

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 Senate Committee on
WATER & LAND**

**Friday, March 13, 2020
1:15 PM
State Capitol, Conference Room 229**

**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: 3/10/2020 11:12:22 PM

Testimony for WTL on 3/13/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Hori, DDS	Testifying for Lokahi Fishing, LLC	Support	No

Comments:

I strongly support this bill because it allows the captain of his vessel to be responsible for the CML for his vessel and submitting his catch report that will make it much for cost effective and more accurate data collection for a better stock assesment!

Mahalo,

Jim Hori, DDS

Founder of Lokahi Fishing, LLC



Hearing: March 13, 2020; 1:15 pm, Rm. 229

To: Honorable Chair Kahele, Vice Chair Keith-Agaran, and members of the Water and Land Committee

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: 3/11/2020 5:19:40 PM

Testimony for WTL on 3/13/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephen Lee	Testifying for Waialua Boat Club	Support	Yes

Comments:

Honorable Chair Yamane and Members:

I am the President of Waialua Boat Club, whose membership strongly supports HB 2211 HD1. Our membership believes that the content of the bill is sensible, practical and financially reasonable in mandating the CMLV license. We agree with other testifiers that the bill should include mandatory language, i.e. "shall" in order to avoid any wiggle room for DLNR to subjectively grant or deny a fishers permit.

We urge passage of the bill.

Respectfully,

Stephen Lee



March 11, 2020

THE SENATE
THE THIRTIETH LEGISLATURE
REGULAR SESSION OF 2020

COMMITTEE ON WATER AND LAND
Senator Kaiali'i Kahele, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

DATE: Friday, March 13, 2020
TIME: 1:15 PM
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

TESTIMONY IN STRONG SUPPORT WITH COMMENT ON HB2211 HD1 RELATING TO
COMMERCIAL MARINE LICENSES

Aloha Honorable Chair Kahele, Vice Chair Keith-Agaran and Members of the Committee on Water and Land:

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 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 \$50.00 fine 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.

Additionally, HFACT strongly urges keeping the word “shall” as written in the amended section of the measure on Page 3 Line 16 as we believe that any entity taking marine resources must be licensed to ensure responsibility, accountability and the sustainability of resources held in trust by the State of Hawai`i. A change of the word to “may”, causes the act of issuing a license to be a discretionary decision on the part of the Department of Land and Natural Resources, and thus may trigger HRS 343, Environmental Impact Statements, for *each and every issuance* of a license. Currently over 3,000 commercial marine licenses have been issued, of which a vast majority are for part-time or occasional commercial fishing.

- 15 “~189-2 Commercial marine license. (a) The department
16 shall issue commercial marine licenses for the taking of marine
17 life for commercial purposes.

Thank you, Chair Kahele, Vice-chair Keith-Agaran, 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

HB-2211-HD-1

Submitted on: 3/12/2020 11:10:05 AM

Testimony for WTL on 3/13/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dean Sensui	Testifying for Hawaii Goes Fishing	Support	No

Comments:

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

I am writing in support of HB 2211, HD1.

In my position as the executive producer of Hawai'i Goes Fishing, I get to interact with many people from all aspects of our state's fishing communities, and have gained a broad perspective over many aspects of fishing.

This includes commercial fishing, which is responsible for providing fresh seafood to the thousands of residents and visitors who aren't able to fish for themselves.

HB 2211 will simplify record-keeping responsibilities of our commercial fishermen while increasing the accuracy of catch reports by minimizing the risk of double-reporting of a boat's harvest.

It also reduces the burden of expense for those who only occasionally act as crew on a commercial vessel. At the present time, these fishermen would be required to pay for an annual license, even though they might go out only one or two times in a season.

With constant concern over the cost of government, this reduction of paperwork will help contribute toward the effort to make things more efficient, while still assuring that accurate catch reports will continue to contribute toward effective fishery management.

Thank you for your thoughtful attention.

