

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the House Committees on  
WATER, LAND, & HAWAIIAN AFFAIRS  
and  
TRANSPORTATION**

**Wednesday, February 6, 2019  
11:20 AM  
State Capitol, Conference Room 325**

**In consideration of  
HOUSE BILL 776  
RELATING TO COMMERCIAL MARINE LICENSES**

House Bill 776 proposes to authorize the Department of Land and Natural Resources (Department) to create different types of commercial marine licenses, clarifies that commercial marine licenses are required of all charter and guide services regardless of whether they are tied to a vessel, and exempts commercial marine licenses from the licensing sanctions for student loan default. **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 Department is also considering additional licensing rule amendments to establish fishery and gear-specific CMLs, as well as full-time and part-time CMLs, where full-time CMLs would only be issued to fishers who derive more than fifty per cent of their annual gross income from the

**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

take or sale of marine life. Details and requirements of each license category would be developed through the chapter 91, HRS, rulemaking process. The measure would provide the necessary statutory authority for this.

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 or guides are also required to obtain a CML. The measure would clarify that any person providing fishing charter or guide services, whether vessel-based or shore-based, must first obtain a CML. This will allow the Department to better understand and manage marine charter fishing activities in the State.

Thank you for the opportunity to comment on this measure.

**HB-776**

Submitted on: 2/5/2019 9:53:52 AM

Testimony for WLH on 2/6/2019 11:20:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brooks Takenaka	United Fishing Agency	Support	Yes

Comments:

Good morning Chairman Yamane, Chairman Aquino, and members of the Committees,

My name is Brooks Takenaka and I am the General Manager of the United Fishing Agency or the Honolulu Fish Auction. Thank you for this opportunity to testify in SUPPORT of HB 776.

Mahalo,

Brooks Takenaka

**HB-776**

Submitted on: 2/5/2019 11:11:55 AM

Testimony for WLH on 2/6/2019 11:20:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sean Martin	Hawaii Longline Association	Support	No

Comments:

The Hawaii Longline Association would like to support HB776. This bill would not only assist the state in simplifying and expediting the fishing license process, but will also make the process more streamlined and simplified for commercial fishers, captains, and owners while providing the necessary information for the state to properly monitor commercial fisheries.

Sincerely,

Sean Martin

President

Hawaii Longline Association

**HB-776**

Submitted on: 2/5/2019 12:24:05 PM

Testimony for WLH on 2/6/2019 11:20:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stephen Lee	WAIALUA BOAT CLUB	Support	No

Comments:

I am the president of the Waialua Boat Club. Our members support the authorization of a commercial marine vessel license which HB776 seeks to establish. Many of our members depend on different crew members, including family, friends and others whom we know to serve as crew members. Our crew members change due to work schedules, illness, family affairs or other impediments to going fishing. It becomes a hardship when each crew must purchase a \$100.00 license to fish on an irregular and uncertain basis. Having a vessell license allows the captain of the vessell to report all fish caught without having his crew each pay a separate \$100 license fee. If the captain subsidizes the crew's license than it is more money out of his pocket which can be alleviated by HB776.

Thank You

Stephen Lee

**HB-776**

Submitted on: 2/5/2019 9:46:06 AM

Testimony for WLH on 2/6/2019 11:20:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Kaneko	Hawaii Seafood Council	Support	Yes

Comments:

Dear Chairs Yamane, Aquino and member Committees,

RE: SUPPORT of House Bill 766 Relating to Commercial Fishing Licenses

My name is John Kaneko. I am the Program Manager for the Hawaii Seafood Council (HSC), a Hawaii-based non-profit organization. HSC supports Hawaii's responsible fisheries and sustainable seafood with research, outreach and education. HSC supports HB 766 which will allow for a type of commercial fishing license that covers everyone on board a fishing vessel rather than requiring individual fishing licenses.

**HB-776**

Submitted on: 2/4/2019 7:27:22 PM

Testimony for WLH on 2/6/2019 11:20:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
William K. Chang	Individual	Support	No

Comments:

I strongly support this bill for the creation of a single Commercial Marine Vessel License only.

I

February 4, 2019

Representative Ryan Yamane, Chair  
Representative Chris Todd, Vice Chair  
HOUSE COMMITTEE ON WATER, LAND & HAWAIIAN AFFAIRS

Representative Henry Aquino, Chair  
Representative Troy Hashimoto, Vice Chair  
HOUSE COMMITTEE ON TRANSPORTATION

Hearing Date: Wednesday, February 6, 2019  
Hearing Time: 11:20 am  
Place: Conference Room 325  
Regarding: HB776 RELATING TO COMMERCIAL MARINE LICENSES

**TESTIMONY IN SUPPORT of HB776 RELATING TO COMMERCIAL MARINE LICENSES**  
**With the following Amendent**

I support the Commercial Marine Vessel License which has been discussed for many years within the Division of Aquatic Resources where I have formally worked for 17 years. The license can be scaled to accommodate a wide range of commercial participation within the fishery. The license can be priced as not to be a financial burden among fishers.

Amend the following:

(2) Authorize the department of land and natural resources to establish [REDACTED] commercial marine vessel licenses, [REDACTED] full-time and part-time licenses; and

It makes no sense to license different gears, like golfers fishermen use different gears/clubs to catch fish. Could you play a round of golf using only one club? Would it make sense to pay a fee for each club you use during a round of golf?

Please keep it simple there are way too many laws to deal with in our State. Thank you House Committee members on Water, Land & Hawaiian Affairs for hearing this testimony.

