

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
COMMERCE AND CONSUMER PROTECTION**

**Wednesday, February 24, 2021
9:30 AM**

State Capitol, Via Videoconference, Conference Room 229

**In consideration of
SENATE BILL 255, SENATE DRAFT 1
RELATING TO COMMERCIAL MARINE LICENSES**

Senate Bill 255, 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 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; and allows marine charter fishing vessels to obtain commercial marine vessel licenses. **The Department of Land and Natural Resources (Department) supports this measure.**

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.

SB-255-SD-1

Submitted on: 2/22/2021 9:21:29 AM

Testimony for CPN on 2/24/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kerry A. Umamoto	Testifying for Hilo Fish Co., Tropic Fish Hawaii, Tropic Fish Maui, Tropic Fish Kauai, and Kona Fish Co	Support	No

Comments:

Dear Chair,

Our Companies are in support of SB255. We believe it is necessary to create efficiency to the commercial fish license.

Aloha

Senate Committee on Commerce & Consumer Protection
February 24, 2021 9:30 am Conference Rm 229

Senate Bill 255, SD1 – Relating to Commercial Marine Licenses

Chair Baker, Vice Chair Chang, 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 SB 255, SD1.

SB 255, SD1 will allow DLNR/Division of Aquatic Resources to establish a new commercial marine “vessel” license (“CMVL”) that will satisfy an individual’s licensure requirement if aboard a “CMVL” vessel.

A vessel’s “CMVL” will simplify the licensing requirements, be a more efficient permitting system and improve catch reporting. I 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 SB 255, SD1, and ask for your favorable consideration.

ICE PARTNERS, LLC

1133 NORTH NIMITZ HIGHWAY
HONOLULU, HAWAII 96817
PHONE (808) 537-2905 * FACSIMILE (808) 536-3225

February 22, 2021

To: Senate Committee on Water and Land Chair Inouye, Vice-chair Keith-Agaran, Members Favella, Misalucha and Riviere

RE: **Bill SB255 SD1 – in support**

Committee – Water and Land

Committee Hearing Date/Time: February 24, 2021 9:30 am


Dear Committee Members:

Ice Partners works directly with the Hawaii Longline Fishing fleet by supplying ice for the boats to hold the fish.

By allowing the Division of Aquatic Resources to establish a vessel Commercial Marine License that would allow any individual onboard a licensed vessel to fish, this would make the whole licensing and enforcing process more efficient. This would then help the longline fleet and in turn our business as well.

Therefore, Ice Partners is in full support of Bill SB255. Thank you for your attention to this matter.

Sincerely,



Ann Iwasaki
Administrator



February 22, 2021

Senator Rosalyn H. Baker, Chair

Senator Stanley Chang, Vice-Chair

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

DATE: Wednesday, February 24, 2021
TIME: 930AM
PLACE: Conference Room 229 & Videoconference

TESTIMONY IN **STRONG SUPPORT** WITH AMENDMENTS OF SB255 RELATING TO
COMMERCIAL MARINE LICENSES

Aloha Honorable Chair Baker, 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 SB255 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 Baker , Vice-chair Chang, 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 on a light-colored rectangular background.

Phil Fernandez
President

SB-255-SD-1

Submitted on: 2/22/2021 9:23:30 PM

Testimony for CPN on 2/24/2021 9:30:00 AM

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

Comments:

I strongly support SB255 because it is much more cost effective for the vessel paying for one license with unlimited crew options. The captain of his vessel reporting his catch is much more accurate streamlining the data collection process resulting in a better stock assessment to help manage our fisheries better.

Mahalo,

Jim Hori, DDS

Founder, Lokahi Fishing, LLC



Eric K. Kingma, Executive Director, Hawaii Longline Association

Committee: Commerce and Consumer Protection

Committee Hearing Date/Time: February 24, 2021, 9:30 am

Bill: SB255 SD1 – in support

To: Senate Committee on Commerce and Consumer Protection Chair Baker, Vice-chair Cang, Members Misalucha, Nishihara and Riviere

The Hawaii Longline Association¹ supports SB255 SD1 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 administratively efficient, effective, and enforceable vessel CML requirements that are supported by Hawaii's commercial fisherman.

The Hawaii longline fishery is the largest food producer in the State of Hawaii both in terms of volume and value. Commercial fishing is critical to Hawaii's food self-sufficiency and provides many cultural, social, and economic benefits. This bill both supports DAR and Hawaii's commercial fisheries, which provide fresh, high quality seafood that is important to Hawaii residents and visitors.

