

1 UNITED STATES DEPARTMENT OF COMMERCE
2 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
3 WASHINGTON, D.C.

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8 PUBLIC HEARING

9 IN THE MATTER OF

10 NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF RESERVE

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16 Taken on behalf of the United States Department of
17 Commerce, National Oceanic and Atmospheric
18 Administration, at the War Memorial Convention Hall,
19 4191 Hardy Street, Lihue, Hawaii, commencing at 6:00
20 p.m., on Wednesday, the 13th of December, 2000,
21 pursuant to notice.

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25 REPORTED BY: KATHY PEARSON, RPR-CSR No. 313
Notary Public, State of Hawaii

1 APPEARANCES:

2 Moderators:

3 David Franzel
4 Kem Lowry

5 Also Present:

6 Robert Smith, Department of Commerce
7 Michael Weiss, NOAA

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1 RECORD OF PUBLIC HEARING

2 DAVID FRANZEL: Aloha. I'd like to welcome
3 all of you to the Kauai public hearing, which is one of
4 six being held in Hawaii this week regarding President
5 Clinton's December 4th, 2000 Executive Order
6 establishing the Northwestern Hawaiian Islands Coral
7 Reef Ecosystem Reserve.

8 These hearings are being conducted on behalf
9 of the President, who has requested comments on the
10 conservation measures for the reserve and on his
11 proposal to make the reserve preservation areas
12 permanent.

13 The Department of Commerce will pull together
14 all the comments received by January 8th, 2001 from the
15 hearings, e-mail, fax, and mail, and will transmit them
16 to the executive office of the President. The White
17 House will then review them and make a decision on any
18 further action.

19 This meeting has been organized by the
20 National Oceanic and Atmospheric Administration, which
21 is part of the U.S. Department of Commerce. My name is
22 David Franzel, and along with my colleague, Kem Lowry,
23 we have been asked to moderate the hearing and serve as
24 independent hearing officers.

25 We have present a number of representatives

1 from the Department of Commerce and the Department of
2 the Interior, and I'd like them now to identify
3 themselves. Our Department of Commerce
4 representatives?

5 ROBERT SMITH: I'm Robert Smith. I'm the
6 acting reserve coordinator for President Clinton's new
7 Northwestern Hawaiian Islands Coral Reef Reserve.

8 MICHAEL WEISS: Good evening, I am Michael
9 Weiss with NOAA, and I'm the NOAA agency representative
10 to the White House Council on Environmental Quality.

11 DAVID FRANZEL: And if the ranking
12 representative from Fish and Wildlife could?

13 JERRY LEINECKE: Jerry Leinecke, Fish and
14 Wildlife Service, National Wildlife Refuges.

15 DAVID FRANZEL: Thank you. In a few minutes
16 Kem will be reading to you the key portions of the
17 Federal Register announcement that brought us here
18 tonight, and then open the floor to your comments.

19 First I'd like to explain tonight's
20 procedures. If you have specific written testimony
21 you'd like to submit tonight, we are happy to accept it
22 and will forward it to DOC after the meeting.

23 There are comment forms at the front by the
24 table. If you'd like to send it yourself by mail or
25 fax, we've posted contact information for Roger Griffis

1 on the wall. We've also posted a web site address that
2 has the full Executive Order. You can see that there.

3 Comments, remember, are to be received no
4 later than January 8th, 2001 if they're to be
5 considered.

6 UNIDENTIFIED SPEAKER: They can be
7 received -- they have to be postmarked by January 8th.

8 DAVID FRANZEL: As you can see, we have with
9 us tonight a court reporter, whose name is Kathy
10 Pearson. If you'd like to offer public comments on the
11 record, then we would like you to sign up to speak.
12 When you walked into the room, you should have seen a
13 sign-in sheet. We're going to take the comments in the
14 order that they were registered on the sign-up sheet.

15 We promise you that everyone who wants to
16 speak tonight will have the opportunity to do so.
17 However, because of the number of people attending, we
18 are asking everyone to limit their initial comments to
19 three minutes each. When we call your name, please
20 come up to the microphone and spell your name for the
21 court reporter.

22 When you speak, we encourage you to go to the
23 heart of your comments on the two key topics President
24 Clinton has asked for public comments on. Number one,
25 making the reserve preservation areas permanent. And

1 two, conservation measures for the reserve.

2 If the three minutes is not sufficient or if
3 you have additional comments, we'll be happy to have
4 you speak again after everyone else on the list has had
5 their opportunity to talk. In other words, we may do
6 more than one round of comments after everyone in the
7 room has had their chance. We are planning on wrapping
8 up by nine. However, we can stay later in order to
9 make certain that everyone has a chance to testify.

10 Finally, I know many of you have been to
11 public meetings that didn't work right, or meetings
12 where a few people dominated with their own agendas,
13 and some people really never got a chance to express
14 their ideas. We know people come to these meetings
15 with strong feelings. We know some of you are
16 concerned about environmental matters, some about
17 Hawaiian cultural issues, some about commercial
18 fishing, and some about all of these.

19 We request all of you to abide by the
20 following protocols and courtesy at this meeting.
21 First, participation. Everyone's views are welcome.
22 No one's get excluded.

23 We know that differences of opinion are
24 inevitable, especially when we talk about sensitive
25 environmental and cultural issues. Please listen hard,

1 abide by the three minute rule, and don't clap or boo.
2 That does have a way of shutting people down.

3 In Hawaii, the one thing we seem to be able
4 to do better than any other place is handle our
5 differences of opinion with aloha. And that's how
6 we're going to try to do things tonight.

7 With that, I'd like to ask Kem to go ahead
8 and summarize the key pieces of the announcement about
9 the meeting that appear in the Federal Register, and
10 then we'll start with your testimony.

11 KEM LOWRY: Thank you, David.

12 I'm Kem Lowry, and in real life I'm a faculty
13 member at UH Manoa. And I want to take just a few
14 minutes to summarize some of the key points that are in
15 the Federal Register before we begin our discussions.
16 And I know that some of you have read the notice or
17 looked at it on the web site, so this may be old news.
18 But just to set a little context, this is some
19 background information.

20 On the 4th of December President Clinton
21 issued Executive Order 13178 establishing the
22 Northwestern Hawaiian Islands Coral Reef Ecosystem
23 Reserve. This Executive Order was in response to the
24 directive that he issued in May to the Departments of
25 Commerce and Interior to develop a plan in coordination

1 with the state of Hawaii and in consultation with the
2 Western Pacific Regional Fisheries Management Council
3 to provide strong and lasting protection for the
4 Northwestern Hawaiian Islands Coral Reef Ecosystem.

5 This process began with visioning sessions
6 which were open hearings for public comment on the
7 future of the Northwestern Hawaiian Islands Coral Reef
8 Ecosystem. Additional input was gathered from other
9 sources, such as the extensive public input and
10 research conducted by the Western Pacific Fisheries
11 Management Council in development of their draft coral
12 reef ecosystem fishery management plan.

13 The President has a long history of taking
14 steps to provide additional protection to the nation's
15 coral reefs and other ocean resources dating back to
16 the mid 1990s. The ocean conference held in Monterey,
17 California in 1998 reemphasized his commitment to coral
18 reefs as the President used the opportunity to issue
19 the coral reef Executive Order, which established the
20 coral reef task force. This Executive Order is the
21 culmination of the President's vision for the
22 protection of very valuable coral ecosystems.

23 The reserve encompasses an area extending
24 approximately twelve hundred nautical miles long and
25 one hundred nautical miles wide. The reserve is

1 adjacent to the Hawaii state waters and the Midway
2 Atoll National Wildlife Refuge, and includes the
3 Hawaiian Islands National Wildlife Refuge.

4 The management principles and implementation
5 strategy requirements for the reserve are found in the
6 Executive Order. The President took these actions
7 pursuant to the authority that was provided to him in
8 the National Sanctuaries Amendments Act of the year
9 2000. This act gave the President the authority to
10 designate any Northwestern Hawaiian Islands coral reef
11 ecosystem as a coral reef reserve to be managed by the
12 Secretary of Commerce.

13 This same act states that any closures shall
14 not be permanent without adequate review and comment,
15 which is one reason why the President has authorized
16 these public hearings.

17 Tonight's hearing is seeking comments on
18 behalf of the President's two main topics, which are
19 summarized up here. The first is the conservation
20 measures which were established by the President in the
21 Executive Order for the reserve and the reserve
22 preservation areas, and the President's proposal to
23 make them permanent.

24 And now Michael Weiss is going to say a few
25 words about those two provisions.

1 MICHAEL WEISS: Thank you, Kem.

2 I'm going to step over to this map. There
3 was a handout with a smaller version of the map, if you
4 have it. It's going to be hard to see for you, a few
5 of you. What I'm going to do briefly is just describe
6 the conservation measures and the reserve preservation
7 areas for which we're here accepting your comments.

8 The reserve, as established by President
9 Clinton, consists of this blue area which, as Kem says,
10 is about twelve hundred nautical miles long and a
11 hundred nautical miles wide, and also includes the
12 purple areas. These orange areas are State waters and
13 the Midway Atoll Wildlife Refuge. They're not included
14 in the reserve.

15 There are conservation measures in the
16 Executive Order that apply throughout the entire
17 reserve in both blue areas and in the purple areas that
18 apply throughout the reserve. And those are generally
19 restrictions that apply throughout the reserve.

20 And those restrictions, I'll just briefly
21 summarize them, are prohibition on oil, gas, and
22 mineral extraction, and no anchoring on coral, no
23 drilling, dredging, or altering the sea bed, and no
24 discharging inside the reserve. No taking or damaging
25 reserve resources.

1 Fishing, commercial and recreational fishing
2 is allowed to continue in the blue areas at current
3 levels. And the Executive Order defines how current
4 levels will be established and the Secretary of
5 Commerce will do that subsequent step.

6 The reserve preservation areas are these
7 purple areas. Last night someone said they were
8 fuchsia, but they are these areas. And there are
9 fifteen reserve preservation areas in the reserve. And
10 these are areas where all extractive and consumptive
11 activities are prohibited to protect the coral in these
12 shallower areas.

13 And around the islands such as Nihoa and
14 Necker and all the way up the chain, the preservation
15 areas start at the State water boundary and then go out
16 to a hundred fathoms around the islands. Then around
17 the six banks that are included as the reserve
18 preservation areas, they go out for twelve nautical
19 miles around the center of the bank.

20 And again, within these reserve preservation
21 areas, all extractive activities are prohibited. That
22 includes no fishing, no anchoring if there's a mooring
23 available, and no anchoring if there's a designated
24 anchoring area available. No discharging at all except
25 for cooling water and engine exhaust. And no touching

1 or taking of any coral in these areas.

2 The one exception is that existing levels of
3 bottom fishing are allowed to continue in eight of
4 these areas. And these areas where bottom fishing is
5 allowed to continue are Nihoa Island, Necker Island,
6 St. Rogatien Bank, Gardner Pinnacles, Maro Reef, Laysan
7 Island, Pioneer Bank, Lisianski Island. Those eight
8 areas, existing bottom fishing is allowed to continue.

9 And again, so it's the conservation measures
10 that apply throughout the preserve and also these
11 reserve preservation areas that the President is asking
12 for your comments on, and also whether to make these
13 reserve preservation areas permanent.

14 KEM LOWRY: I know that for some of you this
15 is your initial exposure to this proposal. We're going
16 to give everybody an opportunity to talk about what
17 they like and what they don't like about this proposal.
18 But because this is your initial exposure, or at least
19 for some, I'm going to ask if there are any technical
20 questions or clarification questions that we can
21 respond to before we talk about what you like and don't
22 like.

