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PUBLIC HEARING
NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF RESERVE

HELD AT
ALA MOANA HOTEL
GARDEN LANAI
410 ATKINSON DRIVE
HONOLULU, HAWAII

ON DECEMBER 11, 2000

6:00 p.m.

RALPH ROSENBERG COURT REPORTERS, INC.
(808) 524-2090

1 MODERATORS :

2 PETER ADLER

3 KEM LOWRY

4

5 REPRESENTATIVES FROM DEPARTMENT OF COMMERCE :

6 MICHAEL WEISS

7 ROBERT SMITH

8 DOLORES CLARK

9

10 REPRESENTATIVES FROM DEPARTMENT OF INTERIOR :

11 JERRY LANIKEY

12 DAVID JOHNSON

13 BARBARA MAXFIELD

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1 P R O C E E D I N G S

2 MR. PETER ADLER: My name is Peter Adler.

3 I want to wish you aloha and welcome to the first
4 of six meetings that are being held in Hawaii this
5 week regarding President Clinton's December 4th
6 Executive Order establishing the Northwestern
7 Hawaiian Islands Coral Reef Ecosystem Reserve. I
8 recognize lots of familiar faces from the public
9 visioning sessions we held some months ago.

10 This is a different sort of a session.
11 This is on the record tonight. We have a court
12 reporter here, Pat Rivera, who is going to be
13 taking your comments, and I'm going to take a few
14 minutes and walk you through the procedures that we
15 are going to be having tonight and a little bit of
16 the background. And then Kem Lowry, my colleague,
17 is also going to give you some substantive
18 background and summarize a few pieces of the
19 Federal Register -- summarizing some of the Federal
20 Register information which you should have seen and
21 then we will get into the process of taking your
22 comments.

23 These hearings are being conducted on
24 behalf of President Clinton, who has requested
25 comments on the conservation measures for the

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1 reserve and on his proposal to make the reserve
2 preservation areas permanent.

3 The Department of Commerce will be
4 pulling together all the comments received by
5 January 8, 2001 from the hearings and from by
6 e-mail or fax and mail, and all those are going to
7 be transmitted to the executive office of the
8 President. The White House will then review them
9 and make a decision on any further action.

10 Now, this particular meeting is being
11 organized by the National Oceanic and Atmospheric
12 Administration, NOAA, which is part of the U.S.
13 Department of Commerce, so it is under their
14 auspices that we're holding this meeting and this
15 meeting tonight.

16 We have present with us a number of
17 representatives from the Department of Commerce and
18 the Department of Interior, and I would like them
19 to actually introduce themselves and identify
20 themselves so later on you will also have a chance
21 to meet with them and talk with them privately, if
22 you'd like, during the later part of the meeting
23 after we break up.

24 So, Michael, if you would begin.

25 MR. MICHAEL WEISS: Good evening and

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1 aloha. My name is Michael Weiss, and I'm with
2 NOAA. I'm the NOAA agency representative to be
3 White House Council on Environmental Quality, and I
4 glad to be here tonight and be able to hear your
5 comments on the Executive Order.

6 MR. ADLER: And we also have Robert
7 Smith.

8 MR. ROBERT SMITH: Hi, I am Robert Smith.
9 I'm the Acting Reserve Coordinator for the
10 President's new marine reserve.

11 MR. ADLER: Could I ask some of the other
12 representatives from -- who else is here from the
13 Department of Commerce? If you would raise your
14 hands. We have Dolores Clark at the registration
15 table signing you in to give testimony.

16 How about Department of Interior. We
17 have some people. I saw a few people here. Okay,
18 they are sitting over there. And why don't you
19 quickly introduce yourselves. It is going to be
20 hard to hear.

21 Jerry Lanikey from Fish and Wildlife.
22 David Johnson from -- also from Refuges. And
23 Barbara Maxfield, also from Fish and Wildlife.

24 So we have a number of people from
25 agencies here tonight. We also have, I know, State

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1 Department of Land and Natural Resources, and they
2 are in the room as well. And we also have WESPAC.
3 We have plenty of agency people here tonight.

4 Now, again, in a few minutes Kem is going
5 to be kind of covering some of the critical
6 information off of the Federal Registration
7 announcement that brought us here. But I want to
8 first explain our procedure so that everybody
9 understands what we are doing tonight.

10 The first thing is if you have very
11 specific written testimony that you want to submit
12 tonight, we are happy to accept it and we will make
13 sure that it gets forwarded to the Department of
14 Commerce after this hearing.

15 There are also comment forms you also
16 picked up material at the registration table that
17 has Mr. Roger Griffis' address and his fax number
18 and you can send those materials to him yourself if
19 you prefer. You also have in those materials the
20 web site address to access more information on the
21 matters that we are here.

22 Again, it is very important that your
23 comments be received no later than January 8, 2001,
24 if they are to be considered.

25 We have asked you when you -- those who

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1 want to testify to sign in and we have the sign-in
2 sheets that we are going to be taking the testimony
3 in the order in which people signed up, with a few
4 exceptions. We have a few people in the room that
5 we really want to make sure get heard early on so
6 they can go on to other meetings. These are mostly
7 kahunas and people who have been on these issues
8 for a very long time, so we are going to kind of
9 respect that. But for the most part, we are going
10 to try and track with the order that you signed in
11 on.

12 Now, we're going to ask everybody here
13 the limit your comments to three minutes. We know
14 that many people in the room have much more to say,
15 and if you do, you're most welcome to go back and
16 sign in again. If we have the time, we will do a
17 second round and even a third round. Our
18 commitment is that we will stay here until
19 everybody has had a chance to have their say.

20 But we are going to really ask everybody
21 to respect a three-minute time limit or else we
22 won't get done. We simply won't get done and
23 people won't have a chance. So if somebody takes
24 20 minutes at the front, it means that everybody
25 else is going to have to wait. So we are going to

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1 be pretty tough on asking you to honor that
2 three-minute time limit.

3 When we speak -- when you speak we
4 encourage you to go right to the heart of your
5 comments on the two key topics President Clinton
6 has asked for public comments on. And those are
7 making the reserve preservation areas permanent and
8 conservation measures for the reserve. We will say
9 a little bit more about that in just a minute.

10 Now, we're going to try to conclude our
11 meeting by 9 o'clock and leave a little bit of time
12 for folks to talk informally afterwards. But,
13 again, we are going to rely on your help with that
14 in honoring the limits.

15 We know that people come to a meeting
16 like this with very strong views. Many people are
17 concerned about environmental preservation matters,
18 others are concerned about fishing and commercial
19 issues, some are concerned about native Hawaiian
20 rights. And many come to these meetings concerned
21 about all three.

22 So I'm going to ask you a little bit of
23 help above and beyond the formalities of the
24 three-minute time limit. And the first one is that
25 everybody's view are welcome and on the record

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1 tonight, so we are going to get them all for the
2 court reporter, and so nobody has to feel like you
3 are going to be pressured to not participate. We
4 welcome that.

5 The second thing is I really want to ask
6 us to respect differences of opinion. We know
7 those opinions are inevitable, and especially when
8 we talk about sensitive environmental and cultural
9 issues and commercial matters that we are going to
10 hear things that you disagree with. So I'm going
11 to ask you to listen hard and abide by the
12 three-minute limit and not to clap and not to boo
13 if you hear something that you either like or don't
14 like, because the net effect of that is to shut
15 other people down and make them hesitant to speak.

16 So we are not in a popularity contest.
17 We are really trying to take very specific comments
18 on the two areas that have been specifically
19 noticed in the Federal Register.

20 In Hawaii, I think if there is one thing
21 we seem to be able to do better than other places
22 is to try to handle our differences of opinion with
23 a little bit of respect and a little bit of aloha,
24 and I hope we will try to be able to do that
25 tonight.

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1 Now, with that, I am going to turn things
2 over to Kem Lowry and maybe he could summarize it.

3 And while he is doing that, I am going to
4 be passing out the map of the Northwest Hawaiian
5 Islands and the areas that are under consideration
6 tonight. We don't have copies. We have 200
7 copies, so you are going to have to share those.
8 And we are also good at sharing here in Hawaii, so
9 please do that, too, if you will.

