

Study Group

Feasibility of a Noncommercial Marine Fishing License in Hawai'i

Charter of Commitments

I. Purpose of the Charter.

This document describes the purpose and procedures of the Study Group for determining the feasibility of a noncommercial marine fishing license in Hawai'i being conducted during 2016. The Charter serves as a "terms of reference" document and is intended to help us meet our aspirations and schedules and engage in disciplined and productive discussions. It is flexible and can be amended or changed by a majority of Study Group members.

II. Mission.

The project, funded by grants from federal and local funders but conducted independently, brings together knowledgeable scientific, technical, policy, and stakeholder group perspectives to try to answer the following questions:

1. What purposes and goals are to be served by creating a State of Hawai'i noncommercial marine fishing license, registration, or permitting system?
2. What are the different options and models to consider for Hawai'i and what are the respective pros and cons for each?
3. How would each of options benefit and impact different stakeholder interests in Hawai'i?
4. Is there one option that maximizes potential benefits and minimizes impacts to Hawai'i's of all or most stakeholders?
5. If there is a possible "yes" to one or more options, what should be done to enact one of them?

These questions are subject to further refinement during the deliberations.

III. Membership.

Members of the JFF Study Group are:

1. Joshua DeMello - Western Pacific Regional Fishery Management Council
2. Christopher Hawkins, Ph.D. - Western Pacific Regional Fishery Management Council, Social Scientist
3. Jack Kittinger, Ph.D. – Conservation International, Hawai'i Program Director
4. Aarin Gross, J.D. – Conservation International, Hawai'i Program Manager
5. Eric Co – Harold K.L. Castle Foundation, Senior Program Officer for Marine Conservation
6. Phil Fernandez – Hawai'i Fishermen's Alliance for Conservation and Tradition, President
7. Ed Watamura – Waialua Boat Club
8. Frank Farm – Ali'i Holo Kai Dive Club
9. McGrew F. Rice – Ihu Nui Kona Sportfishing
10. Kevin Chang – Kua'aina Ulu Auamo (KUA)
11. Dave Itano – Fisheries Consultant (OHA)?

Ex Officio members who bring specialized knowledge and expertise to the table are:

12. Wayne Tanaka - Office of Hawaiian Affairs
13. Bruce Anderson – Division of Aquatic Resources, Administrator
14. Alton Miyasaka – Division of Aquatic Resources, Fisheries Program Manager
15. Michael Fujimoto – Division of Aquatic Resources, District Program Manager
16. David Sakoda, J.D. – Department of Land and Natural Resources, Marine Law Fellow

Additional Study Group members, including ex officio ones, may be added. Others may be asked to provide information and perspectives or serve as liaisons to the JFF effort.

IV. Organization and Coordination.

The project will be facilitated by Peter S. Adler, PhD and Keith Mattson of *ACCORD3.0*. Matt Ramsey, NOAA Hawai'i Fisheries Extension Agent will assist with facilitation and technical support. Jhana Young and Aarin Gross from Conservation International will assist with research, project administration, and logistics.

The job of the Project Team is to help the Study Group to address key issues and come to the highest possible consensus. As part of the effort, the Project Team will facilitate a Joint Fact Finding (JFF) process on specific issues identified by the Study Group with the goal of

aiding the development of consensus findings and recommendations. Adler, Mattson and the team will help the Study Group prepare for and manage meetings, help identify and prioritize critical issues, organize study materials, and chair the deliberations so that the JFF's purposes are accomplished and summarized in a final report. More specifically, the team can be expected to:

- Ensure that a reasonably diverse range of knowledgeable perspectives is brought to bear on discussions.
- Ensure that no one group or person is allowed to hijack or dominate discussions or to disadvantage the expression of other perspectives.
- Encourage all members of the Study Group to articulate their questions, concerns, and suggestions to produce a comprehensive group effort
- Remain impartial on the substance of the issues being discussed while proactively ensuring that all Study Group members collectively prioritize which issues are most important to study and discuss.
- Ensure that members of the Study Group understand that they cannot use Adler and his team to advance any pro- or con- advocacy agendas.
- Encourage members of the Study Group to work together, build and maintain cohesion, and work towards the highest levels of congruent, fact-informed conclusions that can be achieved.
- Encourage the fullest disclosure and exchange of information vital to accomplishing the Study Group's three goals.

V. The Spirit of the Process.

For the Study Group and the project team, this will be a collaborative and non-adversarial process. It will not pit one orientation or faction against others. Instead, it will involve mutual inquiry and collective dialogue where each member is guided by the following principles: (1) be tough on the problems; (2) be easy and collegial with each other; (3) focus on the best data and evidence available while understanding that much data remains incomplete; and (4) be willing to modify personal and collective views when the cumulative evidence points in a different direction than you thought.

VI. Rules of the Road.

1. **KNOWLEDGE.** Study Group members are chosen for their (a) diverse types of knowledge, experience, and expertise in areas related to noncommercial fishing

activities or marine resource management, policy, or research; and (b) their commitment to work collaboratively with others.