23 So this is an opportunity for clarifications.
24 Give me your question, and I'll repeat it for the court
25 reporter.

1 fishing area lines be redrawn? That's the gist of your
2 question?

3 QUESTION: Yeah.

4 KEM LOWRY: Do you want to respond to that?

5 MICHAEL WEISS: Sure. I'll go to your last
6 question first about the process, is that the reserve
7 is established by the Executive Order as of December
8 4th. So the reserve preservation areas and
9 conservation measures are established. But the
10 President has continued this process to get your input,
11 such as some of the comments you were just making.

12 Number one, it's hard to understand where the
13 fishing may or may not occur. So that's the kind of
14 comment that we need to hear on these measures.

15 And again, I don't know if I'm going to fully
16 address your question, but with respect to fishing,
17 again, can be allowed throughout the reserve at
18 existing levels except in the reserve preservation
19 areas where it's not allowed, and now it gets a little
20 confusing, except bottom fishing in eight of those
21 preservation areas is allowed. And the preservation
22 areas go around the islands to a hundred fathoms.

23 So essentially in that area fishing is not
24 allowed and no other extractive activities are allowed,
25 except those eight areas where bottom fishing is

1 allowed, somewhere within those reserve preservation
2 areas.

3 Please put that in your comment, and if it's
4 confusing, we want to hear that. Thank you.

5 KEM LOWRY: Other clarifications before we
6 begin taking testimony?

7 QUESTION: Robert Smith, acting reserve
8 coordinator, is that going to become permanent, or are
9 you waiting for final, someone else?

10 ROBERT SMITH: I was asked about two weeks
11 ago to leave my post with the Department of the
12 Interior and come to work for the Department of
13 Commerce in an acting capacity so that there's
14 essentially someone at the helm of this thing locally.
15 And I've agreed to do that. I hope it will become
16 permanent, if the Commerce Department will have me, but
17 right now I'm in an acting capacity.

18 QUESTION: What does the federal government,
19 what reason are they using to confiscate all of this
20 land? Is Western Pacific not regulating it? Is
21 Western Pacific Fisheries Council, who have given
22 permits to fishermen, not taking care of this area?
23 What are the reasons why this land is being taken over?

24 KEM LOWRY: I'm going to exercise the
25 moderator's prerogative and say that's all set out in

1 the Federal Register. If your comment is a complaint
2 about that, I --

3 QUESTION: I want to know the reason, why are
4 they taking this over. Is it not being managed
5 properly? What damage to coral has been seen? What
6 things are going wrong that the federal government has
7 to take it away from the State and take it over?

8 KEM LOWRY: I don't know that they can add
9 anything that's not already on the Federal Register.

10 QUESTION: See, we don't have a reason why
11 this is being done. Why is it being done? Because the
12 coral reefs in the world are coming apart? I don't see
13 any problem with the coral reef here. Do any one of
14 you here have any information? Do we know that the
15 reefs have changed in the last ten years?

16 MICHAEL WEISS: I will just say that
17 essentially what's in the documents that you have, that
18 one of the principal reasons for doing this is
19 articulated in the documents you have, is that this
20 is -- the Northwestern Hawaiian Islands have almost
21 seventy percent of the United States' coral reefs, and
22 they are in good condition. And it's because of that
23 that this action was taken, to preserve them in that
24 condition.

25 QUESTION: If they're in such good condition,

1 why would you want to come in and take them over?

2 In other words, the State and the Western
3 Pacific Fisheries Council has done a good job up until
4 this point. Don't we agree with that?

5 KEM LOWRY: Why don't we regard that as
6 testimony and start the testimony. This is not really
7 a technical question. Let's start the testimony.

8 First up is Isaac Harp.

9 ISAAC HARP: Aloha. Isaac Harp, I S A A C,
10 H A R P.

11 I know we got topics to address here, but I'd
12 just like to talk about a bunch of propagandas that's
13 been going around in this meeting here. Claimed
14 they're going to shut down the bottom fishery, which is
15 not true. The bottom fisher will be grandfathered in
16 and the majority of areas open to bottom fishing.

17 And you've been talking about putting a cap
18 on this, and a lot of people are thinking it's probably
19 the most recent, this past year. I support a cap on an
20 average based on the past three years of activity in
21 the area.

22 I know a lot of fishermen are fishing the
23 area, and the past year has not been very productive,
24 because they have been targeting other fisheries up in
25 the area, doing things like that. To be fair to the

1 bottom fishermen, I think we should take an average of
2 the past three years.

3 And there's been claims that the bottom fish
4 prices will rise. When the main Hawaiian islands
5 declined in the 1990s, the price never did rise. We
6 have a lot of imports coming in, and a lot of people
7 don't realize that when they go to the restaurant they
8 might be eating imported fish. There's been an effort
9 for several years to try and have our state legislature
10 adopt legislation for true labeling of the fish to let
11 the people know they're eating the imported fish, but
12 that has failed for the past several years.

13 And there's been claims that the restaurants
14 will go out of business, and this is not true. Bottom
15 fishing is grandfathered in on the islands, it will
16 continue at the same capacity unless the guys not
17 getting enough money drop out. And the main Hawaiian
18 islands will continue status quo and imports will
19 continue to be available.

20 There's been claims that this will shut down
21 lobster fishery. There's a recent court action that
22 shut down lobster fishery, and that it's been very
23 poorly managed by the WesPac Council. In the 1980s an
24 average of three and a half lobsters could be caught
25 per trap. In recent years it took three traps to try

1 and catch one lobster, and that includes egg bearing
2 females and immature lobsters that haven't been allowed
3 to be taken since 1996.

4 There have been claims that it will be bad
5 for the state's economy. Won't affect the fisheries as
6 it will continue. The imports will continue for the
7 restaurants, they won't go out of business. And
8 preserving the coral reef areas up there will help to
9 insure potential replenishment of the main Hawaiian
10 islands, where we have eight hundred million dollar
11 tourist industry. That should not damage the economy,
12 but support the economy here.

13 There's been claims of insufficient public
14 input into the process. There was a public hearing on
15 five islands and Washington, D.C. There were over
16 1,100 written comments mailed in. 430 people attended
17 the five island meetings here and the one in
18 Washington. 60 kapuna culture practitioners gathered
19 in Oahu to provide input during the workshop. A
20 consensus document was adopted.

21 But it's the most diverse group of
22 participants, which included fishermen,
23 conservationists, marine managers, the broadest
24 interest group you could get together. Developed a
25 document called malama na'ia, Northern Hawaiian

1 Islands, and we gathered over three million supporters
2 for that document, both locally and nationally.

3 Northwestern Hawaiian Islands contain a lot
4 of ceded lands. And the government is mandated to
5 manage these public trust lands for the best interest
6 of the general public, and I believe the reserve will
7 do such.

8 And I'm very concerned about military
9 activity in the area. I don't want to see any bombing
10 going on up there or any landing craft landing on any
11 of the islands in that area. And we already
12 experienced enough with Kahoolawe here. They gave the
13 State four hundred million dollars, they're not nearly
14 halfway, and they're running out of money and they're
15 not going to be able to clean up that island.

16 I'm afraid of allowing ecotourism in the
17 area. Ecotourism is a very loosely used phrase.
18 People take ecotourism trips around Maui where I live,
19 and people are stepping on the coral, breaking coral
20 and everything, and I don't think that's ecotourism.

21 And as far as education goes, I don't think
22 they should let people go to the reserve for education.
23 I would prefer to see researchers and things. Legal
24 tape can provide that type of legislation to the
25 general public, which would include a lot more people

1 in the education process. Put that into the schools,
2 put it on the television, and show the people what we
3 got up there and why we need to protect it.

4 And I believe we need to keep the fishing
5 pressure limited to what we have now. Up in the
6 Northwestern Hawaiian Islands I believe they have less
7 than a dozen active fishers. Here in the main Hawaiian
8 islands we have over 2,500 licensed commercial bottom
9 fishers, and several thousand subsistence and
10 recreational fishermen.

11 I believe we need to protect the resources
12 there to insure that the replenishment of resources of
13 that area will continue to feed the main islands. We
14 have huge catches of immature fish here and very small
15 catches of mature fish.

16 One particular species is ula'ula koae,
17 that's known locally here by the Japanese name onaga.
18 The statistics know that mature percentage of the catch
19 is 4.7 percent. And that's not enough to produce the
20 other 95 percent that's being caught here. So those
21 immature fish must be coming from the stock of the
22 Northwestern Islands. An assumption of mine.

23 And there have been normal distribution
24 studies on the lobster fishers and some of the bottom
25 fishers, and it's now known that currents is bringing

1 some of those back down towards the main Hawaiian
2 islands, so I believe we're getting replenishment up in
3 that area.

4 I'm very concerned about enforcement. I
5 don't see any mandatory requirement for vessel
6 monitoring systems in that water, and I believe we need
7 mandatory requirements twenty-four hour, seven days a
8 week vessel monitoring systems.

9 This is probably the cheapest and most
10 efficient means of enforcement that's available today.
11 We could include other ideas like mounting cameras on
12 the different islands and things. 360 degree scan. We
13 need some kind of enforcement. No sense having rules
14 unless you can enforce the regulations.

15 And I'm against any harvest of the coral
16 reefs. There's a lot of demand for the coral industry.
17 Coral, live rocks, aquarium fish, that type of thing.
18 I don't believe any of that type of harvest should be
19 allowed in the reserve boundary.

20 I'm concerned that the State waters are not
21 included in the reserve, and I hope that federal
22 government and the state government can work
23 cooperative to provide stronger protection for the
24 State waters.

25 And with recent information gathered as far

1 as the global warming patterns go, the world has lost
2 about 27 percent of the coral reefs in the past decade,
3 and I believe the studies shows that everywhere there's
4 coral reef, the prediction is that the ocean
5 temperature will rise and kill more reefs, with one
6 very significant exception. The only area that's not
7 predicted to have a rise in ocean temperature is in the
8 Northwestern Hawaiian Islands.

9 In the next several decades, if the global
10 warming trend continues, the Northwestern Hawaiian
11 Islands may become the last living coral reef on the
12 planet. For that reason, we need to protect that area.
13 And we may be the last hope for the rest of the world
14 until we get ahold of this global warming problem to
15 replant the reefs in our area of the world.

16 I thank the President for taking the
17 initiative to protect the coral reefs. Mahalo.

18 KEM LOWRY: Buzzy Agard.

19 Incidentally, we had 225 people show up on
20 Oahu. 115 people signed up to testify. We were pretty
21 rigorous about enforcing time limits. Since we have
22 fewer tonight, I think we can give people five minutes,
23 but I do urge you to make your point so that everybody
24 has an opportunity to be heard.

25 BUZZY AGARD: Aloha. My name is Buzzy Agard.

1 I've been a fisherman for a long time, and I support
2 this initiative by President Clinton from what has
3 happened in the fishery where I work. And I'll begin
4 by explaining that.

5 In 1946 I was running vessels from Honolulu
6 to French Frigate Shoals. And I envisioned, like I
7 think a lot of people envisioned, this is a pristine
8 place and you can go up there and there's lots of fish.

9 And I landed there, and surely there was fish
10 in the shallows at the atolls. I'd not seen fish like
11 that in Honolulu, because that's pristine. And I
12 captured these fish. They were large, mature fish.
13 They were what we call mo'i. And they're highly
14 prized, of course.

15 And I went back the next week on the shallows
16 where they would gather away from the predators, which
17 were offshore slightly, and there was no fish of that
18 variety. I went back the next month. And usually in
19 Honolulu, by a week the fish would recongregate or
20 regather, you could catch them. And the next month
21 there was no fish there on the atoll. And I went back
22 the next year, several times in the months that
23 followed, and there was no fish there.

