

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
OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

Friday, February 9, 2018
10:00 AM
State Capitol, Conference Room 312

In consideration of
HOUSE BILL 2425
RELATING TO COMMERCIAL FISHING

House Bill 2425 proposes to authorize the Department of Land and Natural Resources (Department) to issue commercial marine licenses and subtypes of commercial marine licenses for the taking of marine life. **The Department supports this measure, subject to the following amendments and comments.**

The intent of the measure is to clarify that the Department has the authority to issue commercial marine vessel licenses (CMVLs). The Department is currently in the process of amending its commercial marine license (CML) rules to establish a new CMVL category. In December, 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 bill, if enacted, would provide clarification.

Local fishers have been asking the Department to create a vessel license for many years. Currently each individual on a fishing vessel must have their own CML to participate in a commercial fishing trip. This causes problems when random and infrequent visitors or part-time crew members are needed for a commercial fishing trip. The CMVL would cover everyone on board under one license and eliminates the need for individual licenses. It is more convenient for fishers, and potentially more cost effective. For the Department, the CMVL would clarify who is responsible for submitting catch reports for the vessel.

The proposed bill also includes clear authority to issue other types of commercial licenses. The Department has considered the idea of issuing different categories of commercial licenses to distinguish between full-time and part-time commercial fishers. This bill, if enacted, would

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

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON P.E.
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

provide the Department with the flexibility to use appropriate tools to better manage Hawaii's commercial fishery.

The Department offers a number of proposed amendments (in grey highlight) to provide clarity and precision. In subsection (a), it is not clear what is meant by a "subtype" of license. The Department recommends amending the language to read:

(a) The department of land and natural resources shall issue commercial marine licenses for the taking of marine life for commercial purposes. The department may establish different [subtypes] types of commercial marine licenses, including but not limited to fishery and gear specific commercial licenses, commercial [fishing] marine vessel licenses, and professional or part-time commercial fishing licenses, and shall specify by rules, the requirements and qualifications for the issuance of these [subtype] licenses.

In subsection (b), the language requires each person to obtain a separate CML prior to taking marine life for commercial purposes. There is no exemption for individuals fishing from a vessel covered by a CMVL. To address this issue, this Department recommends amending the language to read:

(b) No person shall take or land marine life for commercial purposes whether the marine life is caught or taken within or outside of the State, without first obtaining a commercial marine license [or subtype license, if applicable,] as provided in this section; provided that the Department may adopt rules pursuant to chapter 91 to exempt persons taking marine life for commercial purposes pursuant to a valid commercial marine vessel license.

The Department also recommends amending subsection (c) to keep the existing language, as follows:

(c) Additionally, any person providing vessel charter services in the State for the taking of marine life in or outside of the State shall obtain a commercial marine license~~[+]-[+] [or subtype license, if applicable.]~~

Thank you for the opportunity to comment on this measure.

HB-2425

Submitted on: 2/8/2018 10:02:06 AM

Testimony for OMH on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
William J Malulani Weir	hFACT	Support	No

Comments:



February 2, 2018

Representative Kaniela Ing, Chair
Representative Lynn DeCoite, Vice Chair
HOUSE COMMITTEE ON WATER & LAND

Hearing Date: FRIDAY, February 9, 2018
Hearing Time: 10:00 am
Place: Conference Room 312
Regarding: HB 2425 RELATING TO COMMERCIAL FISHING

STRONG SUPPORT of HB 2425 RELATING TO COMMERCIAL FISHING

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 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 HB 2425** as it addresses a long outstanding issue 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 \$50 per CML it was a strain on the captain and crew members but now (effective January 16, 2018) at \$100 with another increase projected in 2019 to \$150, this becomes an economic burden. As small business operators, captains and individuals rely upon a rotating group of several individuals to be secured on short notice. These escalating costs become operationally prohibitive. This situation is further exacerbated when a child, relative, friend or visitor wants to join the trip.


As such, a subtype of license such as a Commercial Marine Vessel License (CMVL) as proposed and discussed during the public informational meetings, in 2017, on raising the CML fee gained the support of the small boat and nearshore commercial fishermen. It is also important to note that the vessel owner/captain sells and reports the catch under a vessel or principle individual's name and not by individual CML holders associated with the trip thus eliminating the need for having individual CML's for such fishing trips.

