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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 Committee on  
CONSUMER PROTECTION & COMMERCE

Thursday, February 11, 2021  
2:00 PM

State Capitol, Via Video Conference, Conference Room 329

In consideration of  
HOUSE BILL 1016, HOUSE DRAFT 1  
RELATING TO THE TAKING OF MARINE LIFE

House Bill 1016, House Draft 1 proposes to clarify that a valid commercial marine vessel license shall satisfy the commercial marine license requirement for all persons taking marine life for commercial purposes aboard a validly licensed vessel; and requires any person who provides fishing charter services to obtain a commercial marine license. **The Department of Land and Natural Resources (Department) strongly 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 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 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-1016-HD-1**

Submitted on: 2/10/2021 1:24:36 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Sakoda	DLNR	Support	No

Comments:

I am available for questions. Please allow me Zoom access. Thank you.

House Committee on Consumer Protection & Commerce  
February 11, 2021 2:00 pm

**House Bill 1016, HD1: Relating to the Taking of Marine Life**

Chair Johanson, Vice Chair Kitagawa, 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 HB 1016, HD1.

HB 1016, HD1 will allow DLNR/DAR to establish a “vessel” commercial marine license (“CML”) that will satisfy an individual’s licensure requirement if aboard a valid 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 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 HB 1016, HD1.

**HB-1016-HD-1**

Submitted on: 2/9/2021 2:12:22 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brandon Goo	Individual	Support	No

Comments:

Brandon Goo / Part-Time Commercial Fisherman

Bill: HB1016

I strongly support HB1016.

Being a current CML Holder and part of our Islands Small Boat Fishing Fleet, 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.

Like most businesses, the business owner is responsible to report and comply with all required State and Federal regulations to legally run a business in the United States. In this case, it should be the Boat Owner who is responsible for the permitting and recording of the catch data.

Current requirements to have all CML holders report their catch does bring some confusion and possible doubling up (or more pending on crew size) of catch reporting data.

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-1016-HD-1**

Submitted on: 2/9/2021 2:15:37 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Clay Tam	Individual	Support	No

Comments:

To the committee hearing bill HB1016,

I fully support bill HB1016 Commercial Marine Vessel License which will improve compliance issues associated with a vessel commercially fishing. Whese it is difficult to have full complance for everyone onboard, especially when the issuing Division is not open to service the public on weekends and holidays. Therefore preventing one from getting their individual license to be compliant with a commercial marine fishing operation or vessel. Thank you for your time in hearing this bill.

Clay Tam

Voter, Taxpayer and Fishermen.

**HB-1016-HD-1**

Submitted on: 2/9/2021 2:38:28 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gary P. Beals	Individual	Support	No

Comments:

I strongly support this bill.

**HB-1016-HD-1**

Submitted on: 2/9/2021 4:02:29 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

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

Comments:

i support this bill.



**HB-1016-HD-1**

Submitted on: 2/9/2021 7:02:59 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Itano	Individual	Support	No

Comments:

HB1016 makes perfect sense. If you fish with people who fish infrequently or take out a lot of family members that dont' even fish, a CMVL will cover everyone onboard. However, if you still want an individual CML, that is still available. I support HM1016.

**HB-1016-HD-1**

Submitted on: 2/9/2021 7:15:27 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shyla Moon	Individual	Support	No

Comments:

Support

**HB-1016-HD-1**

Submitted on: 2/9/2021 7:25:32 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Courtland Pang	Individual	Support	No

Comments:

House Committee on Consumer Protection & Commerce Chair Johanson, Vice-chair Kitagawa, Members Aquino, Morikawa, Har, Onishi, Hashem, Tarnas, Kong, Matsumoto, and Mizuno:

I support passage of [HB1016](#) with one reservation, that being that HB1016 should be amended to include some guidance for setting the cost of the new Commercial Marine Vessel License (CMVL) so that the cost not injure the "many small-scale commercial fishers" HB1016 intends to unburden.

In view of the fact that the small size of the boats used by many of these small-scale commercial fishers limits both crew size and amount of catch, even when weather permits them to fish, with no guidance for setting CMVL fees, such fees - if based on large-scale full-time fishers - will overburden rather than unburden the small-scale part-time commercial fishers. For example, I fish with one other person aboard so our present license cost is \$200. Space limitations aboard my small boat might allow me to infrequently invite one other person to accompany us for a present license cost of \$300. After keeping some of the catch to feed one's family, a small-scale commercial fisher's sales income for the year might total just a few hundred dollars, so a CMVL fee of several hundred dollars or more would cause that fisher to lose money and could even drive that fisher out of the fishery, thus creating a monopoly for the large-scale fishers who can afford to pay higher CMVL fees. That end result is not consistent with the intent of HB1016 to unburden the small-scale commercial fishers.

I request that HB1016 be amended to include guidance that CMVL fees be based on either boat size or annual sales, both of which are readily available through boat registrations or sales reports. For example, the CMVL could be set at \$10 per foot of boat length, or a percentage of the previous year's sales. Either would be more equitable to both small- and large-scale commercial fishers.

My reason for asking that HB1016 be amended to include fee guidance, as above, is rooted in past experience. I harken back to over a decade ago when Ko Olina abruptly closed the public boat ramp required of it by conditions of its land use permit. Esteemed leaders of the boat fishing community led an effort to restore public use of the launching ramp, testifying before the Land Use Commission. Eventually, with help from the Office of Planning, the fishers prevailed and Ko Olina was required to make a launch ramp

available to the public. That seeming victory for the boating public turned out to be a Pyrrhic victory, however, because neither the boating leaders nor the LUC looked beyond the seemingly straightforward effort to restore public access to a launch ramp at Ko Olina. It turned out that Ko Olina would delay opening a ramp to the public for four years and even then, hamper easy public access with registration requirements and limited hours, as well as the need to call ahead for reservations and pay a fee for each and every usage. The LUC and the boating public were powerless to do anything about that, in part because the settlement agreement provided no guidance on timetable or fees or access.

Therefore, even though I understand the impetus to just pass the CMVL first and worry about the fee(s) later because the fee(s) for an approved CMVL would be subject to Chapter 91 procedures and hearings, I fear that without the force of the House providing fee guidance, the small-scale commercial fishers (the intended beneficiaries of HB1016) would be left out in the cold, powerless to effect equitable fees for the CMVL, just as happened before. I note that the DLNR only a few years ago doubled the CML fee and that sudden 100% increase should raise concern for what a CMVL fee might be without fee guidance in HB1016.

I hope the CPC Committee will see the rationale for and thus amend HB1016 to provide fee guidance.

Mahalo,

Courtland Pang

**HB-1016-HD-1**

Submitted on: 2/9/2021 8:05:28 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

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

Comments:

PLEASE help simplify this licensing by passing this measure. The curent system does not work, it skews the reporting data, is very confusin as to who does make reports, puts financial burden on us fishermen. Geoffrey Walker commercial fising since 1981 CML# 1530

**HB-1016-HD-1**

Submitted on: 2/9/2021 9:15:08 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carl M Jellings Sr	Individual	Support	No

Comments:

Mahalo C Jellings Jr

**HB-1016-HD-1**

Submitted on: 2/10/2021 3:50:57 PM

Testimony for CPC on 2/11/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ron Dellinger	Individual	Support	No

Comments:

I strongly support this HB1016