24 And I worked there till 1956. And that fish
25 never came back. It was the standing stock of mature

1 breeding fish, the critical mass. I use that as the
2 example, because all the atolls were like that. As I
3 moved from one atoll to another, I captured a whole
4 That one disappeared. They will not come back. They
5 had taken generations to build that breeding stock.

6 I finally in 1956 had turned the key to my 85
7 foot sampan. I left. I never looked back, and I never
8 went back. Because it's not sustainable. Those are
9 just examples of what are going to happen to a pristine
10 area like that.

11 The nutrients in the water are well-known to
12 be much less than here. The growth rate of the fish
13 there are very slow. Those that survive come up to be
14 large, mature fish. And they are producing, as far as
15 I can see, and helped in the surveys with the
16 department, the fishery department of the State, to
17 pick up the small juveniles in the shallows in these
18 waters of Hawaii. That's where the fish are spawning,
19 and the spawn is drifting down this way and helping
20 supplement what we get.

21 What you've done here, or our fishing efforts
22 has done here is driven down the catch substantially.
23 And I believe the State is taking measures to stop the
24 capture of the ahuluhulus, the onaga, and the red fish
25 because of the heavy pressure. Before that happens,

1 maybe that experience would be of benefit to somebody.

2 A question was raised about why is the
3 government taking all of that coral. Well, if the
4 example I'm presenting, as a man who actually worked
5 there, would happen also in the coral fishing. If any
6 of you are familiar with the situation in Florida, and
7 I don't mean the presidential election, I'm talking
8 about the coral reef program that they have down there,
9 it was very difficult to put into place. They had many
10 players. Very, very lengthy process.

11 We don't have to go through that by
12 developing this plan and then looking at it from a
13 distance and figuring out what should we do and allow
14 up in that pristine region. It is serving as a nursery
15 right now, and I think it should continue to do that.

16 I don't think you're going to get the fish
17 population up in Hawaii like it was in 1946, Hawaii.
18 These lower islands, it was abundant. I can attest to
19 that, because I'm a fisherman. I know.

20 And I would speak on behalf of supporting
21 this program, because it will help us get a little
22 recruitment. You're not going to get the population
23 back here to what it was in 1946. There's no way. The
24 only supply we have is up in the Northwestern Islands.
25 The Northwestern Islands. So I speak in support of

1 this.

2 I would say that those islands being ceded
3 lands, if you understand what that means, deserve
4 special protection because they're part of the public
5 trust. That means all of you sitting in this room and
6 your children and your grandchildren have a stake in
7 that fishery and those natural species that are up
8 there.

9 There's one thing about it. Because we have
10 come to this stage, some of the old practices here in
11 Hawaii. For instance, they had what they call the kapu
12 system. Kapu meant no take. But it looks like we're
13 going to have to impose something like that because of
14 what has happened.

15 Or we have another system here, or practice.
16 It's, I think, a natural practice for many people, and
17 in these islands we call this practice the refuge. And
18 the word we use is pu'uhonua. Pu'uhonua means a place
19 of refuge, principally of rebirth. Those islands up
20 there are a pu'uhonua for the species that had
21 retreated there from our activities.

22 Then you see the seal, threatened turtles,
23 two or three varieties. The protected sea birds in the
24 millions. They deserve a place away from human
25 interference, human encroachment. Keep it natural.

1 There are many benefits to doing that and preserving
2 that biodiversity that you find only there. You don't
3 have it here anymore.

4 So I would ask that all of you think about
5 that, what I've tried to explain to you. Having been
6 there, having gone through it, came back and found
7 another job, because I felt this would not work, and it
8 didn't work for those years that I was there. Thank
9 you.

10 KEM LOWRY: Next is Don Moses.

11 DON MOSES: My name is Don Moses, M O S E S.
12 My wife and I own a company here on Kauai called High
13 Tech Fiberglass. We're in production on a boat right
14 now that is very capable of going all the way to
15 Midway. It has that kind of range.

16 I've lived here on the island for about
17 thirty years, and I've been to these islands a number
18 of times. And I find it to be very, very productive as
19 far as fish. There's just tons and tons of all kinds
20 of fish there. It's a wonderful place to go. It's
21 like going to an aquarium. You just see everything,
22 and lots of it.

23 It does need to be protected. Many years ago
24 Kaula Rock was very similar to what these islands were
25 like. You would go to Kaula Rock and there were tons

1 of fish and lots of sharks. But because Kaula Rock is
2 so close and we can get to it, the commercial fishermen
3 can get to it and everybody can get to it, recreational
4 fishermen also, it just gets so much pressure, so much
5 traffic that today it's much different. It's nowhere
6 near what it used to be. It's a virtual desert at
7 times.

8 These areas do need to be protected, although
9 I would like to see some sort of provision in there so
10 at least recreational -- and I'm speaking for
11 recreational fishermen tonight, not commercial
12 fishermen, because I know there are a number of
13 commercial fishermen here that will voice their
14 opinions on how they feel about it.

15 But I'm just talking about a recreational
16 fisherman, that there be some kind of provision in
17 there that recreational fishermen could go there and --
18 which we don't go that often. And maybe two or three,
19 four times a year go there on like week or two week
20 trips all the way up the chain, maybe to Midway and
21 then back.

22 And we subsistence fish on the way up and
23 back, catch enough fish to eat as we're going. Because
24 we're not going to commercial fish, but we do eat fish
25 on the way up and the way back, so we're catching a few

1 fish. But we're mostly up there to have fun, catch and
2 release, tag and release.

3 If we can be of some assistance in the
4 research gathering of various types of information for
5 ulu'ulu, whatever, it would be nice if we could have
6 the information and the tags and be able to help in the
7 research that goes on as far as knowing numbers of fish
8 and types of fish and that sort of thing.

9 So again, I'm speaking just for the
10 recreational fishermen, because I'm sure you get lots
11 of comment from the commercial guys. Thank you.

12 KEM LOWRY: Next up is Carol Hart.

13 CAROL HART: My name is Carol Hart. I'm
14 married to Don. I'm also an owner of High Tech
15 Fiberglass. I'd also like to say I have a degree in
16 oceanography from Humboldt State. My primary focus was
17 marine mammals. However, I'm interested in fish as
18 well.

19 I support this reserve as a permanent
20 designation for the Northwest Hawaiian Islands. I've
21 traveled and dove and snorkeled quite a few coral reefs
22 in Mexico, Thailand, Indonesia, Fiji, and Tonga, and
23 I've seen a lot of damage, not only possibly from
24 global warming, but from overuse and destructive
25 practices such as dynamite.

1 So because we have such a relatively pristine
2 area nearby, I support the protection of it. And also,
3 of course, I'm very much for the research and possible
4 maintenance of the monk seals. They're very
5 endangered.

6 Of course, we all know that reefs are vital
7 to the ocean ecosystems everywhere in the world, not
8 only in Hawaii. And the preservation of these reefs
9 and the areas around them will also help the Hawaiian
10 fisheries, as I think it was Buzzy so eloquently spoke
11 of.

12 I'm a boater and a diver, and I'd like to
13 just reiterate what Don said as far as I support
14 allowing some recreational fishing and diving within
15 the preserve areas near the atolls and the islands.
16 Most people who would go up there to do this would be
17 only sustenance fishing, possibly spear fishing.

18 However, I do not advocate collection of live
19 species such as shells and coral. Those should be
20 preserved entirely. But I think that the recreational
21 people who are divers and fishermen should,
22 particularly the Hawaiian people, should be allowed
23 near these areas.

24 Again, I also support Don in the possibility
25 of providing education and packets to the people who go

1 up there to tag and release, and also data sheets to
2 provide information on the fishes and possibly the fish
3 that are released and tending them.

4 I think that would be a real cost-effective
5 way to collect data up there. We all know it's a long
6 way, and it's not a comfortable trip sometimes. I
7 think it would be excellent to involve the public, and
8 also it would be a good way to educate the public at
9 the same time. Thank you.

10 KEM LOWRY: Rick Prowse.

11 RICK PROWSE: My name is Rick Prowse. I'm a
12 small boat fisherman. I support the conservation area
13 up there.

14 I just wanted to read a quote that was in the
15 newspaper tonight, because we were talking about
16 conservation. This quote is from Kitty Simmons,
17 executive director of the Western Pacific Fishery
18 Management Council.

19 Her quote is quoting, "None of the fisheries
20 resources that we manage are overfished."

21 We know the kind of job that the federal
22 government has done in really managing our resources.
23 Those of us that have fished throughout the years have
24 seen our resources dwindle more and more. They talked
25 about this area for recruitment, which I think is real

1 important. It's a special area that if it is
2 protected, the recruitment will help us small boat
3 fishermen here and it will help the main Hawaiian
4 islands.

5 One thing I question is, they've kind of made
6 it sound like that, you know, the commercial fishermen
7 are going to go up there and catch all this fish,
8 they're going to anchor on the coral and all that. I
9 believe those are legitimate concerns and they need to
10 be addressed.

11 But some of the main concerns, I think, that
12 need to be addressed in this area is what is being done
13 and has been done by a foreign fleet, a fleet that has
14 no rules, no regulations. They're feeding sharks,
15 they're killing everything. They've been doing this
16 for, you know, how long, and they're going to continue
17 doing this.

18 They mentioned in the document that there
19 will be enforcement and special technologies by the
20 federal government and the Coast Guard. If you could
21 just take two cutters, put them up there starting in
22 the spring, leave them through the summer, early fall,
23 and get them out of there in the winter when it gets
24 rough, and the foreign fishing fleet realized what was
25 up there patrolling those waters, the change would be

1 dramatic. That's the kind of enforcement we need.

2 Hey, we're all for protecting. You can see
3 the commercial guys are here and they want to protect
4 the fish. I fish commercially, I want to protect them.
5 But we're not the problem. The problem is there's been
6 no enforcement up there all this time. Those people
7 anchor wherever they want to anchor. They do whatever
8 they want to do. And we need to really address that
9 problem. I think that's a real major issue there.

10 If you went on the beaches up there and you
11 saw the debris that's entangling the monk seals and the
12 turtles and all that, you know what it is? It's not
13 from us. It's from the foreign fleet. That's what's
14 up there. That's what's been hammering the resource.
15 That's why the fishing in Hawaii is a shell of what it
16 was. You know, I mean, we're not putting giant nets
17 out there. I go fishing with hook and line.

18 So we are asking you. I think the reserve is
19 a great idea. Please provide the necessary enforcement
20 and put the word out that, hey, if you're fishing up
21 here illegally, we're going to be serious about it.

22 And finally, to end this, we fish illegally.
23 The United States fishes illegally all the time in
24 Mexican waters off California and a lot of areas. We
25 have to clean up our act where we're not fishing

1 illegally in other countries so that we can ask them to
2 not fish illegally in our countries.

3 This is what's going on. Address these
4 issues, and this area will be a special preserve, and
5 it will be unreal for generation after generation. But
6 you can do all you want right now, and if you don't
7 address the issues I'm talking about, it's going to be
8 trashed up there. The nets will keep washing in, the
9 animals will continue to be caught. The beaches will
10 be full of debris. All of that will continue on like
11 it's been going on all this time.

12 Or make a serious commitment to really
13 protect the resource up there with enforcement, and
14 realize we're not your enemy, we're your friends. We
15 could help. We could be up there fishing, doing
16 whatever, and actually report violations.

17 So work like that, and I think you have a
18 much better thing going for you, and it really would
19 protect generation after generation for our kids.
20 Thank you.

