

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**

**Friday, February 21, 2020
12:00 PM
State Capitol, Conference Room 308**

**In consideration of
HOUSE BILL 2211, HOUSE DRAFT 1
RELATING TO COMMERCIAL MARINE LICENSES**

House Bill 2211, House Draft 1 proposes to require the Department of Land and Natural Resources (Department) to issue commercial marine licenses; provides that a commercial marine vessel license satisfies an individual's licensure requirement if aboard a licensed vessel; and requires any person who provides fishing charter services to obtain a commercial marine license. **The Department supports this 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 causes problems when random and infrequent visitors or part-time crew members are needed for a commercial fishing trip. The Department intends to amend its CML rules to establish a new Commercial Marine Vessel License (CMVL) category. The CMVL, which would cover everyone on board 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. In December 2017, the Board of Land and Natural Resources approved the rules for public hearing, subject to clarification that the Department has the statutory authority to create and issue CMVLs. This measure provides that authority.

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-2211-HD-1

Submitted on: 2/20/2020 10:03:23 AM

Testimony for FIN on 2/21/2020 12:00:00 PM

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

Comments:

Greetings Honorable Chair Luke and Members of the Committee on Finance:

I am the President of the Waialua Boat Club and write on behalf of our membership. We strongly support HB2211 as many of our members are full/part-time small boat commercial fishermen. HB2211 is a sensible and practical measure to improve the current Commercial Marine License which requires every member of a boat crew to have a license. Unless we fish alone, it is difficult to find licensed fishers to crew our trips. From the captain's view it is difficult finding knowledgeable, licensed crew persons if your regular crew is unable to fish, especially if the crew is only available for a few trips each year. This presents a financial burden for the captain whether to pay for the crew's license or go without a crew. Safety is also compromised when we either fish alone if we cannot find reliable crew or when an untested licensee joins the crew. The proposed CMVL process makes practical sense, relieves a financial burden, relieves the department of the burden to keep track of licensees who do not fish much and allows enforcement an easy way to monitor compliance.

Thank you for this opportunity to voice our concerns to your committee as we all search for better and efficient practices to improve our fishing communities.

Respectfully,

Stephen Lee, President



February 20, 2020

HOUSE OF REPRESENTATIVES
THE THIRTIETH LEGISLATURE
REGULAR SESSION OF 2020

COMMITTEE ON FINANCE

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

Rep. Stacelynn K.M. Eli	Rep. Nadine K. Nakamura
Rep. Cedric Asuega Gates	Rep. Scott Y. Nishimoto
Rep. Troy N. Hashimoto	Rep. Chris Todd
Rep. Daniel Holt	Rep. Tina Wildberger
Rep. Lisa Kitagawa	Rep. Kyle T. Yamashita
Rep. Bertrand Kobayashi	Rep. Bob McDermott
Rep. Scot Z. Matayoshi	

NOTICE OF HEARING

DATE: Friday, February 21, 2020
TIME: 12:00 P.M.
PLACE: Conference Room 308
State Capitol
415 South Beretania Street

TESTIMONY IN STRONG SUPPORT of HB2211 HD1 RELATING TO COMMERCIAL MARINE LICENSES

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

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 HB2211 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

Hawai'i Fishermen's Alliance for Conservation and Tradition, Inc.
98-1457-A Kaahumanu Street, Aiea, HI 96701



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. They also do not sell the catch and only the vessel owner reports the catch, 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, traditional fishing rights and marine resource conservation and management.

Sincerely,

Phil Fernandez
President



Roger Dang, President, Fresh Island Fish Co.

Committee: Finance

Committee Hearing Date/Time: February 20, 2020/Noon

To: Finance Committee Chair Luke, Vice-chair Cullen, Committee members

Bill: HB2211 HD1- in support

I fully support HB2211 because it would allow the Hawaii Division of Aquatic Resources (DAR) to establish a vessel Commercial Marine License (CML) that satisfies an individual's licensure requirement if aboard a licensed vessel. A Vessel CML simplifies the regulatory requirements, is a more efficient permitting system, and improves catch reporting. Implementing permitting regulations that are effective and efficient should be a goal of government. This bill is necessary to and provides DAR the ability to implement streamlined and effective CML requirements applicable to commercial fishing in Hawaii. As a business owner involved in Hawaii's seafood industry, I know first-hand that commercial fishing is critical to our local food security and provides many cultural, social, and economic benefits. Fresh Island Fish Co. buys fish directly from Hawaii's commercial fishermen, employs 100 people and has facilities on Oahu, Kauai, Maui, and the Big Island. This bill supports Hawaii's fishermen and commercial fishing industry which provides fresh, high quality seafood that is so important to our local way of life.

Mahalo for considering this testimony in support of HB2211 HD1.

Mahalo,

A handwritten signature in black ink, appearing to read "R. Dang", is written over the word "Mahalo,".

