers from those states;
- **Specific fisher groups** – The report includes findings from a few additional fisher groups that represent unique perspectives not captured by Study Group composition;
- **Unique legal issues** – The report includes analyses of unique issues of Hawai‘i law and Native Hawaiian traditional and customary rights.
- **Financial impacts** – The report includes a financial analysis of different system options;
- **Recommendations** – The report includes group-supported conclusions and recommendations about this topic for the general public and decision makers (including the Department of Land and Natrual Resources (DLNR) and legislators) to use as a reference for any future efforts on this topic.

## Who wrote the report and how was it developed?

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- Conservation International Hawai‘i and the Western Pacific Regional Fishery Management Council invited a small but diverse group of fisheries resource managers, experts, and

representatives from various fisher organizations and nongovernmental groups interested in fisheries.

- Facilitated by Peter Adler and Keith Mattson of the Accord 3.0 Network, this Study Group met approximately once/month for most of 2016 (8 months) to learn about and discuss the many aspects of RPL Systems.
- Experts also gave presentations to the group on specific aspects of RPL Systems.

### If the report does not make a recommendation or identify a preferred option, what is the point?

- The report identifies areas of alignment and shared goals for a diverse set of people who are interested in ensuring abundant fisheries and non-commercial fishing traditions for future generations in Hawai'i.
- The conclusions and recommendations in the report are supported by this diverse set of people and are intended to support informed discussions about this issue in the future, in the general public and among policy makers in Hawai'i.

### This topic has been around for years. What does this report offer that is new or different?

- The report includes a detailed legal and financial analysis of issues that have been major points of dispute in the past.
- The report may not resolve these issues for everyone, but it provides information about these questions that has not been widely available in the past.

### For example:

#### Would a non-commercial fishing RPL violate the Hawai'i Constitution?

Unlikely. The public's right to freely use marine fisheries and fishing grounds is subject to the State of Hawai'i's right to regulate that use.

#### Would a noncommercial fishing RPL violate the traditional and customary rights of Native Hawaiians?

Not necessarily. It would depend on how the RPL system was designed.

#### Why should fishers pay RPL fees that DLNR or the Legislature will just use for other programs & projects?

Federal and state law require that RPL fees collected by DLNR must be used in a way that specifically benefits fishers. The fees cannot be used to support programs or projects that are not related to fishing.

#### Won't the Legislature just sweep RPL fees into the General Fund?

Federal and state law would require RPL fees to be deposited into the Sport Fish Special Fund. If the Legislature swept those fees into the General Fund, Hawai'i would risk losing ~\$3.5M/year in federal funds, which is ~40% of DAR's annual budget.

#### There aren't enough non-commercial fishers to make creating a fee-based RPL system worth it. It would never generate enough money to support projects that would benefit fishers.

It will always depend on how many fishers participate and what the start-up and maintenance costs actually are, but the Study Group reviewed an analysis that showed it is possible to design

a system that could cover its start-up and maintenance costs by charging less than \$2 to approximately 158,000 non-commercial fishers each year. It showed it is also possible to design a system that could generate annual revenue for fishing projects and programs, for example, by charging resident fishers \$5/year and non-resident fishers \$25/year.

### What happens now?

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- The report includes a number of recommendations about outreach, additional research and information gathering, funding considerations, a possible advisory board, Native Hawaiian rights, enforcement, and other issues.
- The report specifically recommends that decision makers and policy makers undertake extensive outreach, consultation, and discussions with affected stakeholders statewide before and as part of any decision-making process on this topic.
- The report is available for DLNR to inform any future actions or efforts on this topic.
- The report is available for anyone from the public or for any decision maker. It is designed to help inform future endeavors; however, it is up to decisions makers to decide what, if any, action they will to pursue.

### Can DLNR impose a non-commercial marine fishing license tomorrow?

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- No.
- If DLNR chooses to pursue a non-commercial marine fishing license, it needs to secure the statutory authority from the Legislature to issue a non-commercial marine fishing license.
- If it does secure the authority to issue licenses, DAR would have to initiate a rulemaking process to provide details about the license and how it would work.
- Both the legislative process and the rulemaking process would involve hearings that are open to the public and where anyone can attend and provide arguments for or against any proposed bill or rule.