Aloha,
Dean Sensui, executive producer

Hawai'i Goes Fishing



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

Committee: Water and Lands

Committee Hearing Date/Time: March 13, 2020 1:15 pm

Bill: HB2211 HD1- in support

To: Senate Committee on Water and Lands Chair Kahele, Vice-chair Keith-Agaron, members Nishihara, Riviere, Favella

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



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

Senate Committee: Water and Lands

Committee Hearing Date/Time: March 13, 2020 1:15 pm

Bill: HB2211 HD1

To: Committee chair Kahele, Vice-chair Keith-Agaron, Committee members Nishihara, Riviere, Favella

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. I urge you to consider 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



Roger Dang, President, Fresh Island Fish Co.

Committee: Water and Lands

Committee Hearing Date/Time: March 13, 2020, 1:15 pm

To: Senate Water and Lands Committee chair Kahele, Vice-chair Keith-Agaron, Committee members Nishihara, Riviere, Favella

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.

A handwritten signature in black ink, appearing to read "R. Dang", is written over the word "this" in the following line of text.

Mahalo for considering this testimony in support of HB2211 HD1.

Mahalo,

Roger Q. Dang

HB-2211-HD-1

Submitted on: 3/10/2020 3:02:16 PM

Testimony for WTL on 3/13/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kylie Wager	Testifying for Earthjustice	Oppose	Yes

Comments:



SEN. KAIALI'I KAHELE, CHAIR
SEN. GILBERT S.C. KEITH-AGARAN, VICE CHAIR
SENATE COMMITTEE ON WATER AND LAND

TESTIMONY **OPPOSING, UNLESS AMENDED** HOUSE BILL NO. 2211 HD1

Friday, March 13, 2020, 1:15 p.m.
Conference Room 325
State Capitol
415 South Beretania Street

Dear Chair Kahele and Vice-Chair Keith-Agaran,

Although Earthjustice takes no position on the primary purpose of HB 2211, HD1 to establish a commercial marine vessel license program, Earthjustice is compelled to **oppose HB 2211 HD1, unless amended**. The bill proposes to add a new paragraph "(a)" to the commercial marine license statute, Haw. Rev. Stat. § 189-2, that states: "The department [of land and natural resources ("DLNR")] **shall** issue commercial marine licenses for the taking of marine life for commercial purposes." Earthjustice strongly opposes this proposed "shall" language for the reasons stated below and instead recommends amending or deleting it.

First, the proposed "shall" language would eliminate one of the agency's core marine resource management tools. Currently, DLNR imposes 14 terms and conditions on commercial marine licenses to ensure compliance with regulations like bag limits and catch sizes, and to reserve the agency's right to suspend, revoke, or refuse to issue licenses to bad actors. *See* Attachment, General Terms and Conditions Nos. 4, 6, 7, 8. The proposed "shall" language would remove DLNR's authority to place these critical terms and conditions on commercial marine licenses and would, instead, require the agency to hand out licenses to anyone who asks, without question.

Second, the proposed "shall" language would conflict with and cause confusion regarding DLNR's regulatory authority to issue commercial marine licenses "with such conditions necessary to manage, protect, and conserve aquatic life." Haw. Admin. R. § 13-74-2(4). The "shall" language would create inconsistency between the proposed amendment's blanket requirement to issue commercial marine licenses and the authority DLNR has reserved to exercise discretion in their issuance.

Third, the proposed "shall" language would prevent DLNR from fulfilling its constitutional duties to conserve and protect our public marine resources for the benefit of present and future generations. *See* Haw. Const. art. XI, § 1 ("For the benefit of present and

future generations, the State . . . shall conserve and protect Hawai'i's natural beauty and all natural resources All public natural resources are held in trust by the State for the benefit of the people."'). Indeed, DLNR is the primary agency charged with managing the State's aquatic life and fisheries and with enforcing fisheries laws. Haw. Rev. Stat. § 187A-2(1), (3), (7). Requiring DLNR to hand out commercial marine licenses on demand would illegally strip away DLNR's authority to fulfill its constitutional public trust duties. *In re Waiāhole Ditch Combined Contested Case Hrg.*, 94 Hawai'i 97, 130-31, 9 P.3d 409, 442-43 (2000) (holding that the State cannot legislatively abdicate its public trust responsibilities).

Fourth, the proposed "shall" language has nothing to do with the bill's primary purpose: to establish a commercial marine vessel licensing program. The testimony submitted in support of the bill has been solely focused on this purpose, rather than on this completely unrelated "shall" language.

Because of the environmentally irresponsible and constitutionally invalid nature of this gratuitous, off-topic "shall" language, Earthjustice **opposes HB 2211 HD1, unless amended**. To fix this fatally flawed language while still allowing for the creation of a commercial marine vessel licensing program, **Earthjustice recommends either of the following changes to the proposed paragraph "(a)": (1) Change "shall" to "may,"¹ or (2) Delete paragraph "(a)" in its entirety.²**

Mahalo nui for this opportunity to testify. Please do not hesitate to contact us with any further questions or for further information.



Kylie W. Wager Cruz
Mahesh Cleveland
Isaac H. Moriwake
Earthjustice, Mid-Pacific Office

¹ The preamble on page 3, line 5, would, accordingly, need to be amended to read "Authorize" instead of "Require."

² The preamble, page 3, lines 5-7, would, accordingly, need to be deleted.

Terms & Conditions

To apply for any license, you must accept the Terms and Conditions.

General Terms and Conditions

These general terms and conditions apply to all licenses and permits, herein after referred to as "licenses" contained in Chapter 13-74, Hawaii Administrative Rules (HAR) of DLNR. I understand that:

1. I must provide true, complete and accurate information on any license application, or any report that I am required to submit.
2. I am responsible for renewing my license even without notification from DLNR. Unless some other expiration period is specified, licenses are valid no longer than one year from the issuance date.
3. Upon request, I must present my license to any officer authorized to enforce State laws.
4. I must allow my catch to be inspected by any officer authorized to enforce State laws.
5. The State, or its agents, shall not be liable for any personal injury, death or property damage resulting from any action or activity authorized by this license.
6. DLNR may suspend my license when such action is necessary for the protection and conservation of marine life.
7. The Board of Land and Natural Resources may revoke any license. I may not renew a revoked license or permit for one year from the date of revocation.
8. DLNR may refuse to issue any or all licenses if I do not comply with the terms and conditions of this or any other license.

I understand and agree to abide by all general terms and conditions of the license as specified in the General Terms and Conditions, on applicable Specific Terms and Conditions forms, and as, may be provided elsewhere by law. I understand that any violation of any term or condition of this license, including any misstatement of fact or circumstance, may result in the invalidation and/or revocation of this license, and the prosecution of an enforcement action against me as specified in the Hawaii Revised Statutes, Chapters 187A, 188, and 189. In the event of any difference between the terms and conditions of this license, as stated above, and the applicable administrative rules or law, the rules and law shall apply.

My electronic signature shall be considered as my agreement to comply with all requirements and may be recorded electronically through the Internet licensing application. This procedure is deemed lawful under the Uniform Electronic Transactions Act, Section 489E, Hawaii Revised Statutes.

Commercial Marine License

Specific Terms and Conditions

The *licensee* refers to any person issued a commercial marine license (§13-74-20, Hawaii Administrative Rules). The commercial marine license allows the licensee to take marine life for commercial purposes. I understand that:

1. Licenses issued to individuals are non-transferable and cannot be used by anyone else.
2. It is illegal to take fish or marine life with intent to sell without a valid commercial marine license.
3. I must be a U.S. citizen, or be legally admitted into the United States of America, or be in compliance with U.S. Customs and Border Protection, Dept. of Homeland Security landing permit requirements in order to qualify for the license.
4. Although the Federal Privacy Act of 1974 was amended to allow disclosure of Social Security Number for federal and state Child Support Enforcement investigation, DLNR has not amended the Hawaii Administrative Rules to require disclosure for licensing purposes. I may, however, voluntarily provide this information.
5. I must pay an individual resident license fee of \$100.00 for resident or non-resident.
6. Unless exempted from the report requirement, I must complete and submit fishing reports to DLNR until my license expires.
 - a. Submit fishing reports on all fishing activities except for bottomfish fishing trips (refer to b.) during a month by the tenth day of the following month, for example, the May fishing report must be submitted by June 10th.

