

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committee on
FINANCE

Thursday, February 25, 2021
11:00 AM

State Capitol, Via Videoconference, Conference Room 308

In consideration of
HOUSE BILL 1016, HOUSE DRAFT 1
RELATING TO THE TAKING OF MARINE LIFE

House Bill 1016, House Draft 1 proposes to clarify that a valid commercial marine vessel license shall satisfy the commercial marine license requirement for all persons taking marine life for commercial purposes aboard a validly licensed vessel; and requires any person who provides fishing charter services to obtain a commercial marine license. **The Department of Land and Natural Resources (Department) strongly supports this Administration measure and offers the following comments.**

Currently each individual on a fishing vessel must have the individual's own commercial marine license (CML) to participate in a commercial fishing trip (where any portion of the catch may be sold). This places logistical and financial burdens on vessel captains when part-time crew members are needed for a commercial fishing trip, or when unscheduled or infrequent visitors are invited aboard. It also leads to confusion regarding who is responsible for submitting commercial catch reports for fishing activities onboard the vessel.

The Department intends to amend its CML rules to establish a new commercial marine vessel license (CMVL) category. The CMVL, which would cover everyone onboard under one license and eliminate the need for individual licenses, would be more convenient and cost-effective for Hawaii boat-based fishers. The CMVL rules would clarify who is responsible for submitting catch reports for the vessel.

The measure also provides clarification and consistency regarding the CML requirement for fishing charter services. Current statutory wording expressly requires vessel-based charters to obtain a CML. It is unclear however whether shore-based charters are also required to obtain a CML. The measure would clarify that any person providing fishing charter services, whether vessel-based or shore-based, must first obtain a CML. This will allow the Department to better understand and manage marine charter fishing activities in the State.

Thank you for the opportunity to comment on this measure.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

HB-1016-HD-1

Submitted on: 2/23/2021 11:27:31 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephen Lee	Waialua Boat Club	Support	No

Comments:

The members of the Waialua Boat Club, the oldest boat club in Hawaii, strongly support HB 1016 HD1 and respectfully urge the committee to pass this measure.

Mahalo for allowing us to testify in this matter.

House Committee on FINANCE

February 25, 2021 11:00 am

House Bill 1016, HD1: Relating to the Taking of Marine Life

Chair Luke, Vice Chair Cullen, and members of the Committee, my name is Brooks Takenaka, General Manager of the United Fishing Agency aka the Honolulu Fish Auction.

We strongly support HB 1016, HD1.

HB 1016, HD1 will allow Department of Land and Natural Resources/Division of Aquatic Resources to establish a “vessel” commercial marine license (“CMVL”) that will satisfy an individual’s licensure requirement if aboard a valid licensed vessel.

A vessel’s “CMVL” will simplify the licensing requirements, be a more efficient permitting system and improve catch reporting. We ask for your favorable consideration that will support Hawaii’s fishermen and commercial fishing enterprises which provide fresh, high quality seafood that’s critical to our local food security and provides many cultural and economic benefits to the state.

Mahalo for this opportunity to testify and share our views in support of HB 1016, HD1.

HB-1016-HD-1

Submitted on: 2/23/2021 5:29:02 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
James Silva	Waialua Boat Club	Support	No

Comments:

I strongly support this bill

HB-1016-HD-1

Submitted on: 2/24/2021 9:54:38 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sean C. Martin	Vessel Management Associates, Inc.	Support	No

Comments:

Dear Committee Members:

Vessel Management Associates, Inc. is in full support of HB1016.

Sincerely,

Sean C. Martin

President



February 24, 2021

HOUSE OF REPRESENTATIVES
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2021

Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair
COMMITTEE ON FINANCE

DATE: Thursday, February 25, 2021
TIME: 11:00 a.m.
PLACE: VIA VIDEOCONFERENCE

TESTIMONY IN **STRONG SUPPORT** WITH AMENDMENTS OF HB1016 RELATING TO
TAKING OF MARINE LIFE

Aloha Honorable Chair Luke, Vice Chair Chang and Members of the Committee,

HFACT is a not-for-profit, IRS 501c (5) organization, that advocates for small boat commercial, non-commercial, and recreational fishermen throughout Hawaii. HFACT board members sit on a number of international, regional, and federal fisheries management and endangered species advisory committees as well as state marine, coastal zone, and fisheries advisory committees and working groups; and, HFACT is thoroughly familiar with and participates in ocean and marine resource management in Hawaii and the western and central Pacific.

