

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committees on
JUDICIARY
and
WAYS AND MEANS

Tuesday, April 6, 2021
9:55 AM

State Capitol, Via Videoconference, Conference Room 211

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

House Bill 1016, House Draft 1, Senate Draft 1 proposes to authorize the Department of Land and Natural Resources (Department) to establish rules and fees for the issuance of a commercial marine vessel license; provides that a single valid commercial marine vessel license satisfies the licensure requirement for all persons aboard the licensed vessel; requires any person who provides fishing charter services to obtain a commercial marine license; allows marine charter fishing vessels to obtain commercial marine vessel licenses; and requires the Department to submit a report to the legislature regarding the status of its administrative rules establishing a new commercial marine vessel license category. **The 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

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

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.

HB-1016-SD-1

Submitted on: 4/1/2021 4:09:59 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Klayton Kubo	Individual	Support	No

Comments:

Support

HB-1016-SD-1

Submitted on: 4/3/2021 7:04:39 PM

Testimony for JDC on 4/6/2021 9:55:00 AM

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

Comments:

Aloha Senators of the Judiciary and Ways and Means Committees:

I strongly support HB1016 and urge you to pass it, especially since your own SB255, which is essentially the same as HB1016, languishes in committee.

I believe HB1016 is within the provenance of the legislature to pass, so JDC should have no objections. The fee for the proposed new Commercial Marine Vessel License would be determined by the DLNR in accordance with Chapter 91 and that process will hopefully lead to a revenue neutral outcome so the WAM should have no objections. My own concerns regarding the fee for the proposed CMVL, as detailed in my previously submitted testimonies, are that the fees be fair to the small boat part-time fishers, not based solely on the large full-time fishers. High fees would further burden the small boat part-time fishers rather than unburden them as this bill seeks to do.

I urge you to pass HB1016.

Mahalo,
Courtland Pang

April 5, 2021

[COMMITTEE ON JUDICIARY](#)

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

[COMMITTEE ON WAYS AND MEANS](#)

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

NOTICE OF DECISION MAKING

DATE: Tuesday, April 6, 2021
TIME: 9:55 a.m.
PLACE: Conference Room 211 & Videoconference
TIMESLOT: WAM

RE: HB1016 HD1 SD1 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)

Chairs Rhoads and DelaCruz, Vice Chairs Keohokalole and Keith-Agaran, and Members of the Senate Committee on Judiciary and Committee on Ways and Means

Thank you for this opportunity to submit testimony in **STRONG SUPPORT** of this measure that has been before this legislature for the past three sessions that I can remember and failing passage and the economic hardship this requirement has had 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 subject to future 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 because of this virus resulting in fewer fishing trips and lost income for the captains.

Currently this list of “crewmen” holding CMLs also presents an administrative burden on the DAR by having to investigate and verify “Did Not Fish Reports” by crewmen but were reported by a Captain’s Catch Report as crew. It is only the vessel Captain/owner who reports the sale of the catch making it unnecessary for a crewman from filing one.

Therefore, I humbly request that this bill passed during this legislative session as the importance of our smallboat fisheries to Hawaii's "blue economy" providing jobs for fishermen, supporting industries and food for the community. In addition to retail consumers who do not fish, our families, crews, neighbors and friends all benefit from the shared catch from our vessels as demonstrated during this pandemic where household income was short or non-existent.

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

Respectfully yours,

Roy N. Morioka
CML Holder



LATE

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

COMMITTEE ON WAYS AND MEANS

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RE: HB1016 HD1 SD1 RELATING TO THE TAKING OF MARINE LIFE – STRONG SUPPORT

Chairs Rhoads and Dela Cruz, Vice Chairs Keohokalole and Keith-Agaran, Members of the Senate Committees on the Judiciary and Ways and Means:

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 federal fisheries management and endangered species advisory committees as well as state marine and coastal zone advisory committees; 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 HD1 SD1** as it addresses a long outstanding concern held by Hawaii’s small boat and nearshore fishing communities with the necessity of requiring of each crew person aboard a fishing vessel or supporting another engaged in commercial fishing (for sale of the catch) to hold a Commercial Marine License (CML). At \$100 today with future increases anticipated this is an economic burden for commercial fishermen. As small business operators, these captains and individuals rely upon a rotating group of several individuals to be secured on short notice per trip and these escalating costs become increasingly operationally prohibitive. The current CML licensure requirement creates an additional burden when a child, relative, friend or visitor wants to join the fishing trip for a one-time event.

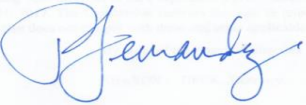
A Commercial Marine Vessel License (CMVL) as proposed is strongly supported by the boat-based commercial fishermen. It is also important to note that with the CMVL much confusion is eliminated as only the vessel owner/captain who sells the catch will be required to report the catch. The CMVL also relieves DAR staff from unnecessary research of “Did Not Fish” reports from crewmembers who are reported as crew on the captain’s Catch Report.

Hawai’i Fishermen’s Alliance for Conservation and Tradition, Inc.
75-796 Hiona Street, Holualoa HI 96725

We ask that your committees support these small businesses through relief from this burdensome expense and in recognition of their role on Hawaii's "blue economy" providing jobs, supporting downstream industries and food for the community as exemplified during this pandemic.

Thank you again Chairs, Vice-chairs, and Committee Members of the Senate Committees on the Judiciary and Ways and Means for this opportunity to testify in strong support of this long overdue measure. Mahalo a nui loa!

Sincerely and Aloha,



Phil Fernandez - President

LATE

Senate Committee on JUDICIARY / Committee on WAYS AND MEANS

April 6, 2021 9:55 am

House Bill 1016, HD1, SD1: Relating to the Taking of Marine Life

Chair Rhoads, Vice Chair Keohokalole, Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Committees, my name is Brooks Takenaka, General Manager of the United Fishing Agency aka the Honolulu Fish Auction.

We support HB 1016, HD1, SD1.

HB 1016, HD1, SD1, will allow the Department of Land and Natural Resources (DLNR)/Division of Aquatic Resources (DAR) to establish a “vessel” commercial marine license (“CMVL”) that will satisfy an individual’s licensure requirement if aboard a valid licensed vessel. This measure will also authorize the DLNR to establish rules and fees for the commercial marine vessel licenses.

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, SD1.