

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 Committees on
WATER AND LAND
and
AGRICULTURE AND ENVIRONMENT**

**Monday, February 11, 2019
2:45 PM
State Capitol, Conference Room 224**

**In consideration of
SENATE BILL 1249
RELATING TO COMMERCIAL MARINE LICENSES**

Senate Bill 1249 proposes to clarify that the Department of Land and Natural Resources (Department) has the authority to establish different types of commercial marine licenses, including but not limited to commercial marine vessel licenses, fishery and gear-specific commercial marine licenses, and full-time and part-time commercial marine licenses. It would also require any person providing fishing charter or guide services, whether vessel-based or shore-based, to first obtain a commercial marine license. **The Department fully supports this Administration 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 clarification.

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

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 take or sale of marine life. Details and requirements of each license category would be developed through the Chapter 91, Hawaii Revised Statutes, 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.

SB-1249

Submitted on: 2/8/2019 10:33:49 AM

Testimony for WTL on 2/11/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
John Kaneko	Testifying for Hawaii Seafood Council	Support	No

Comments:

Testifier's Name: John Kaneko

Position/Title: Program Manager

Organization: Hawaii Seafood Council

Committees: Agriculture and Environment (AEN) and Water and Land (WTL)

Date and Time of the Hearing: 2/11/2019 @ 2:45 pm

Measure Number: SB 1249

Comments: The Hawaii Seafood Council (HSC) **supports SB 1249**. It authorizes DLNR to create commercial fishing licenses covering everyone onboard a fishing vessel under one license. HSC is a non-profit organization that supports Hawaii's responsible fisheries, and safe and sustainable seafood.

Committee on Water and Land
Senator Kaiali'i Kahele, Chair

Committee on Agriculture and Environment
Senator Mike Gabbard, Chair

Hearing on February 11, 2019
2:45 pm – Room 224

SB 1249: Relating to Commercial Marine Licenses (WTL/AEN)

Chair Kahele, Chair Gabbard and members of the Committees, I am Brooks Takenaka, General Manager of the United Fishing Agency aka the Honolulu Fish Auction.

We support SB 1249 that will authorize the DLNR to create a “commercial marine vessel license” (CMVL). The CMVL will cover everyone on the fishing vessel under one license and eliminate the need for individual commercial marine licenses (CML).

We support Hawaii’s responsible fisheries -- safe and sustainable seafood.

Mahalo for this opportunity to offer our support.



February 10, 2019

Senator Mike Gabbard, Chair
Senator Russel F. Ruderman, Vice Chair
COMMITTEE ON AGRICULTURE AND ENVIRONMENT

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

LATE

Hearing Date: Monday, February 11, 2019
Hearing Time: 2:45 PM
Place: Conference Room 224
Regarding: SB1249 RELATING TO COMMERCIAL MARINE LICENSES

**TESTIMONY IN STRONG SUPPORT WITH AMENDMENTS of SB1249 RELATING TO
COMMERCIAL MARINE LICENSES**

Aloha Honorable Chairs Gabbard and Kahele, Vice Chairs Ruderman and Keith-Agaran and Members of the Committees on Agriculture and Environment and 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 with AMENDMENTS** SB1249 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. They also do not sell the catch and only the vessel owner reports the catch, the current requirement creates a universe of unnecessary CML holders.

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

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.

However, HFACT offers the following amendments for your consideration.

- 1) Delete the proposed language related to “fishery and gear specific commercial licenses” S189-2 (a).

Reason: 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. Commercial fishermen fish for different species that requires different gear types throughout the year as Hawai'i's are seasonal by species and/or by rues. A CML or CMVL is sufficient as it requires any person who sells their catch, regardless of the fishery or gear type used, even if only one fish is sold.

- 2) Delete the proposed language relating to “full-time and part-time commercial licenses” in S189-2 (a).

Example: A CML fisherman who supplements his social security income by fishing, experiences years when his fish sales are greater than his social security income while at other times less. He would not know whether or not he is a fulltime or part time fisherman until the end of a year. Similarly, a construction worker holding a CML, who is laid off and on during the course of a year, may decide to fish while being laid off and could also make more or less from fishing but he too would not know until the end of the year. HFACT understands that if a person decides to sell his catch he is required to hold a CML and/or a CMVL.

- 3) Delete the proposed language “or guide” in S189-2 (c).

Reason: The term "guide" is unnecessary as any individual who sells any portion of his catch, he is required to hold a CML or CMVL.

Thank you Chairs Gabbard and Kahele, Vice-chairs Ruderman and 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

SB-1249

Submitted on: 2/10/2019 4:17:10 PM

Testimony for WTL on 2/11/2019 2:45:00 PM



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

Comments:

I am in STRONG SUPPORT of this bill because it makes great sense to have the vessel with the captain have the license that helps us manage our crew better by not having to pay for the unnecessary license of crew that may only go one or a few times per year.

, 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 social security income by fishing, there are years when my fish sales are greater than my social security 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.

Mahalo for allowing me to submit my testimony for a great bill!

Sincerely,

Jim Hori

LATE

SB-1249

Submitted on: 2/11/2019 11:11:31 AM

Testimony for WTL on 2/11/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sean Martin	Testifying for Hawaii Longline Association	Support	No

Comments:

The Hawaii Longline Association would like to offer our support for SB1249. This bill would not only assist the state in simplifying and expiditing the fishing license process but will 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.

SB-1249

Submitted on: 2/7/2019 6:51:41 PM

Testimony for WTL on 2/11/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Erica Scott	Individual	Support	No

Comments:

SB-1249

Submitted on: 2/7/2019 10:06:36 PM

Testimony for WTL on 2/11/2019 2:45:00 PM

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

Comments:

I support this bill only for the Commercial Marine Vessel License. I feel that one commercial license is sufficient and that there is no need for a part-time license. I do not agree that there needs to be licenses created for each type of fishing gear.

SB-1249

Submitted on: 2/10/2019 1:39:31 PM

Testimony for WTL on 2/11/2019 2:45:00 PM

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

Comments:

Aloha. I'm a very part-time commercial fisherman and have held a CML since 1992. I also serve management in a variety of mostly volunteer capacities. I strongly support this bill, particularly the idea of a Commercial Marine Vessel License, CMVL. It is a customary practice and a sharing of aloha to take friends, neighbors, mainland relatives, and other guests out fishing, as it is a customary practice for small boat fishermen to be able to sell (and report!), and also share their catch. Since the cost of a CML recently increased, it has become an even greater burden to purchase a CML for every visitor. It would simplify reporting, ease the substantial burden, and perhaps reduce the number of fishermen who feel forced to choose to give up their CML, become "non-commercial", and no longer report catch and effort so the data needed for effective management is lost. Please support SB1249. Craig Severance