HFACT STRONGLY SUPPORTS HB1016 that provides the state’s small boat community with a practical solution to the current Commercial Marine License (CML) rule that is extremely burdensome. Currently, every person aboard these small vessels that sell its catch must each hold a current CML currently costing \$100 annually. These small vessels are typically crewed by friends, family, visiting family or friends, creating an extensive universe of potential crewmembers requiring CMLs. For example, a fisherman who currently has five friends and/or family and occasional visiting family or friends who join him on a fishing trip, and because he sells of his catch, he is required to obtain a CML for each of them. These uncompensated crewmembers may take a fish or two for the trip. Once licensed, they are now subject to reporting monthly their CML activity even if they only took one trip during the year. The CML license holder must file a monthly report for every month he/she does not fish, known as a “Did Not Fish” report. Failure to file the monthly report triggers a fine of, at least, \$25 for each month that a Did Not Fish report is not filed. Failure to pay the non-filing fine could result in permanent revocation of the CML. These CML holders do not sell the catch and only the vessel owner reports the catch, thus the current requirement creates a universe of unnecessary CML holders.



The proposed vessel based Commercial Marine Vessel License (CMVL) is a practical solution and reduces the financial burden upon the vessel owner or captain as he would otherwise be required to pay the \$100 each for a CML for each crewmember instead of a single CMVL at a fee higher than an individual CML that will account for all crewmembers aboard also eliminating the universe of unnecessary CML holders and resultant paperwork.

Thank you, Chair Luke , Vice-chair Cullen, and committee members for this opportunity to provide testimony on this critically important matter that can affect the future of our fisheries, fishing and boating communities.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Phil Fernandez', is placed over a light-colored rectangular background.

Phil Fernandez
President

HB-1016-HD-1

Submitted on: 2/24/2021 10:02:03 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
James D. Cook	POP Fishing & Marine	Support	No

Comments:

Dear Committe Members:

POP Fishing & Marine is in full support of HB1016.

Sincerely,

James D. Cook

President

HB-1016-HD-1

Submitted on: 2/24/2021 10:18:05 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kerry A. Umamoto	Hilo Fish company, Kona Fish Company, Tropic Fish Hawaii, Tropic Fish Maui, Tropic Fish Kauai	Support	No

Comments:

Dear Committee Chair,

thank you for looking at this bill. all of our companies support this bill and appreciate all the time spent to try to streamline processes and looking to make it more efficient while protecting our local fishery.

Aloha

Kerry Umamoto



LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

To: The Committee on FINANCE

Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

LATE

Re: HB1016 RELATING TO THE TAKING OF MARINE LIFE

Position: SUPPORT WITH AMENDMENT

Hearing Date: Thursday, February 25, 2021 11:00 a.m. Via Videoconference

Aloha Chair Luca, Vice Chair Cullen and Committee members,

The members of the Legacy Reef Foundation support HB1016 with amendment.

We feel the bill supports the fishing industry but should be amended to say: If there are outstanding violations for illegal taking of marine life, vessel and other commercial marine licenses shall be revoked.

Sincerely,

Bill Coney
Co-Founder
Legacy Reef Foundation

HB-1016-HD-1

Submitted on: 2/23/2021 11:33:50 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
C. Pang	Individual	Support	No

Comments:

Members of the House Committee on Finance:

I support passage of HB1016 with one reservation, that being that HB1016 should be amended to include some guidance for setting the cost of the new Commercial Marine Vessel License (CMVL) so that the cost not injure the "many small-scale commercial fishers" HB1016 intends to unburden.

In view of the fact that the small size of the boats used by many of these small-scale commercial fishers limits both crew size and amount of catch, even when weather permits them to fish, with no guidance for setting CMVL fees, such fees - if based on large-scale full-time fishers - will overburden rather than unburden the small-scale part-time commercial fishers. For example, I fish with one other person aboard so our present license cost is \$200. Space limitations aboard my small boat might allow me to infrequently invite one other person to accompany us for a present license cost of \$300. After keeping some of the catch to feed one's family, a small-scale commercial fisher's sales income for the year might total just a few hundred dollars, so a CMVL fee of several hundred dollars or more would cause that fisher to lose money and could even drive that fisher out of the fishery, thus creating a monopoly for the large-scale fishers who can afford to pay higher CMVL fees. That end result is not consistent with the intent of HB1016 to unburden the small-scale commercial fishers.