2. **VOLUNTEERS.** Members of the group serve as volunteers and commit to serve for an expected six or more meetings in 2016. Homework between meetings will also be needed.
3. **COLLABORATION.** The JFF is a cooperative and non-adversarial evidence-based inquiry. This means the group works together towards the common goal of answering the questions it was formed to address. It requires substantive, procedural, and social introspection and a willingness to assume good intentions when disagreement arises. Candor is prized but courtesies and etiquette conducive to high quality deliberation are essential, i.e. sharing airtime; not monopolizing discussions; focusing on factual information; listening to others; staying on topic.
4. **WILLINGNESS TO ASSUME RESPONSIBILITIES.** JFF Study Group members may be asked to present materials, recruit speakers, research issues, draft sections of reports, or perform other tasks for the project. While every effort will be made to distribute workloads and respect individual members' availabilities, the success of the effort depends on all members having their oars in the water.
5. **NO ALTERNATES.** While every effort will be made to schedule briefings and meetings at a time convenient to most members, continuity of learning will be important. It is understood that Study Group members may have to miss a meeting or two but may not send alternates.
6. **BETWEEN MEETINGS.** As needed, the Study Group and/or the Project Team will hold teleconferences, webinars or briefings with other experts between meetings.
7. **LOCALE.** All Study Group meetings will be held on Oahu.
8. **MEETINGS.** Most of the Study Group's meetings will be held as executive session deliberations. Unless invited for a specific reason by the group, these meetings will not be open to observers. However, invitational listening sessions and, budget allowing, public sessions on all islands are anticipated.
9. **DOCUMENTATION.** Jhana Young will serve as the project's official documentarian. She will keep an official set of meeting notes. These notes are for the Study Group's use only. Jhana may audio-record some discussions for purposes of creating accurate notes but audio recordings will be erased once the meeting records have been circulated. No individual or organizational attributions of comments will appear in the notes.
10. **CONFIDENTIALITY.** With minor modifications, the Study Group will utilize the Chatham House Rule (see <https://www.chathamhouse.org/about/chatham-house-rule>). To encourage open and risk-free give-and-take conversations, Study Group

discussions will be confidential unless otherwise agreed to. As a matter of good faith and to avoid distraction, Study Group members and the Project Team will withhold public comments and personal evaluations about Study Group composition, and the content and process of the Study Group's deliberations until the project is completed. This also means not blogging or writing about what is progressing. It is understood that Study Group members may want to brief groups they represent from time to time, and the Project Team will draft period Project Updates for that purpose.

11. **PUBLIC STATEMENTS.** No member of the Study Group will speak for the Study Group except Adler or Mattson. Wherever possible, requests by the media or political leaders for comments will be vetted with the Study Group. Adler and Mattson will not characterize the substance of the deliberations other than to describe progress with the process.
12. **SECURE INTERNET.** The Project Team will create a secure and proprietary internet site specifically for the JFF group members and project staff to exchange or read documents and engage in information exchange.
13. **MUTABILITY.** These rules of the road may be expanded or changed by the group.

VII. Decision Making.

There will be numerous small and large decisions to be made. Procedural decisions may range from the locations, dates and times of meetings to matters of research. Substantive decisions will range from the priority of issues to be studied, the specific studies to be discussed, and recommendations as to future studies and methodologies that should be provided to relevant decision makers following this study.

Wherever possible, the Study Group will operate by the highest consensus possible. Consensus decisions are those everyone in the Study Group can support, or at a minimum, for which there is "no objection." If, after discussion, consensus proves impossible, the Study Group will take votes of those voting members who are present, which will be recorded. Organizations with more than one member (such as Conservation International and Western Pacific Regional Fishery Management Council) will get only one vote per organization. *Ex officio* members, such as Department of Land and Natural Resources and Division of Aquatic Resources, will not vote. Major concluding decisions will be deferred until all members of the Study Group are present, or a vote can be done by teleconference, or by e-mail.

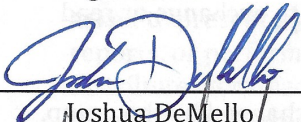
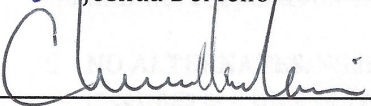


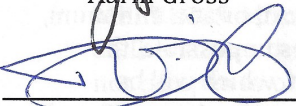
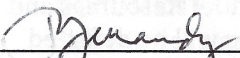
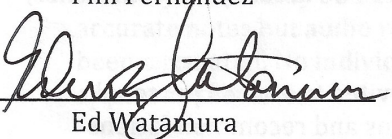
Each member of the Study Group who wishes will also be invited to write a personal concluding statement regarding the process and the decisions and recommendations made. The personal statements will be limited to a maximum 1,500-word count, and will be made available as part of the Final Report.

VIII. Schedule.

With flexibility, and subject to revisions, the Study Group will meet for at least six anticipated meetings at dates and times to be established beginning May 20, 2016 and ending by December 31st.

IX. Inquiries

Inquiries about the project and the process may be directed to: Peter S. Adler, PhD at padleraccord@gmail.com. Adler can also be reached at 808-888-0215.

<i>Signatures</i>	<i>Date</i>
 _____ Joshua DeMello	<u>06-28-16</u>
 _____ Christopher Hawkins	<u>6/28/16</u>
 _____ Jack Kittinger	<u>28 June 2016</u>
 _____ Aarin Gross	<u>6/28/16</u>
 _____ Eric Co	<u>6/28/16</u>
 _____ Phil Fernandez	<u>6/28/16</u>
 _____ Ed Watanura	<u>6/28/16</u>

Frank Farm

McGrew Rice



Kevin Chang

6/28/16



Dave Itano

6/28/16

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