Roger Q. Dang



2312 Kamehameha Highway E-5
Honolulu, HI 96819
Phone (808) 591-2936
Fax (808) 591-2934

Committee: Finance

Committee Hearing Date/Time: February 20, 2020/Noon
Bill: HB2211 HD1

To: Committee chair Luke, Vice-chair Cullen, Committee members

I support HB2211 HD1 because it would allow the Hawaii Division of Aquatic Resources (DAR) to establish a vessel Commercial Marine License (CML) that satisfies an individual's licensure requirement if aboard a licensed vessel. A vessel CML would simply the regulatory requirements, be a more efficient permitting system, and improve catch reporting.

Implementing permitting regulations that are effective and efficient should be a goal of government. This bill is necessary to provide DAR the ability to implement streamlined and effective CML requirements applicable to commercial fishing in Hawaii.

As a business owner in the seafood industry, with over 90 employees on 3 islands, I know first-hand that commercial fishing is critical to our local food security and provides many cultural, social, and economic benefits. This bill supports Hawaii's fishermen and commercial fishing enterprises which provide fresh, high quality seafood that is so important to our local way of life. Thank you for considering this testimony in support of HB2211 HD1.

A handwritten signature in black ink that reads "Shawn A. Tanoue".

Shawn Tanoue

President

Tropic Fish Hawaii

Tropic Fish Maui

Tropic Fish Kauai

stanoue@tropicfishhawaii.com



Eric K. Kingma, PhD, Executive Director, Hawaii Longline Association

Committee: Finance

Committee Hearing Date/Time: February 20, 2020/Noon

Bill: HB2211 HD1- in support

To: Finance Committee Chair Luke, Vice-chair Cullen, and Committee Members

The Hawaii Longline Association supports HB2211 HD1 because it would allow the Division of Aquatic Resources (DAR) to establish a vessel Commercial Marine License (CML) that satisfies an individual's licensure requirement if aboard a licensed vessel. A vessel CML would simply the regulatory requirements, be a more efficient permitting system, and would not reduce revenue to DAR.

Implementing permitting regulations that are effective and efficient should be a goal of government. This bill is necessary to provide DAR the ability to implement streamlined and effective vessel CML requirements that supports Hawaii's commercial fisherman.

The Hawaii longline fishery is the largest food producing industry in the State of Hawaii. Commercial fishing is critical to Hawaii's food security and provides many cultural, social, and economic benefits. This bill supports Hawaii's fishermen and commercial fishing enterprises which provide fresh, high quality seafood that is important to Hawaii residents and our tourism-based economy.

Mahalo for considering this testimony in support of HB2211 HD1.

Sincerely,

Eric K. Kingma, PhD
Executive Director



Hearing: February 21, 2020; 12:00 pm, Rm. 308

To: Honorable Chair Luke, Vice Chair Cullen, and members of the committee on Finance

Re: HB2211 HD1, Relating to Commercial Marine Licenses

Position: Support with Amendment

The organizations listed above thank you for the opportunity to submit testimony on this measure. We support HB2211 HD1 to the extent that it provides DLNR with the statutory authority to issue different types of commercial marine licenses (CMLs), such as a commercial marine vessel license.

However, a serious flaw exists in the measure's current language which would require DLNR to issue CMLs. Such a requirement would eliminate a critically important fisheries management and conservation tool – the ability to limit the number of participating fishers. Removing DLNR's authority to alternatively issue or deny CMLs would render meaningless any management actions or rules aimed at conserving marine resources, such as size limits, gear restrictions, and perhaps most importantly, catch limits, because under the proposed legislation these limits and restrictions would automatically apply to a potentially unlimited number of commercial fishers.

DLNR has a constitutional mandate to manage and conserve natural resources to ensure that they will sustain and benefit present and future generations. The existing statute gives DLNR the discretion it must have in order to fulfill its constitutional duties, obligations that should not be subverted by legislative enactments such as the mandatory CML language proposed. DLNR cannot fulfill these duties if it is statutorily required to indiscriminately hand out CMLs like candy.

DLNR needs to retain the ability to deny or revoke CMLs if applicants or licensees are bad actors or are employing harmful, unsustainable practices. The statute currently gives DLNR the authority it needs in these situations, with one exception: DLNR is currently prohibited from granting, renewing, reinstating, or restoring CMLs to those who are non-compliant with orders of child support. However, under this new language *requiring* issuance of CMLs, *only* those non-compliant with child support orders could have their applications denied. Under the new language as proposed, DLNR would be statutorily prohibited from denying CMLs to all others, including serious and/or serial offenders of resource laws within or outside Hawaii.

In this time of uncertainty, as we face the combined challenges of a changing climate, shifting marine ecosystems, and documented declines in marine biomass, DLNR should—if anything—have *more* control over how our marine resources are used for commercial profit. This measure as worded would strip DLNR of one of its most important regulatory tools.

Therefore, we suggest substituting the word “may” for “shall” in the following proposed amendment to insure DLNR retains its decision-making authority in issuing CMLs:

"§189-2 Commercial marine license. (a) The department shall ~~shall~~ **may** issue commercial marine licenses for the taking of marine life for commercial purposes.