ATTACHMENT

- b. Submit the 'MHI "Deep7" Bottomfish Fishing Trip Report' within 5 days after the end of any fishing trip where a Deep 7 bottomfish species (Opakapaka, Onaga, Ehu, Kalekale, Gindai, Lehi, and Hapuupuu) was landed, released or lost to predation.
- c. Submit the "Did Not Fish" report postcard to DLNR by the tenth day of the following month, if you did not fish during a month.



SIERRA CLUB OF HAWAI'I

LATE

SENATE COMMITTEE ON WATER AND LAND

March 13, 2020

1:15 PM

Room 229

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

HB-2211-HD-1

Submitted on: 3/10/2020 9:41:22 AM

Testimony for WTL on 3/13/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Randy Cheung	Individual	Support	No

Comments:

I strongly support this bill. Its needed to ensure cooperation and compliance from the small boat community in gathering accurate data to be used in all conservation efforts.

THE SENATE
THE THIRTIETH LEGISLATURE
REGULAR SESSION OF 2020

COMMITTEE ON WATER AND LAND
Senator Kaiali'i Kahele, Chair
Senator Gilbert Keith-Agaran, Vice Chair

NOTICE OF HEARING

DATE: Friday, March 13, 2020
TIME: 1:15 P.M.
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

TESTIMONY IN STRONG SUPPORT with COMMENT - HB2211 HD1 RELATING TO COMMERCIAL MARINE LICENSES

Aloha Honorable Chair Kahele, Vice Chair Keith-Agaran and Members of the Senate Committee on Water and Land:

I write in STRONG SUPPORT of HB2211 HD1 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 rotating crewmembers, friends, family, and off island visitors creating an extensive universe of potential crewmembers requiring CMLs. I currently have six individuals who crew for me on basis of availability and sometimes joined by friends and family who occasionally on fishing trips. Because I sell the majority of my catch, I am required to purchase a CML for each crewman or anyone joining me. The 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 CMVL makes good sense and alleviates the unnecessary burden upon the captain like me from having to secure a CML for each of my normal rotating two-person crew comprised of six individuals and others who join me on a fishing trip. It relieves them of the burdensome monthly reporting requirement and relieves the State DLNR/DAR from unnecessary recordkeeping, monitoring the universe of

one-time CML holders on the DAR CML registry. Having a vessel-based CMVL that will account for all crewmembers aboard for a fixed fee will also help me greatly in securing crewmembers on short notice.

COMMENT:

I am concerned however of testimony being provided by organizations to change the term “shall” to “may” in the proposed amendment. I firmly believe that anyone taking resources for commercial purposes must be licensed to identify the universe of commercial entities extracting our state’s resources for purposes of communicating rules and regulations, recording catch and effort, accountabilities and enforcement.

Thank you, Chair Kahele, Vice-chair Keith-Agaran, 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 and DLNR-DAR.

Sincerely,

Roy N. Morioka

HB-2211-HD-1

Submitted on: 3/10/2020 11:05:17 AM

Testimony for WTL on 3/13/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
scott masunaga	Individual	Support	No

Comments:

It is impractical for all occupants of a vessel with a Captain who already holds a commercial fishing license to also also have licenses. There are numerous situations where this scenario would be redicculous...all occupants of automobiles are not required to have operator licenses.

respectfully submitted,

Scott Masunaga

HB-2211-HD-1

Submitted on: 3/11/2020 2:33:44 PM

Testimony for WTL on 3/13/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Craig Severance	Individual	Support	No

Comments:

I strongly support this Bill. Because of age, bad back and Hilo waters, I have only managed to fish once on our family boat in the last 2 years. Yet I maintain a CML to abide by current law. Current Law is not widely followed and goes against the aloha spirit and the current cultural practice of taking visiting friends and family out to enjoy the fishing experience. Approving HB2211 HD1 will relieve that burden, reduce ignorance of the law and lend credibility to DAR. Mahalo

HB-2211-HD-1

Submitted on: 3/11/2020 1:39:25 PM

Testimony for WTL on 3/13/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Warren M Osako	Individual	Support	No

Comments:

I believe that this bill should be passed. Charter fishing vessels have been selling their catch and not everyone on board is required to have a Commercial Marine License. It would be the simplest way to have the charter vessels come into compliance. Why should all other vessels be required to have everyone on board possess a Commercial Marine License. This would make it fair and would be less combersom than requiring a daily license fee for charter fishermen.

HB-2211-HD-1

Submitted on: 3/11/2020 10:11:56 AM

Testimony for WTL on 3/13/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brandon Goo	Individual	Support	No

Comments:

I strongly support HB2211. This bill will allow DAR to establish a vessel-based Commercial Marine License (CML) that satisfies an individual licensure requirement aboard a licensed vessel that sells its catch.

Fishing with crew is always a good idea for safety. Due to Family/Work obligations or just Scheduling conflicts with your normal Fishing partners with a current CML is always an issue. The choice to fish alone due to not being able to find crew with a current CML is not a safe idea.

Weather plays a big role in Hawaii's small-boat fleet also. Most fishing trips are never set/confirmed until the 1 day prior. Most of Hawaii's part-time small-boat commercial fisherman do depend on family and friends as crew and the vessel CML would allow for a bigger pool of available crew members that many be able to join you.

Currently charter boats do not require for all charter cliental to have CML even though most of the fish caught on these charters are sold.

I believe also by having a Vessel CML, this would help expand Hawaii's part-time small-boat commercial fleet, simplify CML requirements, improve current CML catch reporting, and financially benefit the State of Hawaii.

Sincerely.

Brandon Goo

HB-2211-HD-1

Submitted on: 3/12/2020 9:19:22 AM

Testimony for WTL on 3/13/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Meyer	Individual	Support	No

Comments:

I support HB2211

I am an old man and fishing alone is neither safe or enjoyable.

Fishing is a wonderful opportunity to spend time with friends and family, share some good fresh fish, and if you have a good catch, sell some to offset the cost of fuel, ice, bait, launch fees, commercial marine license, etc. Requireing everyone on the boat to have a CML just makes it economically unfeasable to share this wonderful experience with friends and family who only occasionally are available to go fishing.

Robert Meyer

Senate Committee on Water and Land

March 13, 2020 1:15 pm Conference Rm 229

House Bill 2211, HD1 –Relating to Commercial Marine Licenses

Chair Kahele, Vice Chair Keith-Agaran and members of the Committee, my name is Brooks Takenaka, General Manager of the United Fishing Agency aka the Honolulu Fish Auction.

I am in support of HB 2211, HD1.

HB 2211, HD1 will allow DLNR/DAR to establish a “vessel” commercial marine license (CML) that will satisfy an individual’s licensure requirement if aboard a licensed vessel.

A vessel’s CML will simplify the licensing requirements, be a more efficient permitting system and improve catch reporting. I ask for your favorable consideration of this measure that supports 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.

HB-2211-HD-1

Submitted on: 3/11/2020 8:19:15 PM

Testimony for WTL on 3/13/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
William K. Chang	Individual	Support	No

Comments:

HB-2211-HD-1

Submitted on: 3/12/2020 9:47:13 AM

Testimony for WTL on 3/13/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Arthur Kamisugi	Individual	Support	No

Comments:

HB-2211-HD-1

Submitted on: 3/12/2020 10:37:39 AM

Testimony for WTL on 3/13/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alfred Ching, Jr.	Individual	Support	No

Comments:

I am in favor of a single CML per vessel. This would make it easier to find crew to go out bottomfishing with me and be in compliance with the rules and regulations currently in place. In the past years I have been going out alone. This will make it easier to be safer on future fishing trips. I am a 70+ year old that still likes to go bottom fishing and if lucky enough to have a good catch some of that can be sold to cover the cost of the trip. We are lucky to be in Hawaii where a small boat can qualify for a CML. Thank you for your consideration in passing this bill.

Alfred Ching

CML3268

Peter Pan II, Maui, Hawaii