I request that HB1016 be amended to include guidance that CMVL fees be based on either boat size or annual sales, both of which are readily available through boat registrations or sales reports. For example, the CMVL could be set at \$10 per foot of boat length, or a percentage of the previous year's sales. Either would be more equitable to both small- and large-scale commercial fishers and, at least in my case if not all cases, prove to be revenue neutral to the State.

My reason for asking that HB1016 be amended to include fee guidance, as above, is rooted in past experience. I harken back to over a decade ago when Ko Olina abruptly closed the public boat ramp required of it by conditions of its land use permit. Esteemed leaders of the boat fishing community led an effort to restore public use of the launching ramp, testifying before the Land Use Commission. Eventually, with help from the Office of Planning, the fishers prevailed and Ko Olina was required to make a launch ramp available to the public. That seeming win for the boating public turned out to be a

Pyrrhic victory, however, because neither the boating leaders nor the LUC looked beyond the seemingly straightforward effort to restore public access to a launch ramp at Ko Olina. It turned out that Ko Olina would delay opening a ramp to the public for four years and even then, hamper easy public access with registration requirements and limited hours, as well as the need to call ahead for reservations and pay a fee for each and every usage. The LUC and the boating public were powerless to do anything about that, in part because the settlement agreement provided no guidance on timetable or fees or access.

Therefore, even though I understand the impetus to just pass the CMVL first and worry about the fee(s) later because the fee(s) for an approved CMVL would be subject to Chapter 91 procedures and hearings, I fear that without the force of the House providing fee guidance, especially from the FIN, the small-scale commercial fishers (the intended beneficiaries of HB1016) would be left out in the cold, powerless to effect equitable fees for the CMVL, just as happened before. I note that the DLNR only a few years ago doubled the CML fee and that sudden 100% increase should raise concern for what a CMVL fee might be without fee guidance in HB1016.

I hope the FIN Committee will see the rationale for and thus amend HB1016 to provide fee guidance.

February 23, 2021

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Ty J.K. Cullen, Vice Chair

Rep. Patrick Pihana Branco

Rep. Amy A. Perruso

Rep. Stacelynn K.M. Eli

Rep. Jackson D. Sayama

Rep. Daniel Holt

Rep. Adrian K. Tam

Rep. Greggor Ilagan

Rep. Tina Wildberger

Rep. Bertrand Kobayashi

Rep. Kyle T. Yamashita

Rep. Lisa Marten

Rep. Bob McDermott

Rep. Scott Y. Nishimoto

NOTICE OF HEARING

DATE:

Thursday, February 25, 2021

TIME:

11:00 a.m.

PLACE:

VIA VIDEOCONFERENCE Conference Room 308 State Capitol 415 South Beretania Street
THE

RE: HB1016 HD1 RELATING TO THE TAKING OF MARINE LIFE – STRONG SUPPORT

Clarifies that a valid commercial marine vessel license shall satisfy the commercial marine license requirement for all persons taking marine life for commercial purposes aboard a validly licensed vessel. Requires any person who provides fishing charter services to obtain a commercial marine license. Effective 1/1/2050. (HD1)

Chair Luke, Vice Chair Cullen, and Members of the House Committee on Finance:

Thank you for this opportunity to submit testimony in **STRONG SUPPORT** of this measure that has been before this legislature for the past four sessions that I can remember and failing a fair hearing about the economic hardship this arcane requirement on the smallboat fishing community to have each individual aboard a vessel that sells its catch having to hold a valid State Commercial Marine License (CML). The current CML is \$100/ year and was to be increased to \$150-200 in 2020 but with the pandemic, we were spared an increase. This bill asserts:

“This places logistical and financial burdens on vessel captains when part time crew members are needed for a commercial fishing trip, or when unscheduled or infrequent visitors are invited aboard. It also leads to confusion regarding who is responsible for submitting commercial catch reports for fishing activities on board the vessel.”