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

HFACT asks that the Committee on Water and Land support fishing industry small businesses and prevent unnecessary and burdensome expenses. We understand that the Hawaii Longline fleet (averaging six crewmen per vessel) will be assessed \$1,500.00 per longline vessel, which is five times the current fee they are currently assessed.

HFACT thanks the chair, vice-chair, and committee members for this opportunity to provide testimony.

Sincerely and Aloha,



Phil Fernandez
President

HB-2425

Submitted on: 2/7/2018 4:07:20 PM

Testimony for OMH on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tony Sylvester	The Society for Hawaii Heritage Animals	Support	No

Comments:

HB-2425

Submitted on: 2/7/2018 10:27:28 PM

Testimony for OMH on 2/9/2018 10:00:00 AM

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

Comments:

Bill HB2425 is a long standing request by Hawai'i's smallboat commercial fishing community. My friends and family will be crewmembers aboard my boat. I am getting into commercial fishing this year and will have to purchase their CML for \$100.00 each to be able to fish with me. The recent increase to \$100.00 and proposed increase to \$150.00 in 2019, this cost will be difficult for me just starting out. I personally have two to three individuals that will fish with me. Under the increased fee structure I would not want my crew to pay the \$100-150 so my cost will be over \$500 plus my daughter and her friends who live out of state and visit me wish to go fishing with me during their stay. The fish caught aboard my boat will be sold by me under my name and my boat but my crew needs to hold a CML in order to comply with current DLNR/DAR rules that requires any person taking aquatic resources must have a CML.

HB-2425

Submitted on: 2/2/2018 2:28:39 PM

Testimony for OMH on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Frank Farm Jr		Support	No

Comments:

HB-2425

Submitted on: 2/2/2018 4:53:43 PM

Testimony for OMH on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shyla Moon		Support	No

Comments:

HB-2425

Submitted on: 2/2/2018 4:55:14 PM

Testimony for OMH on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carl M Jellings Sr	Fishermen	Support	No

Comments:

In Support of HB2425

HB-2425

Submitted on: 2/2/2018 6:12:34 PM

Testimony for OMH on 2/9/2018 10:00:00 AM

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

Comments:

I support HB2425. As Commercial Marine Licensing fees rise to cover increasing costs of the licensing program, there is a need to make sure certain types of fisherman are not unfairly burdened. For example, a recreational or subsistence fisherman who only wishes to sell a small portion of the catch to help cover expenses should not be placed in the same category as a full time commercial fisherman who sells the entire catch as a primary source of income.

HB-2425

Submitted on: 2/2/2018 8:52:17 PM

Testimony for OMH on 2/9/2018 10:00:00 AM

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

Comments:

I support this bill.

Thank you for allowing me to submit testimony

HB-2425

Submitted on: 2/5/2018 10:30:12 AM

Testimony for OMH on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Warren Cortez		Support	No

Comments:

HB-2425

Submitted on: 2/5/2018 1:47:41 PM

Testimony for OMH on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Edwin Watamura	Watamura	Support	No

Comments:

This bill would allow the DLNR to issue a Commercial Marine Vessel License, something that the small boat fishermen of Hawaii have been seeking for decades. We have been faced with a regulation that requires all crew members on board to have a Commercial Marine License if one or more fish are sold. Many of our crew members are not consistent and may fish but a few times during the span of a year and we also take out visiting family and friends just one time. It is not financially feasible to have to purchase a CML for \$100, to go fishing just one or at most a few times. Allowing the Captain/ Owner to buy a CMVL solves this problem. I urge you to pass this bill.

HB-2425

Submitted on: 2/7/2018 2:44:27 PM

Testimony for OMH on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Isaac Moon		Support	No

Comments:

HB-2425

Submitted on: 2/7/2018 3:36:57 PM

Testimony for OMH on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joshua DeMello		Support	No

Comments:

Aloha,

The fact of the matter is that if you have a commercial marine license (CML) and you go out on a boat with the intent of catching fish to sell, everyone on your boat at that time is required to have a commercial marine license. Yes, even if you're wife is just along for the ride, she will need a CML as well if you intend on selling the fish. If she doesn't have one, you are not supposed to sell the fish, by law. It costs \$100 for a CML, so with your wife thats another \$100 for maybe one time she goes out with you. So what happens when you want to have your kids on board? what about your mainland friends visiting? The costs start to add up. So what to do? fish by yourself? while many do, it is very dangerous and could risk your life.