HB-2211-HD-1

Submitted on: 2/19/2020 8:47:28 PM

Testimony for FIN on 2/21/2020 12:00:00 PM

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

Comments:

Dear Honorable Committee Members:

Please support HB2211. Issuing licenses should help promote responsible marine practices.

Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihei, Maui

HOUSE OF REPRESENTATIVES
THE THIRTIETH LEGISLATURE
REGULAR SESSION OF 2020

COMMITTEE ON FINANCE

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

Rep. Stacelynn K.M. Eli	Rep. Nadine K. Nakamura
Rep. Cedric Asuega Gates	Rep. Scott Y. Nishimoto
Rep. Troy N. Hashimoto	Rep. Chris Todd
Rep. Daniel Holt	Rep. Tina Wildberger
Rep. Lisa Kitagawa	Rep. Kyle T. Yamashita
Rep. Bertrand Kobayashi	Rep. Bob McDermott
Rep. Scot Z. Matayoshi	

NOTICE OF HEARING

DATE: Friday, February 21, 2020
TIME: 12:00 P.M.
PLACE: Conference Room 308
State Capitol
415 South Beretania Street

TESTIMONY IN STRONG SUPPORT of HB2211 HD1 RELATING TO COMMERCIAL MARINE LICENSES

Aloha Honorable Chair Luke, Vice Chair Cullen and Members of the House Committees on Finance:

I write in STRONG SUPPORT of HB2211 that provides the state's smallboat fishing community with a practical solution to a Commercial Marine License (CML) rule that is extremely burdensome. Currently, each person aboard these vessels that sells even part of its catch must each hold a current CML 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, I currently have several friends and visiting family members who occasionally crew for me or join me on fishing trips and because I sell part of my catch, I am required to purchase a CML for each of them. These uncompensated "crewmembers" may take a fish or two home from the trip and only I report the total catch and the portion sold as captain and vessel owner. They enjoy fishing with me but, once licensed, they are required to report monthly their CML fishing activity even if they only took one trip out with me during the year until their CML expires creating a universe of unnecessary CML holders for DAR to monitor and track their activities even if they do not fish again during the year.

The proposed vessel based CML makes sense and alleviates the financial burden upon the captain like me from having to pay \$100 for a CML for each of my rotating crew and persons who simply wish to accompany me on a fishing trip and relieves them of the burdensome reporting requirement. Having a vessel-based CML that will account for all crewmembers aboard for a fixed fee will help greatly in securing crewmembers, permits family and friends to join me on a trip, simplify reporting requirements and eliminating the monitoring the universe of one-time CML holders on the DAR CML registry.

Thank you, Chair Luke, Vice-chair Cullen, and Committee Members for this opportunity to provide testimony in strong support on this critically important matter that positively supports and benefits Hawai'i's smallboat fishing fleet.

Sincerely,

Roy N. Morioka



SIERRA CLUB OF HAWAI'I

LATE

HOUSE COMMITTEE ON FINANCE

February 21, 2020 12:00 PM Room 308

COMMENTS on HB2211 HD1: Relating to Commercial Marine Licenses

Aloha Chair Luke, Vice Chair Cullen, and members of the committee,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **provides comments on HB2211 HD1, as we are concerned that Section 2 subsection (a) would remove DLNR agency discretion in issuing commercial marine licenses for commercial fishing purposes.** The Department of Land and Natural Resources needs the discretion to grant or deny permits in order to fulfill its constitutional duties, obligations that should not be subverted by legislative enactments such as the mandatory CML (commercial marine licenses) language proposed.

We support retaining the discretion of DLNR to deny or revoke CMLs if applicants or licensees are employing harmful, unsustainable practices. DLNR has recently issued an alert to the public regarding protection of these resources as we face changes due to climate changes, coral bleaching, coastal erosion, and loss of coral habitat essential to near-shore and off-shore fish abundance. Our members work closely with coastal communities to monitor commercial practices, and we strongly support the efforts to enforce laws that sustain our coastal ecosystems. We also believe that DLNR's discretion to issue or deny permits is critical to protection of native traditional cultural practices cited as constitutional rights.

We recommend the committee take a look at Section 2 subsection (a) and consider either amending this potentially problematic language, or eliminating the section entirely, to ensure DLNR still has agency discretion in issuing CML's:

"§189-2 Commercial marine license. (a) ~~The department shall~~ **may** issue commercial marine licenses for the taking of marine life for commercial purposes."

Section 2 (b) is acceptable.

Thank you very much for this opportunity to provide comments.

Mahalo,

Deborah J Ward

Chair, Hawaii Island Group, on behalf of Hawaii Chapter, Sierra Club

LATE

HB-2211-HD-1

Submitted on: 2/21/2020 7:46:56 AM

Testimony for FIN on 2/21/2020 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Ware	Individual	Oppose	No

Comments:

Dear Chair and Committee Members,

I am a Ka'u resident and Sierra Club member and agree with their opposition of this bill.

I urge the committee take a look at Section 2 subsection (a) and consider either amending this potentially problematic language, or eliminating the section entirely, to ensure DLNR still has agency discretion in issuing CML's:

Sincerely,

Diane Ware, 99-7815 Kapoha, Volcano HI