We smallboat fishermen rely upon a rotating stand-by list of crew members as an individual’s availability to go fishing on a moment’s notice requires a broad list of potential crewmen. The pandemic exacerbated

the availability problem in 2020 especially with older crewmembers as they feared for their health and well-being resulting in fewer fishing trips and lost revenues for the captains.

Currently this list of crewmen holding CMLs presents an administrative burden on the DAR by issuing fines on unfiled Fishing Reports and having to do subsequent research of CML holding crewman who did not submit "Did Not Fish Reports" but were reported by a Captain on his catch report to have fished with him. Also, it is only the vessel Captain that reports the sale of the catch making it unnecessary for a crewman from filing one.

Therefore, I humbly request that this bill be given a chance during this legislative session as we have all learned the importance of our smallboat and vessel-based fisheries on Hawaii's "blue economy" that provides jobs for the fishermen, the supporting industries and food for the community in its broadest sense. Our families, crews, neighbors and friends all benefit from the catch aboard our vessels that was exemplified by the sharing demonstrated during this pandemic when incomes are short or non-existent BUT there was fish on the table. Please support the passage of this measure for passage during this session.

Thank you again for this opportunity to testify in strong support of this long overdue measure. Mahalo a nui loa!

Respectfully yours,

Roy N. Morioka
CML Holder

HB-1016-HD-1

Submitted on: 2/23/2021 12:08:34 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ron Dellinger	Individual	Support	No

Comments:

I strongly support bill HB1016

HB-1016-HD-1

Submitted on: 2/23/2021 1:24:15 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Clay Tam	Individual	Oppose	No

Comments:

Dear Committee members,

As a holder of a State CML I strongly support this bill to streamline government oversight and reduce burden to commerical fishermen inorder to comply with existing State regulations.Thank you for hearing my testimony.

Sincerely,

Clay Tam

Fishermen, Taxpayer and voter

HB-1016-HD-1

Submitted on: 2/23/2021 1:57:03 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Troy A. Ogasawara	Individual	Support	No

Comments:

Dear Committee Members

As a CML holder, I STRONGLY support HB1016. Currently the regulations are overly burdensome, confusing and inefficient as clearly indicated in this bill. Although I own my own boat, I possess a CML primarily to support other captains as back-up crew on their boats. When captaining on my personal boat, I do not normally sell my catch. Because many in the small boat commercial fishing community rely on several crew members in order to get out on the water to "earn a living" requiring each person on the boat to have a license, is overburdensome. Fishing for a living involves many challenges. Passing this measure would streamline the process and remove unnecessary burden on the commercial fishing community.

Thank you for your consideration,

Troy Ogasawara

CML Holder

HB-1016-HD-1

Submitted on: 2/23/2021 10:36:43 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members,

Please support HB1016.

Thank you,

Andrea Quinn

HB-1016-HD-1

Submitted on: 2/24/2021 10:24:46 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Eric K. Isoda	Individual	Support	No

Comments:

I support HB1016 which will help to clarify any confusion and also simplify the processes when reporting catches. As a CML holder, it will also help me to secure other fishing crewmember(s) which is difficult to do in these COVID times.

Cates Marine Service, LLC
24 Sand Island Access Road
Box #27
Honolulu HI 96819
Ph. 808 841-4956
Fax 808 841-4957



February 24, 2021

HOUSE OF REPRESENTATIVES
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2021

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair

Rep. Patrick Pihana Branco	Rep. Amy A. Perruso
Rep. Stacelynn K.M. Eli	Rep. Jackson D. Sayama
Rep. Daniel Holt	Rep. Adrian K. Tam
Rep. Greggor Ilagan	Rep. Tina Wildberger
Rep. Bertrand Kobayashi	Rep. Kyle T. Yamashita
Rep. Lisa Marten	Rep. Bob McDermott
Rep. Scott Y. Nishimoto	

Subject: HB 1016 Marine Commercial License

Dear Committee Members,

I am in full support of HB 1016 to make changes to the Commercial Marine License in order for it to be one license for the vessel instead of each individual onboard. Under the current system it creates an overburdensome process that simply makes nearly all fisherman to break the law. Having one license for the vessel will simplify the whole process and make the data much easier for the DLNR as well.

I hope the committee members see that this bill will make the reporting process much more accurate and smother for all.

Sincerely

Randy Cates