This bill will allow the DLNR to create different types of licenses that can alleviate this concern. A "vessel license" where the license is attributed to the boat/owner and not each person on the boat will allow the fisherman to both be safe by having crew members or allow for friends and family to enjoy the fishing trip as well.

There may be other instances that the DLNR may want to create a separate sub-license as well (species-specific for those species that are in need of extra attention perhaps? or different gear types where data is needed?). This provides the DLNR with the opportunity to do this type of management, which would require Board hearings and a whole host of transparency under the Sunshine Act. Supporting this action doesn't mean it will happen, but gives an opportunity to look at whether creating sub-license types are warranted and the community supports it through the existing rule-making process.

Please support this bill and help take the burden of the people and keep them, their families and their communities safe. Mahalo

HB-2425

Submitted on: 2/7/2018 8:38:29 PM

Testimony for OMH on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
jeff muir		Support	No

Comments:

HB-2425

Submitted on: 2/7/2018 8:46:31 PM

Testimony for OMH on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joni Kamiya		Support	No

Comments:

HB-2425

Submitted on: 2/7/2018 8:50:16 PM

Testimony for OMH on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Roy N Morioka		Support	No

Comments:

House Committee on Ocean, Marine Resources, & Hawaiian Affairs

DATE: Friday, February 9, 2018

TIME: 10:00 am

PLACE: Conference Room 312

HB2425 – RELATING TO COMMERCIAL FISHING

Honorable Chair Ing, Vice Chair DeCoite and Members of the House Committee on Ocean, Marine Resources and Hawaiian Affairs:

STRONG SUPPORT

As a commercial bottomfish fisherman I normally fish with a crew of 1 or 2 others. In the past we paid \$50 per person for a Commercial Marine License (CML) as the rule (S189-2) requires that every person who takes marine resources must hold a CML. This has been a real and frustrating issue with those of us in the smallboat and small business nearshore commercial fishery (~\$3-5 million fishery) as only the owner or captain of the vessel reports the catch in detail to the State Department of Land and Natural Resources/ Division of Aquatic Resources DLNR/DAR, sells the catch (there may be a few exceptions), is paid for the catch, pays associated taxes including the General Excise Tax (GET) under "PRODUCING," and responsible for ensuring that State and Federal rules and regulations respectively are followed and NOT the crew.

Beginning in January 2018 the CML fee has been increased to \$100 and scheduled to go to \$150 in 2019. As such these rising operating costs become burdensome on us (a rise from \$100-\$200 annually in 2017 to \$200-\$300 this year and \$300-450 next year. The establishment of a Commercial Marine Vessel License (CMVL) would also increase the efficiency of the (DAR) by eliminating all extraneous and unnecessary licensing and record keeping of those who will never submit a Catch Report or Sales Report.

While attending public informational meetings and hearings discussing the increase in CML fees, there was a strong request from the smallboat community especially to implement a CMVL to properly charge only those who actually catch and sell eliminating the need to issue, monitor and manage CML holders who would never submit fish catch or sale information. The CMVL is the most fair and equitable way to license these small business sectors of our fishing community. Passage of this legislation would allow the Department and Division to initiate the establishment of the CMVL providing us with much needed relief. Additionally, I would be hard pressed to purchase a \$100-\$150 CML for my visiting family or friend for a one day trip denying them the opportunity to join me on a day at sea.

Thank you for this opportunity to provide testimony on this measure.