10 We were supposed to have had a big wall
11 map, but it just didn't get here in time. We'll
12 have it for the future meetings.

13 Here is Kem.

14 MR. KEM LOWRY: Thanks, Peter. I'm going
15 to do a very quick summary of the Federal Register
16 Notice.

17 On the 4th of December President Clinton
18 issued Executive Order 13178 establishing the
19 Northwestern Hawaiian Islands Coral Reef Ecosystem
20 Reserve. The Executive Order was in response to
21 the directive that he issued in May to the
22 Departments of Commerce and Interior to develop a
23 plan in coordination with the State of Hawaii and
24 in consultation with the Western Pacific Regional
25 Fisheries Management Council to provide a strong

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1 and lasting protection for the Northwestern
2 Hawaiian Islands Coral Reef Ecosystem.

3 The process began with visioning sessions
4 which were open hearings for public comment on the
5 future of the Northwestern Hawaiian Islands Coral
6 Reef Ecosystem.

7 Additional input was gathered from other
8 sources, such as the extensive public input and
9 research conducted by the Western Pacific Regional
10 Fisheries Management Council in the development of
11 their draft Coral Reef Ecosystem Fishery Management
12 Plan.

13 The President has a long history of
14 taking steps to provide additional protection to
15 the nation's coral reefs and other ocean resources
16 dating back to the mid-'90s.

17 The ocean conference held in Monterey in
18 1998 reemphasized this commitment to coral reefs as
19 the President used the opportunity to issue the
20 Coral Reef Executive Order which established the
21 coral reef task force. This Executive Order is the
22 culmination of the President's vision for the
23 protection of the valuable coral resources.

24 The reserve that we're talking about
25 tonight encompasses an area extending approximately

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1 1,200 nautical miles and 100 nautical miles wide.
2 The reserve is adjacent to the Hawaii state waters
3 and the Midway atoll national wildlife refuge and
4 includes the Hawaiian Islands Natural Wildlife
5 Refuge.

6 The management principles and
7 implementation strategy and requirements for the
8 reserve are found in the Executive Order.

9 The President took these actions pursuant
10 to the authority that was provided to him in the
11 National Sanctuaries Amendment Act of the year
12 2000. The Act gave the President the authority to
13 designate any Northwestern Hawaiian Island coral
14 reef ecosystem as a coral reef reserve to be
15 managed by the Secretary of Commerce.

16 The same Act states that any closures
17 shall not become permanent without adequate review
18 and comment, which is one reason why the President
19 is mandating these public hearings.

20 Tonight our hearing seeks comments on
21 behalf of the President on two main topics that are
22 up here. The first is the conservation measures
23 that were established by the President in the
24 Executive Order for the reserve, and, secondly, the
25 reserve preservation areas and the President's

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1 proposal to make them permanent.

2 I'm going to turn now to Michael Weiss to
3 say a few words about those principles.

4 MR. WEISS: This map is being passed
5 around and it is kind of a helpful guide. The
6 conservation measures for the reserve.

7 The reserve on this map is the entire
8 blue area and the purple areas on the map, that's
9 the entire reserve.

10 And the conservation measures are a
11 number of restrictions in the Executive Order that
12 apply in the blue and the purple areas. They apply
13 throughout the entire reserve. And those
14 conservation measures briefly are no oil, gas,
15 mineral or exploration development, no anchoring on
16 coral, no drilling, dredging or altering the
17 seabed, and no discharging into the reserve or
18 discharging outside of the reserve that
19 subsequently injures any reserve resources, and no
20 removal or taking or damaging any reserve resource.
21 And, again, these conservation measures apply
22 throughout the entire reserve.

23 Also fishing in the blue area. Fishing
24 is allowed, existing levels of fishing, commercial
25 and recreational fishing is allowed in the blue

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1 areas. The Executive Order provides that those
2 levels shall be capped, and the Secretary of
3 Commerce will determine, based on the wording of
4 the Executive Order, what that cap level will be.
5 So, again, fishing -- cap levels of fishing,
6 existing levels will be allowed in the blue areas,
7 which is about 96 percent of the entire reserve.

8 The Executive Order also establishes 15
9 reserve preservation areas, and it is in these
10 areas that all consumptive and extractive uses are
11 not allowed. And the one exception is that bottom
12 fishing, existing levels of bottom fishing, is
13 allowed in eight of the reserve preservation areas,
14 and those eight areas are Nihoa Island, Necker
15 Island, Gardner Pinnacles, Maro Reef, Laysan
16 Island, Lisianski Island, St. Rogatier Bank and
17 Pioneer Bank. In those eight reserve preservation
18 areas existing levels of bottom fishing is allowed
19 to continue.

20 Within those areas the prohibitions,
21 again, they are primarily to have no extractive or
22 consumptive activities. So except for the bottom
23 fishing, which I have described, the prohibitions
24 are that there is no fishing in these areas, no
25 anchoring at all if there are moorings or

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1 designated anchoring areas available, no
2 discharging at all except for cooling water and
3 engine exhaust, and no touching or taking any
4 coral.

5 So -- and, again, the President has asked
6 specifically for comments on the conservation
7 measures and on the reserve preservation areas and
8 his proposal to make the reserve preservation areas
9 permanent.

10 Thank you.

11 MR. LOWRY: I want the say or add a
12 couple of things that are also on the Federal
13 Register. The Executive Order provides that native
14 Hawaiian noncommercial subsistence cultural or
15 religious uses may continue to the extent
16 consistent with the existing law. The Secretary
17 shall work with native Hawaiian interests to
18 identify those areas.

19 The Department of Commerce will pull
20 together all the comments received tonight up to
21 January 8 from the hearings, e-mail, fax and mail,
22 and will transmit them to the executive office of
23 the President. The White House will then review
24 them and make a decision on any further action.

25 So let's begin the testimony.

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1 MR. ADLER: Okay, mechanically what we
2 are going to do is call two folks at a time and ask
3 one to come up and one to be sort of on ready down
4 here sitting down. We also want to ask you to
5 either fill out a piece of paper with your name and
6 hand it to Pat, our court reporter, so we get the
7 spelling right, or if you don't want to do that,
8 then make sure you say your name very clearly for
9 the record.

10 So we are going to call up two folks at a
11 time to do that. Again, I just want to apologize
12 in advance. I always feel awkward, as does Kem and
13 my colleagues, when we have to interrupt people and
14 sort of stop them, and we will try to give you a
15 little bit of warning. We ask you to respect that
16 three-minute time limit.

17 So the first speakers are going to be
18 Kitty Simonds, and Wadsworth Yee you will be in the
19 ready seat.

20 Kitty.

21 MS. KITTY SIMONDS: Good evening and
22 aloha. My name is Kitty Simonds and I'm the
23 Executive Director of the Western Pacific Fishery
24 National Council.

25 On behalf of the 13 voting members of the

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1 Council, I extend to you our warmest welcome to
2 Hawaii and our appreciation that you have come to
3 listen to our views concerning the Northwestern
4 Hawaiian Islands Coral Reef Ecosystem Reserve that
5 was designated by President Clinton. We hope that
6 your ears will finally hear what this Council is
7 saying.

8 First, let me assure you that the Council
9 agrees fully with the president that the coral reef
10 resources of the Northwestern Hawaiian Islands are
11 indeed national treasures, and we appreciate his
12 acknowledgement that they should be preserved as
13 such.

14 In this regard we support the designation
15 of the Northwestern Hawaiian Islands as a reserve
16 and a candidate for status as a national reef
17 sanctuary. However, we do not support the use of
18 an Executive Order to prejudge the outcome of
19 regulatory procedures that have been initiated by
20 this Council pursuant to the Magnuson-Stevens
21 Fishery Conservation and Management Act.

22 We also do not support the President's
23 action in foreclosing the Council from exercising
24 its statutory responsibilities under the National
25 Marine Sanctuaries Act.

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1 We believe that the President in the few
2 short weeks that remain in his administration has
3 rushed to produce an Executive Order that contains
4 unnecessary, unsupportable and quite possibly
5 unlawful restrictions on the freedom of commercial
6 and recreational fishermen to continue to make
7 sustainable use of the fishery resources in the
8 Northwestern Hawaiian Islands.