21 KEM LOWRY: Next is Tania Felix.

22 TANIA FELIX: Aloha. My name is Tania Felix,
23 F E L I X. I'm a Kauai resident. I'm a private
24 citizen, so to say. That's why I'm here.

25 I also work at the Kauai Museum. And though

1 I'm not delegated by the museum to come here today, we
2 are very interested in education. And that's the focus
3 of my coming here, to learn all I can so I can report
4 back to my boss.

5 And what I have here are two small articles.
6 One was in the Garden Island Newspaper for the letter
7 to the editor there. It's written by a Kauai resident,
8 H. M. Wyeth. And it calls for education.

9 The title is, Northwest Hawaiian Islands Need
10 Attention. To the U.S. Institute For Environmental
11 Conflict Resolutions regarding recommendations for
12 protection, management of the Northwest Hawaiian
13 Islands coral reef ecosystems.

14 And, by the way, I totally support the
15 conservation measures in perpetuity.

16 It is hard to persuade people -- this is the
17 writer, and I'm not going to read the whole thing, just
18 certain portions.

19 "It is hard to persuade people to care about
20 a place that they do not know exists, while the
21 Northwestern Hawaiian Islands have heretofore retained
22 much of their biodiversity precisely because they are
23 remote and largely unknown, even to many, perhaps most
24 Hawaii residents. I submit that this may not be the
25 case much longer.

1 The planet grows ever smaller as more and
2 more humans find more and more ways to reach its
3 farthest places, whether physically, by means of
4 improved transport, or vicariously by electronic media.
5 Although the islands may not be in immediate danger of
6 being overrun by people, this might happen.

7 Certainly our species has already affected
8 the area through military use, exploitation of marine
9 and avian life, introduction of alien species such as
10 rabbits and canaries, and dumping. It does not take
11 many humans or much human activity to damage these
12 delicate ecosystems. How important then that those who
13 would manage these ecosystems find ways to inform the
14 public about the islands and their significance.

15 This is not happening. Yes, I know the
16 University of Hawaii has programs. These, however,
17 reach only an elite. Most of our citizens will not
18 study marine science at UH or travel to Midway as
19 ecotourists. What is to be done for them? Most
20 popular teaching of Hawaiian history, geography, et
21 cetera, ignores the Northwest Islands.

22 A high priority of any management plan for
23 the Northwest Hawaiian Islands should include
24 development of a systematic program of education for
25 all the public. Not just for the small number that

1 physically visit the area or study marine biology in
2 the university system. Don't we already have the
3 technology and vision to do this?

4 Besides teaching the geography, history,
5 biology, et cetera, of this fascinating region, this
6 curriculum could also open the planning process
7 outlined in the recent statewide meetings to more
8 participants. Perhaps it is naively optimistic to
9 think that promulgation of such a program could also
10 become an avenue for interagency cooperation."

11 I think that's important. And that's my
12 comment.

13 And the writer continues, "And thus help
14 solve one of the major problems of the present
15 management arrangement. Whether increased knowledge of
16 the islands will lead to better care for them is
17 anyone's guess. At the very least, however, it can
18 enlarge the pool of ideas in individuals that may lead
19 to improvements.

20 Again, it is hard to get people to ponder and
21 discuss the future of a place they do not know exists."

22 Now, you can feel the intensity of the
23 writer's comments. They're very clear comments. I'll
24 read you an ad --

25 KEM LOWRY: Would you just give us the main

1 point? Thank you.

2 TANIA FELIX: Okay. Midway is not part of
3 this reserve. However, there are Aloha Airlines planes
4 going to Midway, and more and more people are going in
5 that area. So I would like to know how close Midway
6 is, how close to this reserve. Would there be any
7 conflict with increased tourists going to Midway that
8 would overlap into the preserve. Thank you.

9 KEM LOWRY: Carl Berg, please.

10 CARL BERG: My name is Dr. Carl Berg. I am a
11 professional ecologist, Ph.D.

12 This area of coral reefs that we're trying to
13 preserve is one of the last relatively, and I use the
14 term relatively, pristine areas of coral reefs in the
15 world. It is one of the few that has been untouched by
16 the coral reef bleaching, and it really must be
17 maintained as a preserve. I am extremely supportive of
18 the conservation measures in the reserve protection or
19 reserve preservation areas that have been proposed.

20 Earlier this year we had a number of public
21 meetings, and groups of conservation and Hawaiian
22 organizations got together and gave their comments.
23 And it's really refreshing to see in the document we
24 have here that those comments were looked at and
25 incorporated. And I feel very pleased that what has

1 come out of that in the President's action here
2 reflects what the community put forward at those
3 earlier meetings.

4 I don't have any real suggestions for
5 changing those. What I have in fact is the support
6 that they not be changed. That we do not change the
7 reserve council, for example. Keep a good strong
8 representative reserve council.

9 I have concerns about development of
10 ecotourism within this reserve, because I have seen
11 here on Kauai and in the Florida Keys, where I worked
12 extensively, the various detrimental effects of
13 ecotourism upon the natural environment.

14 I am very concerned, as was expressed
15 earlier, about the enforcement issue. That without
16 strong enforcement, that we will have the foreign
17 fleets coming in. We'll not have the protection that
18 this area must be afforded.

19 This puts a very hard problem with any
20 management of the reserve, because it's going to
21 require a full-time fleet of ships out there, at least
22 during the summer periods, as was mentioned. It's
23 going to require a major portion of a reserve budget is
24 going to have to be in enforcement.

25 I would ask that the State work closely with

1 the federal government in trying to get the State
2 waters included within this preserve such that the
3 level of protection that is afforded by the federal
4 action is carried over into State waters.

5 The coral reef preservation program will have
6 a major effect upon the recruitment of fisheries to the
7 main Hawaiian islands. We are not unique or the first
8 to try to protect our coral reefs. The feds have done
9 it with the coral reef marine sanctuary in the Florida
10 Keys.

11 In the development of that program there was
12 tremendous amount of public input, a lot of contentious
13 issues, but they were able to work out an area that
14 included these preserves. And I believe that we've
15 already seen the effects of that on fisheries in the
16 Florida Keys, the positive effects of that in the
17 Florida Keys.

18 So in conclusion, I would just say that I
19 would support this as it has been presented to you,
20 because you have listened to the community's concerns
21 already. And that I ask that you give special
22 attention, though, to the development of ecotourism and
23 the enforcement issue. Thank you.

24 KEM LOWRY: Makaala Kaaumoana.

25 MAKAAALA KAAUMOANA: Aloha. I am Makaala

1 Kaaumoana. I am the program coordinator for the
2 Hanalei Heritage River Program, and I ask that you take
3 our aloha to CEQ the next time you're there.

4 MICHAEL WEISS: I'll do that.

5 MAKAALA KAAUMOANA: I speak today, however,
6 as an individual. I carry your message from our kapuna
7 and for our keiki. I speak today for understanding
8 respect and protection for those living things that
9 cannot speak for themselves. I speak today with words
10 and pictures I hope will convey the urgency of the need
11 for education and enforcement.

12 I bring with me pictures of the debris that
13 someone alluded to earlier. And I would ask that they
14 could see that. That's Midway. That's a small portion
15 of the debris that was on Midway in July of this year.

16 The human population of our planet makes a
17 choice every day about what they will eat and where
18 they will play. The creatures and plants of our oceans
19 do not have a say. I gladly will wait for lobster on
20 my plate to save a Hawaiian monk seal.

21 The Northwestern Hawaiian waters are uniquely
22 cool, which has protected many forms of life from the
23 damage global warming is causing. They may become the
24 last living coral reefs in the world. It is not only
25 important to save this area as a habitat, but also as a

1 future resource for our very existence.

2 I bring with me copies of photographs
3 depicting the 1,200 tons of fishing net and gear
4 recovered just on Midway Island. 24,000 pounds of
5 stuff that kills marine life.

6 I call for this initiative to include
7 mandatory automatic VMS on all vessels traveling in
8 this area. I call for a mandatory education program
9 for all fishers and harvesters who work in this area.
10 I call for real enforcement of these rules.

11 These protections are expensive to implement.
12 If money is to be spent on behalf of these resources,
13 it should be spent on education and enforcement now.
14 We are kidding ourselves if we think wishing and
15 talking will work. It is too late for conversation and
16 dreams.

17 Adopt these protections, teach the reasons,
18 enforce the rules. Recreational, subsistence, and
19 commercial fisher folk will reap the benefits of
20 increased resources with these protections.
21 Traditional cultural practitioners are guaranteed
22 access.

23 I thank President Clinton for his foresight
24 and fortitude in bringing this initiative forward. I
25 ask the State of Hawaii and the United States of

1 America and the Hawaiian Nation to cooperate and blend
2 their jurisdictions to make this initiative work.
3 Mahalo.

4 KEM LOWRY: Jonathan Hurd.

5 JONATHAN HURD: Good evening. My name is
6 Jonathan Hurd. I'm a licensed captain, have a hundred
7 ton Masters. I also have a Malzone (sic) permit. I'm
8 a commercial fisherman by trade. I fish in the
9 Malzone.

10 I made my first trip to French Frigate Shoals
11 in 1983. I hear a lot of comments from everybody about
12 the area, and I just came back last week. They talked
13 about the seals. Since 1990, 23 seals have been killed
14 by research. Now, if you go to French Frigate Shoals
15 you'll see 55 gallon drums of PCB. Who put those
16 there? Not the fishermen.

17 Now, my other concern is that the federal
18 government wants to step in and take over this area.
19 Everybody talks about how pristine, how nice, how
20 everything is wonderful. It is because it's been
21 managed properly. The boats that are up there now are
22 managed.

23 I hear everybody complaining about no
24 enforcement. We see the Coast Guard there. The Coast
25 Guard is there. We see planes, Coast Guard planes. We

1 see NOAA planes flying, overflying the area. Looking
2 for the numbers on the side of the vessel. Looking to
3 see if you've thrown any garbage. Looking to see if
4 you're killing any seals.

5 I took a class sponsored by NOAA on
6 management, how to interact with seals. That was part
7 of a process of getting a permit, to qualify to fish in
8 the area, was to take a class and teach me what to do
9 around a seal, what to do when I go near one, what if
10 one comes by my boat. I know these things, I was
11 trained by the government to do them.

12 Now, everybody seems to feel that it's a real
13 important area. It is a real important area. But
14 tomorrow we could have a different ocean current which
15 would come through there and wipe everything out.

16 We hear about the fish, that there's no fish
17 up there. Well, fish really, it's pretty hard to say
18 that they're going to be in the same spot this year as
19 they are next year. The current changes, the salinity
20 of the water changes, the water temperature changes.
21 Those things all cause things to move. It's not always
22 the same. It's not a static contribution. It's just
23 something that changes all the time.

24 So people say that, well, you're fishing all
25 the fish out. Now the President wants to say to me,

1 well, you know, the last three years you caught two
2 thousand pounds. That's all you can catch up there.

3 I read in the paperwork that you've handed
4 out tonight that says that, well, nobody is making a
5 profit. Nobody is making any money up there. Well,
6 then why would you want to limit the amount of pounds
7 of fish that I can catch? It just doesn't make any
8 sense.

9 Now, again, they're saying that we can't have
10 mixed trips. I can't go up there and I can't catch a
11 ten pound tuna when I'm fifty miles away from Nihoa and
12 go inside and catch a ten pound snapper. That's
13 against the rules.

14 So it's kind of contradictory in that you're
15 going to let us fish in the area, but then you're going
16 to put a cap on how much we can catch, you're going to
17 put a cap on what species we can catch when we're
18 already in a pretty well regulated area.

19 Everybody is thinking there's no fish up
20 there. What regulates the fish in those areas is the
21 weather. Everybody says, well, send the Coast Guard up
22 in the summer. What happens in the summer up there?
23 The weather is pretty nice, but I got to fish all
24 year-round. I got mortgage payments twelve months a
25 year, so I got to go up there in the winter. It just

1 doesn't make sense that you want to limit the amount of
2 pounds.

3 Let's say the last three years have been very
4 poor fishing because of currents, because of the way
5 things naturally work. Well, next year might be a
6 banner year up there. But you're going to tell me,
7 well, you can only catch this much fish because that's
8 all we've allotted you.

9 Now, you're looking, in that twelve or
10 fifteen hundred mile area, you're looking at twelve
11 active permits. In other words, you got twelve active
12 boats fishing in this area. It's been well managed.

13 When I first went up there in the 1980s,
14 there was no management system. The federal government
15 did not have a program. There was overtaking. There
16 were a lot of boats that came from the west coast.
17 They saw the area, they saw that it was a virgin area
18 that nobody had fished there in a while, and they took
19 a lot of fish. Well, the Western Pacific Fishery
20 Management Council has gone in there, they've organized
21 a permit system.

22 What I'm really concerned about is jobs.
23 Everybody seems to think, well, it's pretty important
24 that we save this for everybody else in the world.
25 What about the people that live here on Kauai? We've

1 got plantations that are closing, we have more pressure
2 here locally because people are trying to provide
3 money. So what are they going to do? They're going to
4 go fishing.

5 Now, if you're going to close that area down
6 up there, or you're going to regulate how much fish
7 people can catch up there, you're putting more pressure
8 on the main Hawaiian islands. So you're really just
9 changing things around.

10 And then somebody told me, well, why don't
11 you just sell your boat and quit and don't be a
12 fisherman. Well, I've been a fisherman for 25 years.
13 I've put the capital investment in equipment. I have
14 my son and my grandson fishing with me. Where are they
15 going to get jobs around here? There are no jobs,
16 unless you want them to go to the hotel and be a waiter
17 or a busboy or something. So we started out by
18 fishing, and our family has fished for many years, as
19 well as many other families on the island.

20 So what you're really saying is that, you
21 know, because of things going on in the rest of the
22 world, it should affect us. Why would you want to come
23 here and take this over when it is managed properly?
24 Do we have scientific studies that show these things?
25 We've seen, I've seen scientific studies that can go

1 either way. It's how you interpret it. But you have
2 to realize, there's a lot of property up there, there's
3 a lot of water up there.

4 Now, if it's blowing thirty or forty miles an
5 hour, there's a twenty foot sea, nobody goes up there.
6 So isn't that a way that the area is regulated from
7 fishing? People say that, okay, summer is three
8 months. We have three months we're able to fish up
9 there when the water is pretty nice. But in the winter
10 months we can't. We might not be able to make those
11 trips because the ocean conditions don't allow us to go
12 up there. So really nature is regulating the area.

13 The federal government has come in through
14 the Western Pacific Fisheries. They've given a good
15 permit system. We have a system where we can bring new
16 fishermen in from the main Hawaiian islands.

17 What you're trying to do is you're saying
18 that, you know, we don't believe that the state of
19 Hawaii or the Western Pacific Fisheries Management
20 Council has regulated the area properly. And I don't
21 think that is true.

22 You're saying that, I read information where
23 I go up there every week and I club a seal. Well, this
24 is not true. More seals have died in scientific
25 research than through fishing accidents or coming into

1 contact with the boats.

2 So it really boils down to the fact that
3 you're going to tell me, well, you're only one person,
4 there's only ten people that have jobs up there, why
5 don't you ten people go somewhere else and get another
6 job. You know, I have maybe fifteen more years of work
7 left in me to pay my mortgage, to take care of my
8 family. And now you're going to tell me, well, we're
9 going to take this permit away because everybody seems
10 to feel you're doing damage up there.

11 We have done everything that we can to
12 prevent damage up there. We've taken the proper
13 classes, we make the daily log catch reports. We turn
14 in other vessels that aren't permitted in the area. It
15 seems -- then now what you're saying is we can't --

16 Let's say we get in an emergency. There's
17 bad weather somewhere. Where do I go to get out of
18 that bad weather? Can I go by Necker, can I go by the
19 island and get out of the bad weather. If I have
20 engine trouble, if I've got an emergency. We don't see
21 provisions for that. We don't see a lot of things.

22 There's a lot of oversight in this where
23 you've just come in and you've said, well, we're going
24 to take it over and make it a reserve.

25 We have no control over the ocean current.

1 Let's say the water gets real hot up there next year
2 and everything dies off. There's an algae bloom that
3 goes on the reef and everything dies. Is that going to
4 be blamed on the fishermen, too? We have no control
5 over these things.

6 So this may be the last coral reef left in
7 the world. I'm not that much of a pessimist to say it
8 is. I think there's a lot of good coral. But it just
9 seems you're overregulating. Now you want to start
10 another council. You want to have another whole
11 bureaucratic organization that's going to rent space in
12 Honolulu, buy computers, they're going to buy
13 calculators, they're going to buy all these things to
14 regulate this area when we have good regulation up
15 there.

16 That's my point. We have good regulation.
17 All I can say is I really think that it's -- stop
18 taking over. Thank you very much.

19 KEM LOWRY: The next speaker will be David
20 Kaltoff.

21 DAVID KALTOFF: Thank you very much for
22 giving me this opportunity to speak here tonight.
23 David Kaltoff, K A L T O F F.

24 I am one of seventeen permitted vessels to go
25 up into the Northwestern Hawaiian Islands and fish for

1 bottom fish.

2 By the way, those are seventeen permits that
3 were regulated by or put in place and regulated by the
4 federal government, with two of those permits being
5 reserved for native indigenous peoples, which is the
6 first time a federal permit system in the waters of the
7 state of Hawaii, that that issue has been addressed and
8 permits were actually set aside for native indigenous
9 people, recognizing their rights.

10 I do fish under an existing federal program
11 that seems to be working quite well. As a matter of
12 fact, the fish stocks that I fish in are monitored
13 quite frequently. We have no yellow flags going up in
14 them. The stocks look very healthy. National Marine
15 Fishery Service will tell you that, and even the state
16 folks will tell you that.

17 The Western Pacific Regional Fisheries
18 Management Council actually was going to be
19 implementing a coral reef management plan, as you may
20 well know, but I sense political posturing from one
21 agency to another, and I think that's one of the
22 reasons why that one got canned and now another agency
23 has come in. Like the speaker before me said, you
24 know, it's just, we're going to go buy a bunch of new
25 computers and all this kind of stuff. At any rate,

1 that's my comment on that.

2 Our fishing techniques that we use up there
3 are very nondestructive. According to the permits,
4 we're not allowed to use destructive methods such as
5 trawls, long lines, nets, or traps. These things, we
6 can't even use them.

7 Which kind of brings me to a point that I
8 want to bring up, and I haven't really heard it
9 mentioned tonight, is that the government and
10 scientists are saying that the coral reefs are being
11 damaged by global warming, by pollution, by marine
12 debris, and last, but not least, they're saying
13 destructive fishing here.

14 We're not allowed to use destructive fishing
15 gear up there. We're very, very selective. That's
16 something that everybody needs to realize. This is a
17 fishery that is extremely selective.

18 We've heard speakers say that seals are being
19 hurt by research. There's no doubt about that. Over
20 twenty seals are documented being killed by researchers
21 with many, many more maimed. We've seen it on the news
22 at night about that. And this is not happening from
23 fishermen or bottom fishermen, as I am speaking as.

24 I think this plan -- as a matter of fact, as
25 a fisherman, I've always been a conservationist. I've

1 worked closely with fisheries, management people trying
2 to develop different fishers management plans,
3 especially for the areas I work in, to make sure that
4 these areas continue their productivity. And I think
5 this plan was actually put together with some very
6 skewed information.

7 It also was put together with very little
8 public input. Those meetings that we had were vision
9 meetings, they were not public meetings. If your voice
10 wasn't loud, you actually weren't heard. Okay.

11 Ecotourism is another thing that concerns me
12 in these kind of areas. Ecotourism is a buzzword from
13 our generation. And I was up at Midway about two
14 months ago, and what did they have? They have a
15 hundred person cap per week, they only allow a hundred
16 people per week up at Midway. The week I was at Midway
17 they had five hundred Japanese come off the boat for
18 two days up there. How did that happen?

19 Also I happened to notice in a no take
20 preserve area that we were eating lobster that's taken
21 out of that area.

22 And that concerns me by what they mean about
23 the reserve, and who's managing this reserve? You
24 know, our commercial fishermen up there, there's about
25 ten of us now that go up there. We are the police

1 department up there. If we see any vessels up there
2 that don't belong up there, we are on our radios in a
3 heartbeat talking back to Honolulu. We are the police
4 up there.

5 We see the Coast Guard up there once a week,
6 maybe twice a week, sometimes Mondays and Thursdays
7 they fly over. The cutter, he'll come up there if he
8 absolutely has to, but he's just not going to waltz up
9 there. They just don't do that. And check their
10 records. You know, you would be able to find out.

11 Another thing I need to mention is that we
12 supply a lot of fish for the tour industry over here.
13 The interesting thing about our industry is that our
14 fish stay locally. We supply not only for the
15 tourists, but the local people, too. What it would do
16 is it would force some of us fishermen who want to keep
17 fishing commercially into the main Hawaiian islands.

18 If we had to come into the main Hawaiian
19 islands, which is already stressed -- and one of the
20 reasons the main Hawaiian islands is stressed is not
21 only overfishing, that certainly is something that
22 needs to be addressed, but loss of the fish.

23 Now, twenty years ago, you go out in front of
24 Port Allen and catch ahu. Now you go out in front of
25 Port Allen and you catch mud. Central fish habitat is

1 gone in a lot of areas. To blame that on the
2 fishermen, I don't know any fishermen that go out in
3 the ocean and take buckets of mud. So I don't think
4 that's happening.

5 Also it will allow the foreign markets to
6 move in, and their fisheries are in control totally.
7 What we would be doing, we would be helping them kind
8 of devastate their fisheries.

9 So I think conservation measures are good. I
10 think having the preservation area as permanent is not
11 a good idea. Permanence is very, very dangerous.

12 I want to leave you one thought on my closing
13 statement. As we all get in our gas guzzling cars,
14 where we fly back on our gas guzzling jet planes, think
15 about the global warming thing. Think about how we're
16 all part of this. And to point out that the fishermen
17 is doing it and that the fisherman is the big problem,
18 I think we all need to take a little bit of
19 responsibility in this, because the fishing isn't doing
20 it. There's other things that are doing it.

21 When you go to Midway and you see all the
22 marine debris in this picture, how much bottom fish
23 gear do you see in there? I was up at Midway two
24 months ago, and you couldn't find bottom fishing gear
25 in thirteen, fourteen tons of debris.

1 A lot of it is cargo nets. Some of the Fish
2 and Wildlife guys are going, no, these are fishing
3 guys. Towards the end of the trip they were admitting,
4 yeah, these are cargo nets. You know, the big green
5 rope nets. Nobody is catching fish with those things.

6 Anyway, thanks very much for letting me
7 speak.

8 KEM LOWRY: I can't read this next name very
9 well. Would that be Lance Choy? Would that be right?
10 Greg Holzman?

11 GREG HOLZMAN: My name is Greg Holzman,
12 H O L Z M A N. I'm a commercial fisherman. I bottom
13 fish on Kauai, Niihau, and Kaula.