Respectfully,



Roy N. Morioka, Oahu CML Fisherman

HB-2425

Submitted on: 2/8/2018 6:35:01 AM

Testimony for OMH on 2/9/2018 10:00:00 AM

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

Comments:

HB-2425

Submitted on: 2/8/2018 6:58:13 AM

Testimony for OMH on 2/9/2018 10:00:00 AM

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

Comments:

I am in strong support of HB2425. as it is a common sense approach and a fair compromise to all concerned. In this instance, let's have logic and fairness recognized. Sincerely, Ron Dellinger

HB-2425

Submitted on: 2/8/2018 7:44:41 AM

Testimony for OMH on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Geof Walker	COMMERCIAL FISHERMAN	Support	No

Comments:

The way the law is now if I take my neighbor fishing, and he lifts the lid of the fish box for me to put a fish in I have gaffed, he requires a Commercial Marine License. He is assisting in taking marine life. If a charter boat takes a passenger and the passenger reels in the fish and the captain sells the fish, isn't the passenger assisting to take marine life? I could go on and on, but to me this is clear discrimination in favor of charter boats who sell their catch here in Hawaii (but no where else in the U.S.) I think time to level the playing field and pass this bill so I can take family and friends fishing without having to buy a CML for each person on the boat. DLNR was going to write me a ticket for having someone on a commercial fishing trip, he wasn't getting paid, but they officer said he needed a CML. I spoke to the supervisor and told him that I would take it to court, as the person wasn't hired as crew, received no money, and cited the above about the inequality of the law and apparently dint want open that can of worms and dint write the ticket. Geoff Walker commercial fisherman since 1981 Kona HI

HB-2425

Submitted on: 2/8/2018 7:57:49 AM

Testimony for OMH on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Randall Nishimura		Support	No

Comments:

Please support this bill to enable small part time commercial fishermen the ability to continue to contribute a healthy fishing industry. They already pay their GET on fish sold and rely on crew that are often compensated with catch only. Continually hiking the fees for the crew limits the ability to supply fish at a reasonable price.

HB-2425

Submitted on: 2/8/2018 8:13:12 AM

Testimony for OMH on 2/9/2018 10:00:00 AM

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

Comments:

While the Commercial Marine Vessel License fee will be \$200 per year for captain and crew, the fee for the small boat commercial fishermen will increase from \$50 per year per person onboard to \$150 per year per person and increase again next year to \$200 per year per person on board. This is not fair to the small boat commercial fishermen whose catch does not come close to the catch of the big boats. Plus the big boats use foreign`crewmen while most of the small boats use local crew.

HB-2425

Submitted on: 2/8/2018 9:10:13 AM

Testimony for OMH on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rouen Liu		Support	No

Comments:

The proposed \$200 Commercial Marine Vessel License fee makes economic sense for the "weekend" fisherman who is bottom fishing for Hawaii's Deep 7 type fish.

HB-2425

Submitted on: 2/8/2018 9:29:18 AM

Testimony for OMH on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Kimata		Support	No

Comments:

Distinguished Committee Members,

I would like to submit testimony in Support of HB2425. We are an island surrounded by water with many, many individuals owning watercraft. As you know there a many of the small boat owners sell their catch and therefore fish commercially. It's the fish that you and I enjoy every day. Please help them provide for us with the passage of this legislation. Thank You. Brian Kimata

HB-2425

Submitted on: 2/8/2018 9:57:42 AM

Testimony for OMH on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Clay Tam		Support	No

Comments:

To the committee hearing HB2425,

I am writing testimony in **support of bill HB2425** since it is important to sustain Hawaii's small vessel commercial fishery which not only employees many fishermen statewide but also provides healthy fresh wild caught protien for those who may not be able to fish. Thank you for your time and support of HB2425.

Sincerely,

Clay Tam

Small vessel commercial fishermen, taxpayer & voter

HB-2425

Submitted on: 2/8/2018 12:33:33 PM

Testimony for OMH on 2/9/2018 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Milholen	Kokua Hawaii Foundation	Support	No

Comments:

HB-2425

Submitted on: 2/8/2018 12:47:55 PM

Testimony for OMH on 2/9/2018 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
James T Lovell	1962	Support	No

Comments:

HB-2425

Submitted on: 2/8/2018 1:00:59 PM

Testimony for OMH on 2/9/2018 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Hori, DDS		Support	No

Comments:

LATE

HB-2425

Submitted on: 2/8/2018 2:31:33 PM

Testimony for OMH on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dennis Yamaguchi		Support	No

Comments: