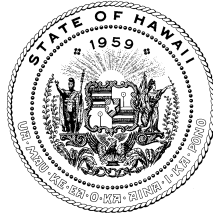


LINDA LINGLE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 5, 2009

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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

Aloha Hawaii's Commercial Marine Licensee:

In April, the Department of Land and Natural Resources (DLNR) announced to our commercial fishing community that, starting June 15, 2009, we will initiate enforcement actions through the newly-established Civil Resource Violations System (CRVS) against those commercial fishers who fail to turn in complete and timely fish catch reports in violation of our law and license terms. Fishers can avoid CRVS penalties by filing catch reports before the monthly deadline.

The purpose of this second letter is to address some of your concerns and encourage further public input and discussion. We strive to work in partnership with you and the community. That is why, on the back-side of this letter, we list answers to some of the common questions DLNR has received recently. You may also read the May 2009 issue of the Hawaii Fishing News, which features an article on this particular project. Visit DLNR's and DAR's websites to obtain information on the CRVS, the penalty schedule, and commercial marine license regulations.

We appreciate all the phone calls, e-mails and letters with considerate feedbacks that we received in the past month. In the mean time, we were able to assist many licensees who responded to our message by checking on their individual licensing status and reporting records. As a result of your cooperation and timely filing, April statistics have started to show a higher compliance rate – a sign of improvement from the downcast trend in the past years.

The process to listen to the community and address your concerns is never closed. If you have questions about the civil enforcement process, please contact the DLNR Administrative Proceedings Office at 808-587-1496. For inquiries on commercial fishing and your individual licensing and reporting issues, please contact the Division of Aquatic Resources (DAR) at 808-587-0108 or 808-587-3397.

Sincerely Yours,

A handwritten signature in black ink, appearing to be "LH Thielen", written over a horizontal line.

LAURA H. THIELEN
Chairperson
Board of Land and Natural Resources

Questions & Answers: Some Common Questions Recently Raised by Commercial Fishermen

Q1: Does DLNR offer Internet online filing of the CML fishing catch report?

A: We understand that online filing is convenient for both the fishermen and DLNR, and will promote compliance. DLNR is currently working with our system management service provider toward that goal, and we anticipate the system will be up and running later this year.

Q2: Suspension and revocation of a CML is a big concern. How will DLNR handle that?

A: DLNR realizes that suspending or revoking a CML will affect our fishers' livelihood and their families, and DLNR will suspend or revoke only when necessary and in a manner fair to all licensees. In addition, any suspension or revocation must be approved by the Chairperson, and the fisher subject to the suspension or revocation may contest such a decision. Nonetheless, these enforcement tools are important to target those repeat offenders and those who choose to ignore the violation notices and refuse to come to compliance.

Q3: People can easily forget to file once a while. Shouldn't DLNR consider that?

A: We understand that people may simply forget, and that is why we set the initial fines at a very low level (\$15 max. if complied within 21 days of notice). Even if there is a second offense, the fine is still very low (\$25 max. if complied within 21 days) compared with criminal fines traditionally set by state court judges. We also let a violator to come out to a clean slate if the fisher complies in three consecutive months – meaning you are not a repeat offender if your last violation happened four months ago. The violation record won't go into the next licensing year, either. The penalties are listed in this chart:

Delinquency	Monetary Penalty		Other Penalty
First Delinquency	<u>\$15</u> Within 21 days	<u>\$30</u> After	Must submit catch report; possible suspension of license
Second Delinquency	<u>\$25</u> Within 21 days	<u>\$50</u> After	Must submit catch report and sales receipts; possible suspension of license
Third Delinquency	<u>\$100</u> Within 21 days	<u>\$200</u> After	Must submit catch report and sales receipts; possible suspension and revocation of license

Q4: What if someone files a late report because of a legitimate reason like a health issue?

A: We recognize that people sometimes file late for good reasons. That is why we have set our system in a way to allow people to easily request for mitigation. If you believe you have a legitimate reason for filing late, you may answer the violation notice, check the box requesting "mitigation," include a statement to explain the circumstances, and attach any evidence you may have. There is no hearing you will need to go to. Our departmental hearings officer will examine your request, render a decision, and may sustain or reduce the fine, or simply dismiss the case. Remember though, you must still file your back report ASAP.

Q5: Why doesn't DLNR just give a warning to those first-time violators and let them go?

A: We've given fair warnings many times in many cases already, and this practice wasn't effective. It is time to get serious with the fines. We are also sending letters to prepare every fisher well ahead of the implementation and have made sure to set the initial fines at a very low level.

Q6: What should I do if I will be out of state for an extended period of time and won't be fishing here in Hawaii?

A: In that case, you should send the no-fishing report cards to DAR in an envelope for all the months you will be out, and attach a statement that you will be out of state for that period of time and won't be fishing in the State's regulatory waters. You should do this before you leave the state.