9 You must recognize that approximately one
10 half of the important bottomfish fishery resources
11 native to the Hawaiian archipelago are taken from
12 the Northwestern half of the chain and that the
13 recent levels of harvest approximate only one half
14 of the maximum sustainable yield that would
15 otherwise be available to our island's economy.

16 The hurried process by which this
17 Executive Order was developed bears no resemblance
18 to the process as mandated by Congress in our
19 nation's two most important marine resource
20 statutes, the Magnuson-Stevens Act and the Marine
21 Sanctuaries Act.

22 Both of these statutes have been
23 strengthened in recent years to ensure that
24 resources such as the coral reef ecosystem will be
25 both preserved and utilized for the benefit of the

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1 nation.

2 The Magnuson-Stevens Act has been amended
3 to prohibit overfishing and to ensure protection of
4 the central fish habitat.

5 The Marine Sanctuaries Act has also been
6 strengthened but not to the point of disregarding
7 the statutory authority of this Council to prepare
8 fishing regulations for any new marine sanctuary to
9 be established in the Western Pacific Region.

10 In sharp contrast to the procedures
11 employed in the last few weeks, both the
12 Magnuson-Stevens Act and the National Marine
13 Sanctuaries Act require compliance with the
14 National Environmental Policy Act and the
15 Administrative Procedure Act. Both contain
16 explicit drafts of regulatory authority to the
17 Secretary of Commerce and both contain civil and
18 criminal penalties for violation of regulations.

19 Since 1977 the Council has initiated all
20 the fishery conservation and management regulations
21 that now apply in the Northwestern Hawaiian
22 Islands. Our regulations were developed with the
23 full cooperation of the commercial and recreational
24 fishermen that use that area. None of the fishery
25 resources that we manage are overfished.

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1 In his Executive Order President Clinton
2 has acknowledged the results of this Council's
3 sound stewardship, quote, "The 3.5 million acres of
4 coral reefs around the Northwestern Hawaiian
5 Islands are spectacular and almost undisturbed by
6 humans. The approximately 1,200 mile stretch of
7 coral islands, banks and shoals are unquestionably
8 some of the healthiest and most extensive coral
9 reefs in the United States."

10 And the Council intends to ensure that
11 these island coral reefs remain healthy, and we
12 will fully cooperate with the Secretary of Commerce
13 as he proceeds with the formal process of
14 designating the area as a reef sanctuary.

15 This doesn't mean, however, that we
16 embrace the excessively large fishery closures
17 contained in the President's order. Indeed, we
18 believe those closures are in direct conflict with
19 the language contained in the Magnuson-Stevens Act,
20 and I'll just name a few.

21 One, fishery resources contribute to the
22 food supply, economy and health of the nation and
23 provide recreational opportunity. And the order
24 reduces the yield available for the Northwestern
25 Hawaiian Islands fishery resources for all of those

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1 purposes.

2 The Congress intended to promote domestic
3 commercial and recreational fishing under sound
4 conservation management principles, and the order
5 discourages domestic fishing and ignores the
6 conservation and national programs that we have in
7 place.

8 And I will finish up with this, because
9 you can read my statement later on, and it also has
10 to do with the Sanctuaries Act.

11 Let me just say that there is an
12 alternative. In response to the President's
13 earlier call for enhanced production of coral
14 reefs, the Council has prepared a draft coral reef
15 ecosystem FMP and a draft EIS. As we speak, the
16 Council's draft FMP and EIS are formally being
17 reviewed by the Commerce Department. We will, of
18 course, need to conduct public hearings and those
19 kind of things.

20 While the order may appear to have the
21 advantage of speed, our approach has the advantage
22 of being both legal and enforceable. And we ask
23 the President to modify his Executive Order to
24 allow for prompt completion of the regulatory
25 processes that we have already initiated.

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1 MR. ADLER: Thank you.

2 MS. SIMONDS: Thank you very much for the
3 opportunity to present these views.

4 MR. ADLER: Thank you very much.

5 Mr. Wadsworth Yee is next and Mr. James
6 Cook is going to be ready for us.

7 Mr. Yee.

8 MR. WADSWORTH YEE: I'm Wadsworth Yee, a
9 former member of the State Legislature in the
10 Senate for 20 years, and I served as the WESPAC
11 Chairman and member for the first 10 years since
12 1976 when the law was passed.

13 I have been also commercially fishing
14 with my son all the way up to Laysan and French
15 Frigate Shoals back in the early '70s and Jim Cook
16 was also up there with his two boats from Hawaiian
17 Fishing. So we are quite familiar with this area.

18 We spent a tremendous amount of time with
19 the Department of Interior, the Fish and Wildlife
20 Service, National Marine Fishery Service, which is
21 part of NOAA, and the State of Hawaii. Triparty
22 agreements have been reached, and to this day, as I
23 understand, a team by the Fish and Wildlife Service
24 and the National Marine Service found that after
25 20, 25 years the reefs are in perfect condition,

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1 beautiful, glowing report.

2 So sometimes we feel that another body or
3 regulation is coming upon when the Fishery
4 Service -- not them, but the Western Pacific
5 Management Council is doing a great job. In my
6 mind, why duplicate the service that they are
7 doing.

8 And this, to me, is something that is
9 more regulatory agency being developed, but I think
10 it is unnecessary.

11 So to keep things short, I endorse the
12 comments of Mrs. Kitty Simonds and want to let you
13 know how I feel.

14 MR. ADLER: Thank you, Mr. Yee.

15 Mr. Cook has submitted his testimony in
16 writing and so we will go on to Ms. Gael
17 Kanakaokai. Are you here?

18 MR. GAEL KANAKAOKAI: Mister.

19 MR. ADLER: Mister, excuse me.

20 Then Mr. Bobby Gomes I think will be
21 next.

22 I apologize if I don't get your names
23 right, because I can't always read them.

24 MR. KANAKAOKAI: Hello, my name is Gael
25 Kanakaokai. I am just a citizen, and I wanted to

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1 applaud the President for creating the sanctuary,
2 the reserve for our reef ecosystem.

3 Thank you. That's it.

4 MR. ADLER: Sean Martin is going to be
5 after Bobby.

6 MR. BOBBY GOMES: Aloha, my name is Bobby
7 Gomes. I presently fish up in the northwest
8 islands. I have been up there for about eight
9 years fishing. I spend about 220 days a year up
10 there fishing.

11 And these regulations that the President
12 is imposing, even though they say we can fish, is
13 going to hurt us big time. By stopping us fishing
14 these certain areas that they have will put more
15 pressure to the grounds that they say we can fish.

16 That is not the way to preserve the
17 grounds. The way to preserve the grounds is to
18 take a little bit from everywhere, thus preserving
19 all the grounds. You don't sacrifice one area to
20 save one area. I spend a lot of time up there,
21 more time than most people, than the scientists and
22 everybody else who is telling us what to do up
23 there.

24 Try spending 20 days out there with gale
25 force winds and 35-foot seas. Mother nature is the

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1 biggest protector of these grounds. We don't just
2 go up there and fill our boats up in two days. It
3 takes us 20 days. Six days to get up there, six,
4 seven days to fish, six, seven days to get back.
5 The grounds, the fishery, is solid.

6 There is no way one man can fish out that
7 grounds by himself. I tell you right now, that
8 fishery is solid up there. Maybe in the old days
9 they didn't have the kind of equipment we have
10 today to realize where you are at. I can tell you
11 within 50 feet of where I am fishing. The fish
12 ain't biting here, when they slow down I go
13 someplace else.

14 The Executive Order is going to hurt us
15 big time. There is only four boats fishing, ladies
16 and gentlemen. Even though there are 17 permits
17 like they keep talking about, natural reasons,
18 there is only four boats left.