Sincerely,

Clay Tam  
Fishermen, Researcher & Voter



**HB-776**

Submitted on: 2/5/2019 10:11:05 AM

Testimony for WLH on 2/6/2019 11:20:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Geof Walker	Individual	Support	No

Comments:

Aloha Honorable Chairs Yamane and Aquino, Vice Chairs Todd and Hashimoto and Members of the House Committees on Water, Land and Natural Resources and Transportation:

I STRONGLY support the amendments of HB776. The present system is unfair, unworkable and unenforceable. First, if I take my neighbor fishing and sell my fish he needs a CML and has to reprot monthly or is subject to a fine. 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! I do scientific research for UH and that means each scinetist on the boat needs a CML, that they have to submit monthly reports OF DID NOT FISH or are a subject to a fine! This is because when we go I am allowed to sell catch that is incidental to the scietific work. I talked to DLNR, if I have a young boy on the boat, have him lift the lid on the fish box to throw a mahimahi in, he needs a license because he is assisting in catching a fish that will be sold! I pointed these things out to DLNR officer when he was going to ticket me for a crew with no license, he dint write the ticket! In my opinion, it is unfair if a tourist on a charter boat, reels in the fish, that in many cases will be sold by the charter boat, isn't required to get a CML! Didn't he assist in the harvesting a fish that will be sold? If it were equally applied, on a 6 passenger charter the cost would go up \$600, unless charters were exempt! Round and round and round!! COME ON!!!! It isn't too late for DLNR to start using COMMON SENSE! One CML per boat, commercial fishing boat.

To keep it simple, delete the proposed language relating to "full-time and part-time commercial licenses" in S189-2 (a). Until Hawaii establish limited entry system (that the rest of the world uses, i.e. history in the industry, amount of catch etc,) who knows what a full time fisherman is!!

Thank you for allowing my input to be considered.

Geoffrey Walker

CML #1530 since 1981

**HB-776**

Submitted on: 2/5/2019 10:14:39 AM

Testimony for WLH on 2/6/2019 11:20:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brendt Chang	Individual	Support	Yes

Comments:

My name is Brendt Chang and I am a Commercial Fishing License holder.

I write in STRONG SUPPORT with AMENDMENTS of HB776 that provides the state's small boat community with a practical solution to a 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 and family creating an extensive universe of potential crewmembers requiring CMLs. They also do not sell the catch and only I report it creating a universe of unnecessary CML holders.

The universe of CML holders IS IMPORTANT to data collection as they create fishing Allowable Catch Limits (ACL) based on hours fished and number of "commercial fishers", this is called Catch Per Unit Effort (CPUE) and is critical to fisheries management but currently vastly overstated due to language in the CML laws.

The proposed vessel based CMVL makes sense and alleviates the financial burden upon the captain like myself as it would be unfair for me to pay the \$100 each for a CML to crew for me as I will be able to hold a Commerical VESSEL License that will account for ALL crewmembers aboard for a fixed fee.

However, I offer the following amendments for your consideration.

1) Delete the proposed language relating to "full-time and part-time commercial licenses" in S189-2

(a). As a full time commercial fisherman who supplements my income by fishing, there are years when my fish sales are greater than my income and other times less. I would not know whether or not I am a fulltime or part time fisherman until the end of a year.

2) Delete the proposed language related to "fishery and gear specific commercial licenses" S189-2

(a). Commercial fishermen generally are required fish different fisheries with the changing fishery seasons and this proposed requirement becomes extremely

burdensome for CML holders by having to obtain additional licenses for different fisheries and or gear types. A CML is sufficient as it requires any person who sells their catch, and regardless of the fishery or gear type used, even if only one fish is sold.

3) Delete the proposed language “or guide” in S189-2 (c) as it is irrelevant as, IF an individual sells any portion of their catch, they are required to hold a CML.

Thank you for your consideration.

**HB-776**

Submitted on: 2/5/2019 10:46:45 AM

Testimony for WLH on 2/6/2019 11:20:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Craig Severance	Individual	Support	No

Comments:

Hawaii fishermen have an important Cultural Tradition and practice of taking family members, neighbors and visitors fishing with them. This Bill will allow continuance of this practice in the face of rising CML costs. The current requirement that all persons on board have a CML, if only one fish is sold is considered to be a serious burden by many part time fishermen, and deemed ridiculous by some. Compliance has been an issue. And lack of compliance discredits HDAR. Under current Law, CML costs have doubled and are expected to rise again. The current law may force or encourage fishermen to give up their CML and Become "Non-Commercial". This creates a time series and data gap that hinders the quality of the stock assessments, especially for the Deep Seven complex and its quota. The important part of HB776 is to pass the CMVL, support customary practice, reduce the burden, and contribute to Aloha with fishermen, their families and visitors.. Mahalo Craig Severance, Fisheries Social Scientist.

**HB-776**

Submitted on: 2/5/2019 11:18:16 AM

Testimony for WLH on 2/6/2019 11:20:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
C. Pang	Individual	Support	No

Comments:

I am writing in very strong support of the main thrust of HB776 but there needs to be some amending of it for it to make total sense. The establishment of a CMVL is a terrific idea because licensing the boat instead of all individuals aboard would allow occasional ohana or friends from the mainland to fish without them or me having to pay \$100 for just that once in a while pleasure and it would eliminate any confusion about who has to report catches, thus eliminating any duplicate reports.

But, there should be just one CMVL, without the need for and confusion over who is full-time or part-time. Also there should not be different liceses for different gear so that there is no confusion and duplication there; a commercial fisherman is a commercial fisherman, period. Lastly the classification "guide" should be eliminated, also to eliminate confusion, e.g. am I a guide because I take my novice daughter fishing with me and have to show her the ropes? Again, a commercial fisherman is a commercial fisherman, period.

Mahalo.