14 What I think my biggest beef right now is,
15 that we've got this big giant law that's come out here,
16 and this is the first time any of us have been able to
17 really see it.

18 I went and actually called up Land and
19 Natural Resources last week to see if I could get a
20 copy of this at my earliest, as soon as I heard about
21 this was coming down here and there was going to be
22 public comments. I wasn't able to get ahold of one.
23 They didn't even have one yet.

24 So here I am sitting here trying to put a
25 public comment on a thing that was written by a bunch

1 of lawyers I can barely understand. Goes from saying
2 that I have to go from section seven to section eight,
3 and then go over to section eight, and then tells me to
4 go back to section seven A just to get through to find
5 out what depth of actually you can fish at.

6 And this whole thing about bottom fishermen
7 going up there and taking those pretty little reef
8 fish, and all those beautiful jacks that you see on
9 videos that we've been seeing on TV, and how special
10 this place is, and how many more species there are up
11 there than there are down here, and how we have to
12 protect it all.

13 Bottom fishermen aren't touching that stuff.
14 That stuff isn't important to them, it's not
15 economically important. They have a long distance that
16 they have to travel to get up there, and it costs them
17 a lot of money. They're bringing back specialty fish
18 that are worth a lot of money. And the fact that you
19 start to put in regulations on how much they can catch,
20 as Jonathan said.

21 And I really think that these guys should be
22 allotted as much time as they need to say what they
23 need to say here, because they are the eyes and ears of
24 this place. They've got more time and experience in
25 these waters than any researcher out there. And it's

1 not fair that they can't, they shouldn't be an
2 essential part of this whole process.

3 The idea that you're going to have a council.
4 In a half hour or something I can breeze through this
5 thing. But you've got a council, and one
6 representative from the commercial fishing industry
7 that conducts activities in the Northern Hawaiian
8 Islands. That's one person that's going to be on this
9 council. Ridiculous.

10 I mean, there's ten boats up there. They all
11 should be, you should be like talking to these people
12 constantly to try and get an idea what's going on, how
13 they work economically, what their whole situation is,
14 and how they can help you along with you helping them.

15 This doesn't have to be a bad thing for
16 anybody. It just needs to be simplified, certainly. I
17 don't see very much simplification here. I don't think
18 any of us could probably even figure out exactly where
19 they can fish at this time because of the fact that
20 it's all based on, determined by the secretary, and
21 pursuant to the regulations in effect on the date as
22 ordered shall be --

23 It goes on to say that these things after the
24 comments have been brought in -- no, over here, unless
25 and until the secretary determines otherwise after

1 adequate public review and comment.

2 The thing is just that it's a big, giant,
3 gray area nobody's going to be able to make sense of
4 unless you allow all these fishermen to see exactly
5 what you guys have proposed.

6 And I would hope that you would allow public
7 comment again in some way. I know that you do allow
8 them to write down these, you know, public comments and
9 whatnot. But I hope that you allow the fishermen that
10 go up there every opportunity to be part of this.

11 And if you are in a way going to be taking
12 away their livelihood, that you need to address their
13 capital interests on this. It's not a lot of people,
14 but they're really hard working people, and they've got
15 years into this. These aren't new guys, they don't
16 come and go on a whim. They've been up there a long
17 time. And you need to just work with these guys a
18 little bit.

19 That's about all I have to say.

20 KEM LOWRY: Next is Don Monson.

21 DON MONSON: Aloha, gentlemen. Aloha to you
22 all.

23 I have a different perspective. I'm a native
24 of California. I've lived most of my life in the Bay
25 area. I presently live in Danville, California. I own

1 a sliver of land here in Kauai. So I happened to be
2 over here on a vacation. And I did not see anything in
3 the mainland, in the California press. And obviously
4 Californians are interested in the Pacific, and first
5 indication I had --

6 Let me back up. Don Monson, M O N S O N.
7 That this proposal was, that Congress had been back in
8 Washington, the first thing I knew about it was in the
9 local press here this week. I'm probably --

10 I consider myself to be a very lucky man. I
11 was paid to go to Kure Island in 1975. I worked on
12 that island in the summer of 1975. It was not -- at
13 that time the U.S. Coast Guard had a radio station
14 there, and our job was to make repair on a 6,500 foot
15 tall radio tower there. So I worked as a steeplejack.

16 And I had always been interested in the
17 Pacific, and I really got an education living and
18 working on Kure Island. And also a little bit with
19 Midway. That's the only thing I can really talk about,
20 and I can only talk about it at that time, in the year
21 1975.

22 When we had free time -- and you can't go
23 anywhere, obviously, when you're on Kure Island.
24 You're there, you're not going to go too far. But we
25 did a lot of diving, and day diving and night also.

1 And we took underwater movies. And the sea life was
2 just totally amazing to me.

3 The first thing I did when I got off the
4 airplane, flew up from Barbers Point in a C-130, I
5 walked around the coral island there. And the fish,
6 there were little bitty fish, just an inch or two
7 inches long, and they were in two, three inches of
8 water. The fish were almost coming out of the water
9 onto the sand. Just amazing.

10 The bird life, I don't think anybody has
11 spoken about the birds, but the birds are amazing, the
12 amount of birds that are there, that are nesting right
13 on the sand, in the bush.

14 And I had probably, an experience of a bull
15 monk seal, I think estimated four or six hundred
16 pounds, chased me because I got a little bit too close
17 to him. I can tell you, I wasn't trying to bother him,
18 but the island is very small, and I just guess I got
19 too close. They can move fast, I can guarantee you. I
20 guess I moved faster than he did, but he was very
21 quick. And sand flying all over the place. Their
22 flippers.

23 I really can't speak about the commercial
24 aspects or anything other than it was quite an
25 experience for me. I understand now the Navy and Coast

1 Guard are gone from the area, Midway and Kure Island,
2 and there would be less people to observe what's going
3 on in that area. That's sad in that particular way.

4 I did, I was surprised that, as Kure Island
5 is about as isolated a place as you're going to find on
6 the earth, and the amount of plastic when we'd get out.
7 And every day, and you'd walk around, and the amount of
8 plastic and the amount of items that would wash up on
9 the beach was very surprising to me. There was oil,
10 tar balls, and things like that also.

11 All in all, it seems to me there's a bit of a
12 rush going on here by the federal government. I really
13 don't know, but it appears to me that things are moving
14 very quickly.

15 And maybe my only idea would be to slow this
16 whole process down a bit and be sure that the Hawaiian
17 people and the people of the United States -- because,
18 after all, this is owned by the people of the United
19 States -- have time to look into it, their input. I
20 know Congress has looked at it, but I don't know how
21 well my Congresswoman is aware of what's going on. I'd
22 say slow down a bit and listen to the people. Thank
23 you.

24 DAVID FRANZEL: Frank Medeiros.

25 FRANK MEDEIROS: My name is Frank Medeiros,

1 M E D E I R O S. I'd like to say hello to everybody
2 here tonight, and thanks for coming. Didn't have much
3 of a notice, but got a good showing anyway.

4 I had a job for most of the people here
5 tonight with some of my fellow people out here, because
6 we were invited to participate in the Kahea workshop in
7 Oahu. I went more out of curiosity, but the rumors was
8 going around about what was going to happen, and I
9 didn't have -- and I've been really active in the
10 fishing community.

11 And I was concerned. It's my livelihood. My
12 son, I got two sons that do the same thing. I went
13 down there, and was very interesting. There was other
14 faces, that I don't see much familiar faces here from
15 the people that represented the government.

16 But, you know, I wrote my notes before I came
17 tonight, and most of the people here all hit it on the
18 nail, you know?

19 The one in Oahu, the first thing they brought
20 up at the workshop was the fishing limitations. Like I
21 said, I fish. My boat is not a big boat. We fish
22 mostly around the main Hawaiian islands, Kaula, Niihau.
23 I've been up to the Northern Hawaiian Islands a few
24 times, got a lot of friends that fish there.

25 Most of us in this room here that's been

1 talking tonight has been fishing anywhere from
2 twenty-five to thirty years now. I was a policeman for
3 sixteen years, and I fished part-time. I did very
4 well. I liked the fishing. I resigned, and I've been
5 a fisherman every since. And my two sons are also
6 fishermen.

7 Most of the fishermen here are good
8 fishermen. There's a lot of fishermen that can't make
9 no money, they don't know how. Most of the fishermen
10 here are probably the best fishermen on the island.

11 The fishing limitations, I don't know how to
12 really handle that. Speaking for myself right now,
13 it's right out my front door. I'm not directly
14 involved. There's people here that are directly
15 involved, families are involved.

16 Like they said, I know these guys, I've
17 participated with them on WesPac and all kind of
18 different groups. They're not only fishermen, they're
19 smart. They're very smart. Not only as fishermen,
20 they can do all kind of things. And we participate,
21 and we always have tried to work and improve and
22 enforcement.

23 But anyway, the Honolulu group, we had
24 several groups that made proposals. It's not been
25 brought up tonight yet once. All I see there is

1 conservation measures and reserve preservation areas,
2 preservation areas permanent. In Oahu, every time the
3 proposals came up, there was protection of the Hawaiian
4 rights, religious rights. But every single one of them
5 had promotion of ecotourism. And we shut it down every
6 time they brought it up.

7 Because our island right now, you know, you
8 talk about fishermen, we talk about -- you know, if you
9 start getting the tours go wild, hey, it's worse than
10 fishing. It's terrible.

11 And, you know, the thing is, what I was
12 curious about is some brochures, or how nice the reefs
13 are, pristine reefs. There's been commercials on TV.
14 I was wondering why is all the publicity. What's all
15 the publicity about, right? Then you read between the
16 lines, and then all of a sudden, promotion of
17 ecotourism.

18 So I says, that means somebody is going to
19 bring in some tour business. You know, the way it
20 happens here, you know, even on our island right now,
21 you look at it, the local tour groups, the local people
22 who are on tours, small time tour guides, are being
23 overrun by big corporations that come from the
24 mainland. They run big boats, they run 150 passengers,
25 100 passengers, and the little guys that take ten and

1 twelve passengers are being pushed on the side. Pushed
2 on the side.

3 You know the big concern out there on Oahu,
4 we were worried, okay, preservation, conservation.
5 Okay. Hey, I go along with it one hundred percent.

6 The next thing was enforcement. They're
7 going to improve enforcement. You heard the guys, man,
8 they all up there. The only people doing enforcement
9 is the Coast Guard. And the Coast Guard, they're here,
10 I see one up there. Every meeting we go to, every kind
11 of fishing stuff we have, they're there one hundred
12 percent. They're always involved. And they're the
13 only source of our enforcement. Whether for the
14 foreign vessels or the local vessels, rescues.

15 So, I mean, I asked, my first question was
16 how are you going to improve the enforcement? That
17 area is so isolated, Department of Land and Natural
18 Resources ain't got a boat that can get up there and do
19 enforcement. Well, we going to -- but nobody could
20 give us an answer.

21 Then the second thing that came up was the
22 tourism part. Every group that made a proposal had,
23 not in the same order, but the promotion of ecotourism
24 was in there. And most of us, if we go along with the
25 program, especially local people, is you going to go

1 along with the program, fine. Protect it. We want it
2 protected. My grandchildren, my future relatives, we
3 enjoy it.

4 But the thing is, I don't want to see it
5 happen like what's happening on our main Hawaiian
6 islands. Because once corporations and stuff get in
7 and they start running, if they start running tours
8 into these kind of places, it gets --

9 Look what happened on Kauai. It was so out
10 of control. I mean, we got court battles, they're
11 fighting. They went from six to twenty. You know, the
12 thing is, you know, like out there you can't do with a
13 canoe. But over here you can put two people in a
14 canoe, people was taking tours. All of a sudden
15 everything got out of control.