19 A VOICE: Enough already.

20 MR. GOMES: Hey, you shut your face. I'm
21 talking.

22 MR. ADLER: Excuse me, excuse me. Let's
23 not interrupt speakers.

24 MR. GOMES: I stayed home a month from my
25 fishing to be at this meeting. You guys want to

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1 know what's going on, listen to the fishermen. We
2 live up there 220 days out of the year. All these
3 activists and everything, that's fine, preserve the
4 reefs. I don't mess with the seals. I don't bust
5 the reef. We stay away from the reefs. That's
6 danger. We don't want to go by the reefs.

7 You guys got to understand we can all
8 coexist. I feed my family. I feed all my ohana.
9 I'm a born and raised Hawaiian local. There's no
10 way I can fish that waters out in my lifetime.
11 Please give sympathy to the fishermen and respect
12 our talk, brah.

13 MR. ADLER: Again, we are not in a
14 popularity contest. We are on the record. We are
15 trying to take the public comments. So, again, the
16 interruptions aren't helpful and the clapping isn't
17 helpful, and the booing won't be helpful. Let's
18 just hear the comments and hear them and listen to
19 them.

20 Sean.

21 MR. SEAN MARTIN: Thank you. My name is
22 Sean Martin. I'm a Northwest Hawaiian Islands
23 lobster permit holder.

24 In spite of the objections and concerns
25 of the Governor of the State of Hawaii and two past

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1 Governors, Ariyoshi and Waihee, and the entire
2 Congressional delegation, the President has
3 established this reserve. And the outline for the
4 activities allowed within this reserve appear to be
5 established, and I, for one, will be excluded from
6 conducting the fishing activities I've participated
7 in for 16 years.

8 If the entire group of our most senior
9 elected officials have been ignored by the
10 President, can I really hope to influence change?
11 I guess I do.

12 As I mentioned before, I have
13 participated in the lobster fishery for 16 years.
14 Some years have been better than others, but that
15 is to be expected in all fisheries.

16 The lobster fishery is one of the most
17 tightly controlled and managed fisheries in the
18 country. Voluntary cooperation between the
19 industry, scientific community and fishery managers
20 continue.

21 Since the lobster fishery began,
22 fishermen have looked at the cooperative efforts
23 with fisheries managers and scientists as an
24 investment in their future. It is unfortunate
25 another branch of the government, this time the

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1 President, has chosen to take regional management
2 out of the region and have a resource managed by
3 those who for the most part have never been there.
4 This is the same government branch that paid the
5 regional managers the compliment of describing the
6 region as pristine and healthy after 30 years of
7 the same commercial activity they now will abolish
8 with this reserve.

9 The lobster fishery has been described as
10 overexploited and also blamed as contributing to
11 monk seal problems. Fishery managers continue to
12 describe the fishery as conservatively manager.
13 The monk seal problems related to fisheries are
14 significantly overshadowed by causes completely
15 unrelated to fishing.

16 In closing, I would like to convey to the
17 President this: I have invested 30 years of my
18 life in commercial fishing. My investment in the
19 lobster fishery is well over \$500,000, including
20 vessel, gear and permits. Many jobs will be lost
21 by the stroke of your pen.

22 Please consider what this will mean to
23 individuals such as myself. Thank you.

24 MR. LOWRY: It will help create a record
25 as well if those of you who speak, Kitty, Senator

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1 Yee, if you will leave your statements up here so
2 that the court reporter can refer to them when she
3 is preparing her write-up. So that would also be
4 very helpful. We'll make sure you get them back,
5 if need be.

6 MR. ADLER: Okay, we are going to hear
7 from Ms. Marian Kelly next, and then Stephanie --
8 I'm sorry, I can't read the last name. It looks
9 like Fried.

10 MS. STEPHANIE FRIED: Fried.

11 MR. ADLER: Fried.

12 MS. MARIAN KELLY: My name is Marian
13 Kelly. My father was a fisherman. One of the
14 things I want to know is why is it that -- excuse
15 me!

16 My father was a fisherman and I want to
17 know why Pearl and Hermes Reef is excluded from the
18 preservation. This is outrageous. I was there as
19 a child months at a time. Summer vacations I spent
20 there. I know what it is like. And I know what
21 fishers can do.

22 And the problem is that when you are
23 going ahead on the economics of it, this rules out
24 any protection because the environment is not
25 considered. What you are looking at is the bottom

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1 line, the dollar sign, and that is what we have to
2 get away from.

3 The Hawaiians did not operate on the
4 dollar sign. The Hawaiians operated on sharing and
5 preserving. And if they didn't preserve, they
6 didn't eat the next day. You know that, I know
7 that. And if you don't operate in that fashion,
8 you are going to destroy, because that is what the
9 economy that we live in today does, it destroys.

10 It doesn't give a damn about
11 preservation, just give me those dollars at the end
12 of the time. You know that, I don't have to tell
13 you that.

14 Now is the time for ultimate preservation
15 of these fragile islands, all of them. The
16 military has destroyed an awful lot. I have been
17 to Midway, also. This is before the military got
18 there. I have been there. I saw it. I saw the
19 destruction of the Laysan flightless rales. When I
20 was there they had them on Midway. They didn't
21 have them on Laysan any longer. Why? Because
22 people were there living off the islands trying to
23 make money.

24 That's what it is all about. Time to
25 forget that. Time to remember what the Hawaiians

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1 did. They preserved. These islands were beautiful
2 until the Westerners came here and started cutting
3 down all the sandalwood trees in order to make
4 money. I'm disgusted with you.

5 MR. ADLER: Stephanie Fried and then
6 Buzzy Agard will be next.

7 MS. STEPHANIE FRIED: Aloha, I'm a member
8 of an organization called Environmental Defense
9 which has 2,000 members throughout the state. But
10 I am not going to be speaking here in my official
11 capacity. Our organization will submit its own
12 separate comments.

13 Tonight I want to talk about what I
14 understand this Executive Order to do, which is,
15 number one, allow current levels of commercial and
16 recreational fishing throughout the reserve.

17 Number 2, to provide some protection for
18 coral reefs, but only in an area that is less than
19 4 percent of that entire area.

20 Also to provide guaranteed access for
21 native Hawaiians to culturally and religiously
22 important sites and to subsistence fishing, should
23 they desire to do so.

24 If we look at this, 96 percent of the
25 reserve is open to fishing at current levels. Of

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1 the less than 5 percent that is somewhat
2 restricted, more than half of that is still open to
3 bottom fishing. Seven out of ten of the areas
4 atolls, islands and banks are open to bottom
5 fishing.

6 Of the 32 what I call noncontiguous
7 banks, these are separate isolated banks throughout
8 the islands, only four of those have restrictions
9 on them for bottom fishing. So the area is wide
10 open.

11 If, as we heard, there are only four
12 boats up there doing fishing, you know, they have
13 most of this region entirely open to them.

14 Some people have mentioned the lobster
15 fishery. One of the things that's interesting
16 about that, according to Government data, National
17 Marine Fishery Service, in 1983 fishermen could
18 catch three lobsters in every trap. By 1999 they
19 were down to setting three traps to catch one
20 lobster. That's a ninefold decrease in lobster
21 catch.

22 According to WESPAC's documents, they say
23 that you can take 300,000 lobsters out of the
24 Northwestern Hawaiian Islands, you can harvest that
25 amount and still have a sustainable fishery.

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1 According to, again, the same Government
2 documents, between 1983 and 1993 WESPAC allowed
3 between double and quintuple that sustainable
4 amount to be taken out of the fisheries in seven
5 out of those ten years. The following year the
6 fishery crashed. So we're talking about
7 sustainable management. I'm not really
8 understanding what WESPAC means here.

9 Let's see, we have some concerns. I
10 personally am concerned that the closed areas don't
11 seem to be very big. In fact, at less than
12 4 percent, half of them are open to bottom fishing.

13 According to WESPAC documents that they
14 released last week, bottom fishing commonly
15 occurs -- the best grounds are a depth between 50
16 to 150 fathoms. Yet they ask for bottom fishing to
17 be available to be carried out in these protective
18 areas in areas as shallow as 10 and 12 fathoms.
19 That doesn't make sense. I would support actual
20 closures out to an area of 50 fathoms.

21 I'm very concerned about enforcement.
22 Without proper enforcement this is going to be a
23 pretty piece of paper without much there unless you
24 require VMS and observers on vessels. If you only
25 have four vessels, then you've got four observers.

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1 That's not a huge expense.

2 We are also personally concerned about
3 the take of precious corals.

4 Is that it? Well, thank you, I will wrap
5 it up.

6 MR. ADLER: We are going to take Colleen
7 Kelly next.

8 MR. BUZZY AGARD: Good evening. Aloha,
9 it is very difficult to follow that dissertation
10 that was just rendered. But what I want to talk
11 about is I want to support President Clinton and
12 his initiative.

13 And the reason why would be I have been
14 fishing up in those islands since 1946, and I
15 actually left there in 1956, and I lived on the
16 atoll that was abandoned by the Navy.

17 And when I landed there I thought, as I
18 took my skiff out to the first island, a little
19 atoll, I saw in the shallows a large discoloration
20 and I knew what that was. I had never seen
21 anything like that in these islands, but I knew it
22 was a school of big fish, and I caught it.

23 And I went back the next week expecting
24 that the fish would come in from the other areas
25 and fill in like a house, like what we kula koa,

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1 and there was no fish. And I came back the next
2 month and there was no fish, and I came back the
3 next year and the fish wasn't there, and I came
4 back in the tenth year and it still wasn't there.
5 So I decided I would leave, because this was not
6 sustainable.

7 And I caught fish like huge mature, old
8 fish that are spawners. And, of course, I had
9 taken away the standing stock that permitted the
10 critical mass to reproduce.

11 Then I went to another island and got to
12 another school, smaller mullet, and I took that and
13 they didn't come back.

14 And I went to the next island, the atoll
15 the French Frigate Shoals, and there are many
16 islands in there. And I picked up the large
17 mullet, and they didn't come back.

18 So it was fragile within -- the fishing
19 ground was not productive because it has a higher
20 temperature and less nutrients. And by that
21 experience I felt that what was the use. And I
22 would say to lots of people who in their minds they
23 are maybe sitting here thinking that you can go
24 there and continue to take these big spawners, the
25 benefit for the spawners is this, and why they

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1 should be there, is that you already have the
2 example in Honolulu of what has happened to this
3 fishery. All kinds of fish, mention anything, very
4 hard to find. Lots of pressure.

5 But the part about those islands is that
6 that's the refuge, that is why those species are up
7 there. The monk seal, the turtle, the millions of
8 protected sea birds are there because that's the
9 refuge.

10 That's what we call (Hawaiian word).
11 That is what some of us believe in. That is where
12 you go to be reborn.

13 And those big spawners produce the
14 planktonic mass that can drift down here, and
15 that's why we have the fallout and you get some
16 fish here. But if you are depending on the
17 spawners here altogether, it's going to be tough.
18 And I would just say I don't want to cause any
19 trouble, but don't do what we did here. And what I
20 saw up there in the ten years, that was long enough
21 to find out it doesn't work.

22 So leave the coral alone. It takes
23 centuries for them to grow just a very little bit.
24 You can damage them easily. Yes, they are all nice
25 and pristine. Maybe they should be that way,

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1 because we are not there to hurt them or we haven't
2 been there and that's why they are that way.

3 When they took a multidisciplinary group
4 up there and what they saw is how I think it should
5 be and that is the way we should keep it.

6 So I would thank you and ask you to think
7 about that. Mahalo.

8 MR. ADLER: Colleen Kelly is next and
9 then Frank Farm follows.

10 MS. COLLEEN KELLY: I just want to
11 encourage the president to consider strongly the
12 opinions of the old-time fishermen like Buzzy who
13 know -- who know and have seen and can testify to
14 the reduction -- the drastic reduction of the
15 fishery and the fisheries in the Northwest Islands,
16 and that the whole concept of the Northwest Islands
17 being a nursery that we don't rob from the nursery.
18 We should not rob -- we should not touch the area.
19 This is being kept.

20 They are not kicking out fishermen, they
21 are capping what exist at this point, and we don't
22 want to rob it any further than we have already.

23 I think it is a very serious thing. I
24 did attend the workshop that was put on by Kahia
25 back in July, and I heard from many old-time

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1 fishermen who did -- fishing persons who did attend
2 that workshop. I wish they were all here now.

3 I hope that they get a chance to testify
4 while you folks are here during the next week.
5 Their testimony is very, very important.

6 MR. ADLER: Frank Farm and then Dave
7 Raney.

8 MR. FRANK FARM: Good evening. I was
9 going to skip a lot of the first page of my
10 comments but I feel now maybe perhaps it is
11 necessary, even at the risk of taking the time
12 limit.

13 But I come to you as a member of WESPAC
14 Fishery Management Council and Chair of the
15 Council's Bottom fishing Standing Committee.

16 However, as qualification, in my many
17 years I have worn many hats, both recreational
18 fishing, commercial fishing, subsistence fisherman,
19 a researcher of sorts, environmentalist and
20 administrator, and I fish hook and line,
21 bottomfish, trap, et cetera, for more than 60
22 years. None of these were fly-by-night fishing
23 ventures, but active endeavors in all categories.

24 Research involved various projects, both
25 to the fishery and the marine environment. Again,

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1 this was definitive projects that involved Federal
2 State and the private sector.

3 Additionally, there was salvage removal
4 of a number of vessels, ships and yachts off the
5 reefs. And we were sensitive, very sensitive to
6 any damage to the coral while affecting those
7 operations.

8 I can go on and on. But with these
9 prospectives in mind, I would comment on the
10 President's thing. First I'm very concerned about
11 the way the Executive Order was formulated and how
12 it has circumvented the due process of public input
13 usually afforded a major action with such sweeping
14 socioeconomic impact to individuals and to a state.

15 Yes, there were public visioning sessions
16 this summer on the future of the Northwest Hawaiian
17 Islands. In attending the session held in Honolulu
18 I noted how organized and outspoken the
19 environmental sector was for good.

20 The fishermen, on the other hand, and by
21 their own nature were less organized and less
22 outspoken. In fact, the Northwest Hawaiian Islands
23 bottom fishermen and the Hawaii seafood industry
24 are just becoming organized.

25 Conservation and management measures for

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1 the Northwest Hawaiian Islands should not be based
2 solely on the organizational and communication
3 skills of the stakeholders. Such a method favors
4 interest groups that are funded primarily to
5 organize, communicate and lobby, and thereby
6 silences the voices of the fishermen who are
7 workers busy attending to their business and
8 providing food for our table.

9 This is a great day, hardly any wind,
10 nice and calm. I commend you for coming. But the
11 fishermen are out there, they are not like some of
12 us that can seek shelter when the winds are up and
13 rains. They have to do it when they can. And I
14 don't think we've got a fair representation tonight
15 by the fishing community.

16 Now that we have these series of meetings
17 to determine whether the closed areas should become
18 permanent, these public hearings were announced
19 less than a week ago and there is only one on each
20 island which can be easily missed by fishermen who
21 are busy fishing on trips that can take them out to
22 sea for days and weeks.

23 One should heed Senator Inouye's call
24 for, and I quote, meaningful public input that such
25 a massive endeavor requires.

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1 Second, I am unhappy the Executive Order
2 establishes a reserve council advisory body that is
3 heavily weighted toward preservation and only
4 minimally represented by sustainable use.

5 The Executive Order sets up an advisory
6 council with three member representatives from
7 nongovernmental wildlife, marine life,
8 environmental and/or conservation organization,
9 none of whom need to have experience in the
10 Northwest Hawaiian Islands. Three representatives
11 from the nonfederal science community with
12 expertise in marine mammal science, coral reef
13 ecology, native marine flora and fauna and
14 oceanography.

15 Commercial fishing, the only activity
16 taking place in the reserve area, will have only
17 one representative.

18 MR. ADLER: May I stop you there,
19 Mr. Farm. Again, if you have longer comments, I
20 will be happy to bring you back on the second
21 round, but I have to honor the three-minute time.
22 If I could ask you to do that, please.

23 If you have one concluding sentence, read
24 it.

25 MR. FARM: I'll go to my last page.

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1 In conclusion, it is widely recognized
2 that the best way for marine protected areas to
3 work is for full participation by all stakeholders.
4 I ask that the intent of this sage advice be taken
5 to heart. To do otherwise cheapens the concept of
6 democracy and begins what could be a truly
7 synergistic cooperative effort on the shaky
8 foundations of mistrust.

9 I ask that we begin with consensus and
10 work cooperatively from here.

11 MR. ADLER: Thank you. I apologize for
12 cutting you off when you hit three minutes, and I
13 encourage you to come back around and sign on if
14 you have more to say. Thank you.

15 Next will be John Kelly.

16 MR. DAVID RANEY: Aloha kakou. My name
17 is Dave Raney. My wife was born on Maui, and I
18 have a resident of Hawaii for 31 years. I serve as
19 an volunteer, unpaid, for the Sierra Club, heading
20 their national Coral Reef Working Group, and I am
21 the Pacific Non-Governmental Organization
22 Representative to the United States Coral Reef Task
23 Force.

24 My testimony tonight, however, will be as
25 an individual. What I say will be based on where I

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1 have been, what I have seen with my own eyes, and
2 how this has affected my life.

3 I speak in strong support for making
4 permanent the protection declared by the President
5 in his Executive Order. And I will tell you why.

6 Forty years ago when I dived the Florida
7 Keys they had an apparently inexhaustible supply of
8 large reef fish. It was then a remote area,
9 lightly developed, with no apparent need for
10 protection.

11 If someone then would have proposed
12 strong and permanent protection for the coral reefs
13 of Florida, the response from fisherfolk might have
14 been similar to what we might hear tonight from
15 opponents of President Clinton's action. But
16 history would have shown it to be the right thing
17 at the right time.

18 This did not happen in Florida, however,
19 and within a few years the new technology of scuba
20 and the long reach of power boats and seaplanes
21 allowed commercial divers to decimate those fish
22 populations. Efforts to protect those reefs were
23 too little and too late.

24 In Hawaii I have witnessed the same
25 pattern of reactive, rather than proactive,

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1 attempts to manage the use of coastal and ocean
2 resources.

3 I watched Hanauma Bay on Oahu and Hanalei
4 Bay on Kauai get overrun by commercial tour
5 operators and saw jet ski operators take over much
6 of the shorelines and near-shore waters throughout
7 these islands. The remedies to these management
8 failures came late, and only after much protest by
9 the general public.

10 The failures were upsetting and costly to
11 all involved, especially the operators, and could
12 have been avoided by a more precautionary approach.

13 As for coral reef protection, I have
14 watched Kaneohe Bay, a public treasure, be carved
15 up into a patchwork of conflicting uses. And I
16 witnessed the State's recent failure, in the face
17 of concerted opposition by various economic
18 interest groups, to set aside even a very small
19 fraction of the bay as a marine protected area.

20 The President's Executive Order gives us
21 a unique opportunity, and responsibility, to do
22 better in the Northwestern Hawaiian Islands. This
23 is one of the few places on earth where a large
24 coral reef ecosystem is still intact and healthy.
25 Its value to Hawaii and the world as a natural

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1 system is priceless, but could be jeopardized by
2 short-sighted attempts to block or weaken the
3 Order.

4 Mistakes in that complex, interrelated
5 ecosystem could be irreversible, and we shouldn't
6 be rolling the dice up there any more than we
7 already have.

8 The Executive Order does it right. It
9 caps, not bans, commercial and recreational fishing
10 at current levels. It allows for a variety of
11 future uses, including cultural, educational,
12 scientific and recreational activities, but only
13 after any proposed uses have been evaluated by a
14 council of qualified persons to make sure the
15 activities are compatible with the overriding
16 conservation and preservation purposes of the
17 reserve.

18 I fully support this Executive Order and
19 the establishment of the reserve areas. I believe
20 that the depths should be set at 50 fathoms minimum
21 and observers on the bottom fishing boats.

22 Thanks.

23 MR. ADLER: Thank you, David.

24 Victoria Takamine is going to speak for
25 John Kelly and then we'll have Isabella Abbott.

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1 MS. TAKAMINE: Aloha. My name is
2 Victoria Holt Takamine. I am speaking on behalf of
3 the Ilio'ulaokalani Coalition, a coalition of
4 indigenous and native Hawaiian practitioners who
5 are committed to preserving and protecting
6 Hawaiians' traditional way of life and ancestral
7 rights.

8 Ilio'ulaokalani Coalition strongly
9 supports President Clinton's Executive Order
10 protecting the waters surrounding the Northwestern
11 Hawaiian Islands establishing a coral reef reserve
12 sanctuary.

13 These waters are the nursery for the main
14 Hawaiian Islands. Protecting them from overfishing
15 helps to ensure that our local fishermen will have
16 fish to support their families and our local
17 fishmarkets.

18 The Northwestern Hawaiian Islands are
19 also home to precious coral reefs, endangered monk
20 seals, sea turtles, and hundreds of species of
21 nesting birds. Measures to protect these species
22 from extinction are absolutely necessary for their
23 survival. We can all refer to the depletion of our
24 lobster fisheries by commercial fishermen to
25 understand how easily and quickly this area can be

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1 affected if left unmonitored.

2 We really would like to advocate -- I
3 mean, we wanted a monument, but we will settle for
4 a sanctuary and a reserve, and we want these
5 measures to be permanent. We thoroughly agree with
6 the areas, although, naturally, we would like it to
7 be a little bit more restricted. But we will abide
8 by the President's plan as set up.

9 And I just have one comment that I have
10 to say. If WESPAC is the regulatory agency, I
11 cannot understand how they cannot even abide by the
12 rules and the guidelines set at this meeting to
13 abide by the three-minute ruling, knowingly and
14 willingly saying I am going to go over the six
15 minutes and then the next person comes up and again
16 they knowingly go over those three minutes. How
17 can we entrust them to manage our resources in a
18 like manner.

19 MR. ADLER: We are going to have Isabella
20 Abbott and then Jay Johnson.

21 MS. ISABELLA ABBOTT: Many of you know me
22 as a limu specialist, a seaweed specialist. And as
23 a seaweed specialist, you know I'm not a very
24 strong-minded person, but I have very strong
25 feelings.

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1 I support President Clinton and any
2 effort to preserve the Northwest Hawaiian Islands.

3 One of the reasons why I do is that for
4 ten years I have been studying and publishing on
5 the marine algae, the limu, of the Northwest
6 Hawaiian Islands. At the present time, it is the
7 only paper on those islands.

8 Recently a big collection came in of
9 hand-collected seaweeds. The seaweeds I had
10 received previously were clinging to those lobster
11 traps that you were talking about. While the
12 Northwest -- while the men were checking on the
13 lobsters when they brought up the traps, there were
14 loose algae that were caught on the outsides of the
15 trap and they were great treasures to me.

16 I want you to know that in the recent
17 collection of hand-collected seaweeds from Necker
18 and French Frigate Shoals I have seven new species
19 and one new genus without stirring from my
20 laboratory at the university.

21 So, naturally, I would like to see this
22 whole chain of islands preserved, because being
23 able to say what I have just said tells me that we
24 have barely scratched the surface of what the
25 scientific treasures are in the Northwest Hawaiian

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1 Islands.

2 Second, I want to address a few comments
3 to the Hawaiians and the non-Hawaiians in this
4 room, because I am Hawaiian, too. One of the
5 crosses I bear is I don't look 100 percent
6 Hawaiian. But nevertheless, you know anybody who
7 works on limu has either got to be Hawaiian,
8 Chinese or Japanese, because those are the three
9 groups that use seaweeds a lot.

10 What I want to say is that culturally
11 speaking the Hawaiians have a lot of chants about
12 these Northwestern Hawaiian Islands. They have
13 names for all of these islands, islets, banks,
14 pinnacles, and how did they get that? Did they
15 take canoes up there that we don't know about? Did
16 they have airplanes that we didn't know about?
17 They must have seen them in order to name them the
18 way they did.

19 It is very exiting, I think, to have
20 discovered that there are lists of names for all of
21 these coral reefs in the Northwest Hawaiian
22 Islands, and I think that those ought to be
23 conserved.