Mahalo for considering this testimony in support of SB255 SD1.

Sincerely,

Eric K. Kingma, PhD
Executive Director

¹ For more information on HLA, please visit: www.hawaiilongline.org/

POP FISHING & MARINE



February 22, 2021

To: Senate Committee on Water and Land Chair Inouye, Vice-chair
Keith-Agaron, Members Favella, Misalucha and Riviere

RE: **Bill SB255 SD1 – in support**

Committee – Water and Land

Committee Hearing Date/Time: February 24, 2021, 9:30 am

Dear Committee Members:

POP Fishing & Marine is in full support of Bill SB255 as it will make the
Commercial Marine Licensing more efficient.

Our commercial and sports fishing store works directly with all the
various fishermen in the State of Hawaii. We directly support the Hawaii
longline industry as well as the weekend fisherman. We feel the bill will
make the licensing process more streamlined so all fishermen will
benefit.

Thank you for your positive consideration in passing Bill SB255.

Sincerely,

James D. Cook
President

POP-HAWAII.COM

TEL: 808 537-2905
FAX: 808 536-3225

1133 N. NIMITZ HWY,
HONOLULU, HI 96817

Vessel Management Associates, Inc.

1133 North Nimitz Highway
Honolulu, Hawaii 96817
Phone (808) 537-2905
Facsimile (808) 536-3225

February 22, 2021

To: Senate Committee on Water and Land Chair Inouye, Vice-chair Keith-Agaron, Members Favella, Misalucha and Riviere

RE: Bill SB255 SD1 – *in support*

Committee – Water and Land

Committee Hearing Date/Time: February 22, 2021, 9:30 am

Dear Committee Members:

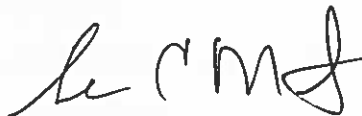
Vessel Management Associates runs a fleet of longline fishing boats in Hawaii. As such the longline fleet part of the largest food producer in the State of Hawaii both in terms of volume and value.

This bill will allow the Division of Aquatic Resources to license and enforce, once, with the vessel license, instead of licensing each individual fisherman. This will make things easier for all involved.

Vessel Management is in full support of Bill SB255 because any bill that will make the Commercial Marine Licensing process more streamlined and efficient will serve to assist us in running our longline fleet. This efficiency will then pass through to affect the whole economy of the State.

Thank you for your attention to our support of Bill SB255.

Sincerely,



Sean C. Martin
President

February 19, 2021

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Rosalyn H. Baker, Chair

Senator Stanley Chang, Vice Chair

NOTICE OF DECISION MAKING

DATE: Wednesday, February 24, 2021
TIME: 9:30AM
PLACE: Conference Room 229 & Videoconference
TIMESLOT: CPN

RE: SB255 RELATING TO COMMERCIAL MARINE LICENSES – **STRONG SUPPORT**

Authorizes the department of land and natural resources 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. (SD1)

Aloha Chair Baker, Vice Chair Chang, and Members of the Senate Committee on Commerce and Consumer Protection:

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

This bill asserts:

“...that a single valid commercial marine vessel license shall satisfy the licensure requirement for all persons taking marine life for commercial purposes aboard the validly licensed vessel.”

We smallboat fishermen rely upon a list of potential crewmembers because their availability of to go fishing on a moment’s notice requires a substantial. The pandemic exacerbated their availability in 2020 especially with older crewmembers as they feared for their health and well-being resulting in lost fishing trips and loss of revenue and income for the captains.

When the CML fee was at \$25 it was an easy sell to the captain. At \$100 it became a hefty burden. Any future increase would further financially burden a captain as the majority of small vessels are supported by one to three crewmembers. I personally have a list of five standby crewmembers and even with that I have not been able to fish when conditions have allowed.

The current list of crewmembers holding CMLs also creates an unnecessary burden on the DAR administration by having to do research of CML holding crewmember 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.

Another concern held by many is that future increases to individual CMLs would result in fishermen not renewing individual CMLs creating a huge loss of catch and effort data for the State's marine resource monitoring and management capability and the move to a CMVL would help mitigate that.

Therefore, I humbly request your support to have this bill passed 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, supporting industries and food for the community in its broadest sense. In addition to the fish sold, our families, crewmembers, neighbors and friends all benefit from the unsold portion of the catch aboard our vessels. This was exemplified by the sharing demonstrated during this pandemic when incomes were short or non-existent BUT there was fish on the table. Please pass this measure and 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, MHI BF Fisherman