16 But the other thing is, I would like to see,
17 you know -- the program is there, no doubt about it.
18 It's done. But I'd like to make sure and stress to the
19 people here, my colleagues probably going to come up
20 and talk about it, some of them have participated in
21 the program in Honolulu. And this was brought up time
22 and time again. And it's scary. Because it happens on
23 the main Hawaiian island right now.

24 If this gets out of control with some big
25 corporation steps in and somehow gets permits and

1 starts doing stuff like that, we're just fooling
2 ourselves, what we're doing right now. That is even
3 worse than the fishing.

4 I'd like to end it right there. I'd like to
5 thank you all for coming, and giving us a chance to say
6 what we have to say. Thank you.

7 (Off the record)

8 DAVID FRANZEL: We'll take the next person
9 now. It's Judy Dalton. Judy Dalton. Come on down.

10 JUDY DALTON: Judy Dalton. I'm giving
11 testimony for the Kauai group of the Hawaii chapter of
12 the Sierra Club.

13 We are very enthusiastic about President
14 Clinton's Executive Order to create the Northwestern
15 Hawaiian Islands Coral Reef Ecosystem Reserve as a
16 momentous environmental, cultural, and historical
17 milestone. The preserve is crucial to the survival of
18 monk seals and other species dependent upon its fragile
19 coral reefs.

20 The rapacious overfishing of lobsters in the
21 1980s, which play a key role in the seals' natural
22 diet, left lobster populations in such a depleted state
23 that Earth Justice legal defense fund went so far as to
24 state, quote, "All of the evidence shows that the
25 fishery in the Northwest Hawaiian Islands is helping to

1 drive the Hawaiian monk seal to extinction."

2 We must be willing to sacrifice short-sighted
3 economics for our greater goal of sustainable life,
4 which will have an eventually long-term economic
5 benefit. The President has acted wisely to make the
6 preservation of coral reefs and endangered sea life
7 paramount in his decision for preservation and
8 permanent protection.

9 We encourage your office to strengthen that
10 protection with stringent enforcement. Strong
11 enforcement is necessary for this reserve to be
12 meaningful. We urge twenty-four hour, seven day a week
13 vessel monitoring systems.

14 We'd like to see the sanctuary increased to
15 protect more of the area of Hawaiian monk seal habitat
16 and other sensitive areas of vital importance to the
17 overall health and life of the reserve.

18 We are concerned that the most strongly
19 protected preservation areas account for less than five
20 percent of the reserve. Northwest Hawaiian Island
21 State waters are not included in the reserve. We hope
22 that the State will be willing to work with the reserve
23 effort to make protection in State waters consistent
24 with the reserve goals.

25 We seek to protect the Northwest Hawaiian

1 Islands from commercial harvesting of all coral. The
2 world's coral reefs are dying at an alarming rate, in
3 part due to global warming. Between 1992 and 1998, 27
4 percent of the world's reefs were destroyed. Because
5 of the Northwest Hawaiian Island location in cooler
6 waters, the NWHI coral reefs may become the last living
7 coral reefs in the world if they receive permanent
8 protection they so greatly deserve.

9 The Northwest Hawaiian Island Coral Reef
10 Ecosystem Reserve will help to insure continued
11 replenishment of the main Hawaiian island marine
12 resources, which will benefit most users, such as
13 recreational, subsistence, and commercial fishers that
14 fish the main Hawaiian islands. The reserve will also
15 help to insure that the marine resources remain healthy
16 and available for the enjoyment of future generations.
17 Thank you.

18 DAVID FRANZEL: Jennie Yukimura.

19 JUDY DALTON: Someone else is going to be
20 giving the testimony that Jennie Yukimura was going to
21 give, and that's Janice Lyon.

22 JANICE LYON: My name is Janice Lyon,
23 L Y O N, and I'm reading a letter from Ed and Marilyn
24 Pollock, P O L L O C K, from Hanalei.

25 And it begins: "Perhaps you have become

1 acquainted with the world within the sea. When I first
2 viewed the underworld sea in my weightless state
3 through a mask, I was enchanted by the coral and
4 multicolored fish which swam around me. I couldn't get
5 enough. Hours passed like minutes. I had lost all
6 sense of time.

7 At seventy years -- this is my friends, not
8 me -- I am still thrilled every time I enter the water
9 wonderland around my island home, though sadly enough
10 the numbers of fish and the colors of corals have
11 diminished.

12 The President realizes that coral reefs are
13 dying at an alarming rate. Reefs that are a product of
14 four hundred million years of evolution may not survive
15 the next century. Warming oceans due to global climate
16 change and ozone depletion, declines in plankton, the
17 fish food on which all higher life depends.

18 We need to support the President's Executive
19 Order that sets into motion permanent protection for
20 the Northwestern Hawaiian Islands. The President's
21 Executive Order protects coral reefs and the monk seal
22 habitat, as well as the fish nursery that supplies
23 commercial fishing for the future.

24 It will be necessary to have inspectors
25 aboard boats that fish in this area. There will need

1 to be a Coast Guard presence to exclude fishing without
2 permit and coral mining. Commercial fishers will need
3 to pay for the onboard inspectors.

4 We support capping of recreational and
5 commercial fishing at current levels. The monk seal
6 and seal colonies must be protected. Enforcement must
7 be mandatory to make this area secure.

8 The Coral Reef Ecosystem Council, which gives
9 strong representation to native Hawaiians,
10 conservation, and environmental organizations and
11 scientists, should continue their work.

12 With the permanent preservation of the
13 reserve areas and wise fishing practices, the
14 Northwestern Hawaiian Islands will remain the paradise
15 all who love the sea will appreciate. Our future
16 generations require nothing less than the chance to be
17 filled with wonder at the many living creatures that
18 make their home in our magnificent oceans.

19 Sincerely, Ed and Marilyn Pollock, Hanalei,
20 Kauai."

21 DAVID FRANZEL: Thank you. Dustin, is it
22 Leech or Leed? Dustin? John Patt?

23 JOHN PATT: My name is John Patt, and I'm the
24 owner of a small retail store in Koloa, Kauai. And I
25 strongly urge President Clinton to keep the Executive

1 Order regarding the Northwest Hawaiian Island Coral
2 Reef Ecosystem intact and unpolluted.

3 As a business owner, it's difficult for me to
4 ask other businesses to scale back and compromise their
5 business, but in this case it's essential. No one ever
6 promised people who use these areas commercially that
7 they would always have full and exclusive access to
8 these resources. No one ever promised them that no one
9 else would have as much right to them as they do.

10 And anyone who depends on natural resources
11 for a living has to know this. The commercial
12 interests need to know that by sharing this resource
13 with preservation interests, they can well keep their
14 own inventory intact and their own survival for the
15 future.

16 DAVID FRANZEL: Thank you. Kekane Pa?

17 KEKANE PA: Hello, everybody. Excuse me,
18 what you two gentlemen name?

19 MICHAEL WEISS: I'm Michael Weiss, and Robert
20 Smith.

21 KEKANE PA: Let the record reflect, I'm
22 Kekane Pa, I'm local of the reinstated lawful Hawaiian
23 government. Okay? I'm just here to share. You're in
24 my district, I'm doing my part for my citizens.

25 I want to thank everybody that is concerned

1 here tonight, and a lot of people address the issues of
2 native Hawaiians. There's one thing that I want for
3 the record, as you're our federal governments, comply
4 with compliance, apply the rule of law on the President
5 Clinton's issue of the Executive Order you have put
6 today, 13178. Okay.

7 I want the record to reflect this here is in
8 violation of the U.S. Constitution on federal
9 cooperation. President William Clinton in 1993 came
10 out with an apology bill. Okay? People need to take
11 this very seriously. You guys need to understand.
12 Cooperation, that's what this is all about.

13 You have Polynesian triangle, which is 1,523
14 nautical miles. It is exactly written, you only have
15 1,200 miles. They leaving this out to make a claim.
16 They're going to use the federal citizens, that they
17 make every one of you guys that came to Hawaii and all
18 the people that born, corporate fictitious citizens
19 under the federal government of the United States.

20 Hawaii is not America. Okay? President
21 Clinton had addressed the issue in 1993 on the apology
22 bill. Akaka came out with a bill, 2899. Okay?
23 They're trying to recognize the native Hawaiians in the
24 year 2000. They admitted to Congress. It was signed
25 by the Congress, the 103rd Congress. They never had a

1 relationship with the native Hawaiians.

2 But the federal and President Clinton is
3 issuing this Executive Order using the term native
4 Hawaiians. Who are those people? Corporate,
5 fictitious, military citizens. Everybody that moved
6 from the 48 states in public union, the United States
7 of America, came to Hawaii, you gave up your birth
8 rights to exercise national, your national lands and
9 also common law. Okay?

10 So I just want you guys to realize for the
11 record, this is a bad faith of the oppressor of the
12 rule of law. For the record. Bad faith of the
13 oppressor of the rule of law.

14 In 1993 you come out with an apology bill.
15 In the year 2000 the Congress come out and say that
16 it's so essential to have the recognition for the
17 native Hawaiians. Then you guys come out and
18 admittedly talk about the Northwestern Hawaiian
19 Islands.

20 People this past year, Kukuila Harbor, they
21 passed through the County planning department to expand
22 the harbor. You fishermen, from that harbor, they need
23 the federal government's permission so they can take
24 the corporations of the peoples up to these islands.
25 This is what's happening, okay? This is what's

1 happening. They going to do that to you people because
2 you gave up your birth rights to, under your common
3 law, when you became a federal corporate citizen.

4 If you people don't understand what I'm
5 trying to get about, because it's a lot of stuff I'm
6 putting in your head, every Tuesday night we have
7 meetings of the lawful Hawaii government.

8 We came out of exile, for the record. The
9 lawful, the reinstated lawful Hawaiian government came
10 out of exile last year, in 1999. And your Congress and
11 your President knows about the reinstated government.
12 Okay? That's why Akaka came out with the bill right
13 away to let Clinton know that. It's a reminder.

14 I'm a kanaka mole. They never had a
15 relationship for the native Hawaiians. They made us
16 all native Hawaiians. My birth right to this soil and
17 to this international water is the kanaka mole,
18 aboriginal. Okay? So I have that right. These guys
19 all have their rights as citizens of U.S. Am I
20 correct?

21 Would you take this meeting to Japan and talk
22 to Japan citizens, or do you talk directly informing to
23 the U.S. citizens? Is that correct? We want to know
24 what citizens you're representing.

25 ROBERT SMITH: This is your opportunity to

1 testify.

2 KEKANE PA: My opportunity is the rule of
3 law, and your opportunity is to comply with section
4 1361 to implement your duty. Okay?

5 So I just want to let you people know, this
6 is not no trouble we're doing. You fishermans going to
7 come talk to our government body. January 17th, we
8 will make the claim to the national waters and the
9 national soil. Okay?

10 But it's sad to see these guys. And I
11 believe the fishermans. They've been fishing many
12 years up there. All of a sudden the federal government
13 come to you guys as citizens, asking your permission so
14 that they can go make one jurisdiction up here so they
15 can protect your fishing rights today. They're not
16 protecting your fishing rights, they're going to
17 protect all their boats, the two boats. Maryanne
18 Kusaka had been working on this issue for five years.

19 I did my homework. They going to come after
20 you guys now after we stopped the boating in Hanalei.
21 They come after all you guys for feed your family off
22 this international water. You guys had all the right,
23 because you protect each other and respect each other.
24 They going to come in and they going to disturb all you
25 guys. Okay, this is sad.