24 Thank you.

25 MR. ADLER: Thank you.

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1 Okay. Jay Johnson is next and then we
2 will hear from Laure Dillon.

3 MR. JAY JOHNSON: Hi, my name is Jay
4 Johnson. I'm from Washington, D.C., but I'm no
5 longer with the Federal Government. I retired in
6 January of this year.

7 Prior to that time I was the chief
8 fisheries lawyer for the National oceanic and
9 Atmospheric Administration, and in that capacity an
10 adviser to the Fishery Management Council.

11 Let me tell you my concerns with this
12 approach. First of all, I have no problem
13 whatsoever with the President declaring this an
14 ecosystem reserve. I have substantial problems
15 with the manner in which he developed the fishery
16 regulations that are contained within his Executive
17 Order. He didn't follow either of the statutory
18 procedures that Congress required.

19 We spent a lot of time the last few weeks
20 questioning whether we're ruled by laws or men.
21 Let me tell you that the laws that apply to marine
22 resources here require the involvement of the
23 Fishery Management Council. They require the
24 preparation of an Environmental Impact Statement.
25 They require the announcement of proposed rules in

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1 the Federal Register followed by public comment.
2 And, finally, they require a final regulation to be
3 issued by the Secretary of Commerce. The President
4 has no authority under federal law beyond
5 designating the reserve. The regulatory authority
6 is possessed entirely by the Secretary of Commerce
7 acting either through the Magnuson-Stevens Act or
8 the National Marine Sanctuaries Act.

9 I am afraid that if this Executive Order
10 is the only thing that is done to protect the
11 Northwestern Hawaiian Islands, it will be
12 unenforceable. It will be unenforceable unless it
13 is followed by regulations that have been
14 promulgated according to the two statutes that
15 Congress has enacted.

16 Now, for those of you who want to see
17 rapid protection of the Northwestern Hawaiian
18 Islands and increased regulation on fishing, you
19 should be asking for publication of the Fishery
20 Management Plan that is being prepared by the
21 Western Pacific Council and invite public comment
22 on that plan.

23 Through that process you can get
24 regulations in place in a hurry that are
25 enforceable in the Federal Courts. You can follow

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1 up those procedures with the designation of this
2 area as a national marine sanctuary.

3 The process for issuing a sanctuary
4 regulation is a bit longer than the process the
5 Council has to use, but in the end you end up with
6 an enforceable regulation.

7 I am not aware of any Federal statute on
8 the books which gives the President of the United
9 States the unilateral authority to decide what the
10 law is. And by specifying exact areas where
11 fishing shall be prohibited, exact levels of how
12 many fish could be taken, exact identification of
13 who those fisherman can be, the President is very
14 much in the business of establishing law, and I
15 think that is the wrong way to proceed.

16 Thank you.

17 MR. ADLER: Thank you very much.

18 Next we are going to have Laure Dillon,
19 and then after Laure, Paul Dalzell.

20 MS. LAURE DILLON: Good evening, I'm
21 Laure Dillon, and my first thanks goes to everybody
22 who has worked on this for some time. The process
23 has been going on all summer with a lot of activity
24 from many, many people. So I feel there has been a
25 great deal of public input. And my thanks goes to

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1 President Clinton for his vision in proceeding
2 forward.

3 My testimony is definitely in strong
4 support of permanent protection for the
5 Northwestern Hawaiian Islands as described in his
6 Executive Order, with particular emphasis on
7 protection of the coral reefs and all their
8 wildlife, monk seal habitat and their sources of
9 food, and to a depth of 50 fathoms and other
10 standards outlined in the document Malama I Ka
11 Moana O Ka Northwestern Hawaiian Islands, Caring
12 For The Ocean And The Northwestern Hawaiian
13 Islands.

14 I strongly support the ban of coral
15 gathering and all other forms of mining and
16 extraction. The Northwest Hawaiian Islands are far
17 too fragile to support these activities and they
18 are very destructive.

19 Of great importance, too, is enforcement.
20 I encourage and ask that there be required
21 mandatory vessel monitoring systems for all vessels
22 and observers entering this area.

23 I further support native Hawaiian
24 traditional subsistence and religious uses, and I
25 support the Council, the Advisory Council that is

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1 projected in its current composition.

2 This vast area is incredibly diverse with
3 7,000 species coral, fish, nesting bird, marine
4 birds, marine mammals and other flora and fauna,
5 including the severely endangered Hawaiian monk
6 seals.

7 I think the collapse of the lobster
8 fishery is an excellent example of why we need
9 protection. WESPAC says they're handling things
10 well, I think this brings it into very serious
11 question.

12 I urge that there be the creation of this
13 reserve as a pu'uhonua, a place of peace and safety
14 for these very precious coral reefs and their end
15 inhabitants that are vanishing worldwide very
16 alarmingly.

17 They are a world treasure, and I
18 thank you for realizing their value and for having
19 the vision and wisdom to take these steps. Thank
20 you.

21 MR. ADLER: Thank you, Laure.

22 I just want to again say thank you to all
23 of you who are struggling to stick with that
24 three-minute time in length as far as we have a lot
25 of comments, so, again, our appreciation.

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1 We are going to hear from Paul and then
2 Micki Stash.

3 MR. PAUL DALZELL: Good evening, and
4 thank you for letting me comment tonight.

5 My name is Paul Dalzell. I'm a Council
6 staff member. I have my watch on a three-minute
7 warning so as not to provoke loss of faith in the
8 Council.

9 For the last quarter century I have lived
10 and worked in the Pacific Islands and Southeast
11 Asia, working on fisheries associated with coral
12 reefs and lagoons. I have published many
13 scientific articles on coral reef fish and reef
14 fisheries, including co-authoring a landmark review
15 of the fisheries of the Pacific Islands published
16 in 1996.

17 I am also married to a Pacific Islander
18 who comes from the most northerly islands of Papua
19 New Guinea. My wife's ancestral lands include
20 large areas of coral reef which have been fished
21 consistently and sustainably for 4,000 years, based
22 on archaeological research on her island.

23 Indeed, archaeological data from
24 elsewhere in Papua New Guinea shows consistent
25 sustainable utilization of some reefs for periods

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1 of 30 to 40,000 years.

2 These reefs continue to be fished day
3 after day, year after year, at levels far higher
4 than those experienced in the Northwestern Hawaiian
5 Islands, with its two small fisheries for
6 bottomfish and lobsters amounting on average to
7 about 300 metric tons per year.

8 This represents a tiny fraction of the
9 fish and invertebrate biomass present on the
10 Northwestern Hawaiian Islands chain, which extends
11 for 1,200 nautical miles between Kure Atoll and
12 Nihoa with coral reef habitat extending over 11,300
13 square kilometers.

14 Evidence that I collected from 42
15 locations in the Pacific Islands points to
16 sustainable yields from reef fisheries in the order
17 of 20 metric tons per square kilometer of reef,
18 with yields in some locations as high as 30 to 40
19 metric tons per square kilometer of reef.

20 Moderate yields of between 7 to 10 metric
21 tons per square kilometer are typical of reefs in
22 the South Pacific. The total yield for the
23 Northwestern Hawaiian Islands presently amounts to
24 30 kilograms per square kilometer, a minuscule
25 proportion of what could be expected from these

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1 reefs.

2 Comments I have read in support of the
3 Executive Order which intimate that overfishing has
4 occurred through mismanagement are egregious and
5 misleading. The results from surveys conducted in
6 the Northwestern Hawaiian Islands in the 1970s, and
7 more recently this year, show that coral reef and
8 reef fish populations are typical of those where
9 fishing pressure is light to nonexistent.

10 The abundance of large predatory fishes,
11 such as sharks and jacks, are indicative of little
12 to no fishing pressure in the Northwestern Hawaiian
13 Islands. So abundant are large predatory fish that
14 the population of jacks alone at French Frigate
15 Shoals are thought to consume as much as 30,000
16 metric tons of fish per year, while sharks alone at
17 the same place account for about 400 metric tons of
18 fish, invertebrates, seals and turtles.

19 The bottom line is that the Northwestern
20 Hawaiian Islands archipelago is one of the most
21 underutilized reef systems in the world through the
22 good fortune of its isolation and minimal human
23 population.