1 Now, this is what I say about the oppressor
2 of the rule of law. It's bad. Okay? For the record,
3 district two, Kekane Pa, reinstated Hawaiian
4 government. Thank you.

5 Just for the record, I will be submitting
6 this Northwestern Hawaiian Islands Coral Reef Ecosystem
7 Reserve public committee sheet with the prime
8 minister's letter serving you notice.

9 DAVID FRANZEL: That's the last of the folks
10 that signed up to testify. Is there anyone else here
11 that would like to testify that hadn't testified or
12 anybody who would like to add to the testimony?

13 GREG HOLZMAN: Again, my name is Greg
14 Holzman, H O L Z M A N.

15 I'd already made some public comments before,
16 but there's a few things that I kind of find
17 disturbing.

18 One is, is that they say that a lot of these
19 details seem to be left out. And I think it's the
20 details of this whole thing that is the most disturbing
21 and the part that scares, at least fishermen, the most.

22 Because, you know, the fishermen in general
23 are not against a lot of this stuff. As a whole, I
24 think that fishermen could live with a lot of this and
25 still be able to make a living. But when it comes down

1 to stuff, like Jonathan said, like they can't go out
2 and catch an ono or a tuna and then go bottom fishing?

3 You know, I didn't see that in here, but if
4 that's true, and he has a lot more time to have studied
5 this, if those are the kinds of things that are going
6 on, that just doesn't make any sense at all. You know,
7 the fish are coming and going out of the areas as it
8 is.

9 The other is bottom fishing. When fishermen
10 are catching fish, it's such a fluid and changing
11 environment that you need to be able to acquire fish
12 when you can. And they're only going to be taking back
13 species which are worth money and that the public wants
14 to eat and is willing to pay good money for. So many
15 of these fish aren't necessarily part of the in-shore
16 reef areas that everyone seems to be as concerned
17 about.

18 The other thing is everybody is talking about
19 these currents that are supposed to be coming down from
20 the northwest and replenishing the main Hawaiian
21 islands with bottom fish and different fish, et cetera.

22 Back when we were doing this main Hawaiian
23 island closure, you know, I kept bringing this up. Are
24 we constantly being replenished. And the aquatic
25 biologists from Hawaii are saying there's very little

1 of this going on. The currents don't come down to
2 replenish it. Actually it goes the other way.

3 And though it seems as though whatever hat
4 you've got on, that's the one that works for you with a
5 lot of these biologists. I'm not saying that these
6 guys don't do a lot of good work, but it seems like the
7 stories constantly change, and it's hard to get what is
8 the real story.

9 Another thing is, I don't know, they said
10 something in here that the pelagic fishery is closed.
11 That means that you cannot, there's no taking of tuna
12 in this area here? Can you give me any --

13 I mean, I know this is public comment, but
14 can you give me a little bit of detail on that real
15 quick as far as the pelagic fishery being closed? Over
16 fifty miles away?

17 I read that in there, in one area in here,
18 and I was just wondering. Does that mean that none of
19 these fishermen are allowed to take tuna or --

20 ROBERT SMITH: Greg, if you could write down
21 the questions that you have after reading this and
22 submit those, then it's possible that --

23 GREG HOLTZMAN: You're going to be able to
24 get back to me with that? Or is it just like, well,
25 whatever, we'll discuss it?

1 I don't know, it doesn't seem like there was
2 much public comment on the making of any of this. It
3 seems like this was just kind of rammed down
4 everybody's throat, and now we have to live with it.
5 And then we were given this proclamation a half hour
6 before, and now we're all supposed to make public
7 comment on things. That's pretty tough to do.

8 I just wanted a couple quick questions about
9 the things. Because when we were doing this closure,
10 we didn't see, I didn't seem to be able to get a
11 straight answer out of a lot of these biologists when I
12 would hit them pinpoint, right on the question, and ask
13 them a certain thing, what is going to happen with
14 this. Then they would go into a gray area.

15 We found out that in the end it made a big
16 difference. Because what's happening is that a lot of
17 the biologists, environmentalists seem to think that
18 fishermen -- they're trying to save the last of the
19 redwoods, and we're the lumberjacks, and we're coming
20 in and we're going to cut down the last stands of these
21 beautiful areas.

22 Well, fishing isn't quite like that. And
23 fishermen are like farmers. They have a thing called
24 crop rotation. We all believe in not decimating areas.
25 We believe in rotation. It's a harvesting process.

1 It's not a decimate, let's go out and just kill
2 everything that moves. We're out to harvest and then
3 move on. And we can't economically sit there and go
4 out and catch the last fish, or make it into a position
5 in which it's not economically feasible in that area.

6 You got twelve hundred miles here of fishing
7 grounds with ten boats going up with hook and line
8 selectively fishing. It just doesn't seem to make
9 sense that you can't come to some sort of agreement
10 that fits the fisherman and make it feasible so that
11 we can get good prime fish.

12 See, these guys got to get back within a
13 certain amount of time. They have time lists. They've
14 got maybe ten days to fish at the most. They've got to
15 get this stuff back within fifteen days. They've got
16 travel time, and they've got expenses.

17 They don't have time to go up there and mess
18 around with experimenting. They have a certain
19 technique that they go out and selectively catch deep
20 water snappers. Ukus is maybe the only shallow water
21 species that they probably make much money on, and
22 probably past Necker Island it doesn't make much sense
23 to catch those either.

24 I just kind of think that, you know, you guys
25 should be able to be a little bit more flexible.

1 That's why I'm against perpetuity of this plan, because
2 if you put it into perpetuity right now, that's it.
3 There's no room for any detailed change.

4 The ocean is a fluid place. It changes.
5 Fishermen change. All of the things that we eat, the
6 world as a whole, it will change. And we need to be
7 able to have this thing be able to be flexible. So
8 thank you.

9 ROBERT SMITH: I'll just remind everybody
10 that on the back desk back there, there are sheets that
11 you can provide additional comments. And the address
12 to send or to e-mail or to fax is on there as well.

13 So if you have additional written comments if
14 you want to make after tonight or think you might want
15 to make, please be sure and pick up one of these sheets
16 so that you'll have an opportunity to do that.

17 I want to thank everybody that took the
18 time -- excuse me, go ahead.

19 ISAAC HARP: Isaac Harp again. I was the
20 first and I guess I'll be the last.

21 I forgot to mention that I'm a newly
22 appointed ocean program coordinator for the Hawaiian
23 environmental alliance, Kahea, which is the
24 organization that held the workshop in July and
25 submitted recommendations that brought interest groups.

1 And the organization has asked me to request
2 that the areas that are currently open in Executive
3 Order to ten fathoms be extended outwards to fifty
4 fathoms.

5 And you have some areas in the reserve will
6 restrict bottom fishing, but I feel that this will
7 ensure the open areas will continue to have healthy
8 catches. Currently, in the main Hawaiian islands,
9 twenty percent of the bottom fish grounds have been
10 closed for that reason, to help ensure that we have
11 continued good fishing in the surrounding areas.

12 And I haven't really read anything in the
13 Executive Order prohibits having pelagic fishing or
14 bottom fishing on the vessel there, so I'm not sure
15 where that came from, because there's nothing in the
16 Executive Order that states that you're prohibited from
17 having pelagic and bottom fish on the vessel.

18 And I'd just like to address concerns that
19 was spoke of by Greg, and he spoke about the currents.
20 I explained to the State years ago that oftentimes
21 subsurface currents, they're flowing in completely
22 opposite directions. And they implanted a lot of
23 current meters in the water, and now they believe that.

24 And he was talking about the fishermen
25 fishing sustainably, not clinging, moving around to

1 different areas. That's the local method of it. When
2 we get newcomers coming to the state and fish, they
3 have a different mentality. They're not looking at the
4 long-term sustainability of the fishery, but more at
5 how fast they can put the most amount of money in their
6 pocket.

7 So when we get newcomers come in, they don't
8 care if they if they deplete the resources. They just
9 want to fill their pockets with money and go to the
10 next place.

11 I just want to thank everybody who came, both
12 supporters and opposition. Good to have everybody
13 participate in the process. I'm glad that everybody
14 showed up tonight.

15 And I thank you all for coming all the way
16 from Washington, D.C. Long trip here and long trip
17 back. But I'm glad you're able to enjoy some warm
18 weather that we can share with you here. Thank you.

19 ROBERT SMITH: Michael, do you want to say a
20 final word about taking comments?

21 MICHAEL WEISS: For those, if you want to add
22 supplementary comments, you can do so in writing, and
23 again, they can be submitted up until January 8th. So
24 if you have more time to review the materials and you
25 want to put out, again, supplementary comments, you can

1 do that.

2 Once your comments are received by the
3 Department of Commerce, they'll be kind of put together
4 and sent to the executive office of the President, who
5 will review the comments, and they'll make a
6 determination on any additional action based on the
7 comments that are received.

8 And we really appreciate your comments. And
9 I certainly appreciate actually being here firsthand to
10 listen to them. I think they're very important. And I
11 just want to thank you.

12 QUESTION: I have a question. Page five,
13 section nine, it says identification of potential
14 tourism, recreational and commercial activities within
15 the reserves, and actions necessary to ensure these
16 activities.

17 So who makes the decision on who gets the
18 permits to go into these areas? In other words, it's
19 in the plan right here saying you're going to develop
20 it commercially. Who is going to get those permits and
21 who makes a decision on those permits?

22 MICHAEL WEISS: I'll just clarify what that
23 part of the Executive Order said. That is the portion
24 of the Executive Order that directs the Secretary of
25 Commerce to develop the plan for the reserve. It

1 identifies certain minimum items the plan should
2 address --

3 QUESTION: We already know that tourism is in
4 the plan for this area. It's right here saying that
5 tourism will be here and other commercial activities
6 will be there.

7 MICHAEL WEISS: That's not what this is
8 saying. I don't want to get into a debate on
9 interpretation. It's one of the items that should be
10 looked at.

11 QUESTION: How will we know when commercial
12 permits will be available for this area? Will it be in
13 the Federal Register, will we get a letter in the mail
14 saying you can apply for a permit?

15 MICHAEL WEISS: Well, I don't know if what
16 you described will be the case. There's going to be a
17 process the secretary will conduct in developing this
18 reserve operations plan, and that will be put out for
19 comment.

20 QUESTION: Will that be done in Washington,
21 D.C., or will people here in Hawaii get a chance to get
22 these permits?

23 MICHAEL WEISS: Again, I'm not saying one way
24 or the other whether they're going to be permanent.

25 QUESTION: This is the type of thing that

1 we're worried about as citizens here, that if it's done
2 in D.C. we don't get an opportunity. A company in
3 Georgia or Florida, just like Midway, will get the
4 opportunity to use the land, and we will not get a
5 chance at it.

6 MICHAEL WEISS: A final word. You're
7 presupposing an outcome that hasn't even been discussed
8 yet.

9 QUESTION: We see it in Midway. It's
10 controlled in Georgia. No one here knew anything about
11 Midway.

12 ROBERT SMITH: The best way to have an impact
13 is write it down and send it in.

14 QUESTION: We've seen this in the past.
15 Midway now is controlled by a company which is in
16 Georgia. No one here in Hawaii has anything to do with
17 Midway. Why is that? Because nobody knew Midway was
18 available. No one got a chance for boat contracts, for
19 airplane contracts.

20 ROBERT SMITH: Meeting's over, folks. If you
21 want to have informal conversations afterwards, you can
22 do that. Thanks very much.

23 (Meeting concluded at 8:20 p.m.)

24

25