24 It represents a substantial reservoir of
25 largely unexploited fish stocks, but whether these

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1 have any influence on the main Hawaiian Island reef
2 fish populations is simply unknown. Statements to
3 the contrary, which intimate a connection between
4 replenishment of the main Hawaiian Islands fish
5 populations from the reefs of the Northwestern
6 Hawaiian Islands are misleading and there is no
7 proof for or against replenishment.

8 Further, outlandish statements about the
9 performance of the Northwestern Hawaiian Islands
10 lobster fishery ignore all the evidence arguing
11 against overfishing and that it is common in many
12 fisheries to have orders of magnitude shifts in
13 productivity over several decades, as has occurred
14 recently in the New England lobster fishery.

15 MR. ADLER: Time's up.

16 MR. DALZELL: Okay. Just finish very
17 quickly.

18 My wife and other Pacific Islanders
19 understand the reasons reefs are temporarily put
20 aside and a fishing taboo implemented, so as to
21 build up fish for a feast. They would not
22 understand the permanent closure of the
23 Northwestern Hawaiian Islands reefs for posterity
24 when only a small fraction on Midway can be visited
25 by wealthy tourists and the vast fish resource will

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1 remain unutilized and unobserved. Quite sensibly,
2 they would ask a simple question. Why?

3 Thank you.

4 MR. ADLER: Okay. We are going to have
5 Micki Stash and then Bob Kern.

6 MS. MICKI STASH: My name is Micki Stash,
7 and I'm here tonight to give my wholehearted
8 support to the President's Executive Order to
9 protect the Northwestern Hawaiian Islands.

10 I think mankind has done a wonderful job
11 over the years of plundering our natural resources,
12 and we now have an opportunity to take some
13 positive steps to preserve and protect what we have
14 left.

15 The majority of the live coral in the
16 United States is in the Hawaiian Islands.
17 Currently worldwide there is a terrible bleaching
18 problem with coral reefs and many of the coral
19 reefs are experiencing massive problems and some of
20 them are dying.

21 The Hawaiian Islands are one of only two
22 other places where we are not experiencing this
23 devastating effect of coral bleaching. So it may
24 be that the coral that we have here is not only
25 precious to us but it may become very important

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1 worldwide and we need to protect it.

2 The health of coral reefs is affected by
3 many things, besides the fish that live on it or
4 all other living organisms. And anything that is
5 depleted -- if one type of fish is depleted from
6 the coral reefs, it is going to affect the whole
7 ecosystem of that coral reef. So we have to really
8 take some serious steps to plan and have some
9 responsible plans to protect these reefs and to
10 keep up them healthy.

11 I think that the President's Executive
12 Order gives us this opportunity to and finally
13 start doing something right for our world.

14 Thank you.

15 MR. ADLER: Thank you. Next we are going
16 to hear from Bob Kern and from Paul Atchitoff.

17 And, again, if you could check in with
18 Pat afterwards to see if she has the spelling of
19 your name, it would be helpful. I also want to
20 thank those of you who have good handwriting.

21 Thank you.

22 Bob Kern.

23 MR. BOB KERN: Good evening everybody.
24 My name is Bob Kern and I am a citizen who likes to
25 spend as much time as I possibly can underwater. I

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1 find it a very calming, peaceful place to be.

2 Those of you who share my enjoyment of
3 being undersea know what it looks like when you
4 dive here around the main Hawaiian Islands. We
5 don't often see many large fish. We don't even see
6 very many fish at all in some cases.

7 I recently had the opportunity and the
8 distinct pleasure to take a trip out to Midway and
9 did a bunch of diving. And we jumped in the water
10 at Midway and we were just amazed at the
11 difference. There were lots of fish there. There
12 were big fish there. On every dive we saw things
13 that we never see here on Oahu, and even having
14 dived on some of the other islands, haven't seen
15 there.

16 My concern is that they say that Midway
17 is what the main Hawaiian Islands used to look
18 like, and we have even heard that what we are
19 seeing at Midway is also -- has also been affected
20 by human activity and human population there, even
21 though it is controlled.

22 I really support what the President wants
23 to do in the Northwest Hawaiian Islands, because I
24 would hate for the rest of -- for those islands and
25 for that area to wind up looking like what the

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1 undersea world here around these main islands looks
2 like. And so I'm fully in support of what the
3 President has done.

4 Thank you very much.

5 MR. ADLER: Paul Atchitoff and then we'll
6 hear from Roy Morioka.

7 MR. PAUL ATCHITOFF: I'm certainly not
8 here to criticize the fishermen who work hard for a
9 living, but I certainly am here to question the
10 past management of the fisheries in the
11 Northwestern Hawaiian Islands.

12 We have heard WESPAC say that they have
13 done a great job and we have heard the National
14 Marine Fisheries Service say that the President has
15 no authority to do what he is doing. The White
16 House evidently disagrees and so do I.

17 How do we separate the rhetoric from the
18 facts on some of these issues. Well, one way is I
19 brought a lawsuit -- actually, several lawsuits
20 against the National Marine Fisheries Service over
21 the management of the fisheries in the Northwestern
22 Hawaiian Islands. And I relied only on information
23 that was taken from the files of the National
24 Marine Fisheries Service.

25 What the Judge decided in a decision that

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1 he issued only about three weeks ago, was that the
2 bottomfish fishery has been operating in the
3 Northwestern Hawaiian Islands in violation of the
4 National Environmental Policy Act, that the
5 bottomfish fishery has been operating in violation
6 of Section 9 of the Endangered Species Act, that
7 there have been hookings of monk seals, that there
8 is routine feeding of contaminated fish to monk
9 seals and that there have been many reports of
10 clubbings and shooting of monk seals in the
11 Northwestern Hawaiian Islands.

12 The Court found that the lobster fishery
13 has been operated in violation of the National
14 Environmental Policy Act. The Court found that the
15 lobster fishery has been operated in violation of
16 Section 7 of the Endangered Species Act and that
17 there has been no adequate assessment of the
18 impacts of these fisheries on the endangered monk
19 seals.

20 Claims that the lobster fishery is a
21 conservatively tightly managed fishery are
22 ludicrous in light of the fact that the Fisheries
23 Service closed the fishery down this year because
24 the stocks were so depleted and the CPUE is so
25 reduced, and you combine this with Judge Ezra's

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1 ruling last year that the operation of the
2 long-line fishery is also being operated in
3 violation of the National Environmental Policy Act,
4 it seems pretty clear that the Fisheries Service
5 and WESPAC have lost any credible claim to being
6 good stewards of our marine resources.

7 So I can certainly understand that
8 fishermen here are angry about this reserve, but
9 don't be angry with the President, don't be angry
10 with me, don't be angry with environmentalists and
11 native Hawaiians and others who advocate this
12 reserve. Why don't you be angry with the people
13 who have been poorly managing this resource for so
14 many years. They have poorly served your long-term
15 interests as well as the interests of other people
16 in this room.

17 I'm not going to get into details of what
18 I think of the specifics of this proposed reserve,
19 but I do think that it is still lacking in adequate
20 protection for the monk seals by allowing fishing,
21 bottomfish fishing in the seals foraging areas,
22 including the areas that have been designated as
23 critical habitat for the endangered monk seal,
24 without any observers whatsoever. There is a need
25 to strengthen those protections before the reserve

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1 serves its intended purposes.

2 Thank you.

3 MR. ADLER: Thank you. Roy Morioka and
4 then Sunny Greer.

5 MR. ROY MORIOKA: Thank you.

6 My comments today express the concern
7 that I and other members of the Western Pacific
8 Regional Fishery Management Council hold with
9 regard to the Executive Order establishing the
10 Northwestern Hawaiian Islands Coral Reef Ecosystem
11 Reserve.

12 The process outlined by President Clinton
13 in his May 26, 2000 announcement was to assure the
14 preservation and sustainable use of resources in
15 the Northwestern Hawaiian Islands.

16 The Executive Order in its present form,
17 as we can see, totally ignores that. Rather than
18 supporting the sustainable use of resources, the
19 Northwestern Hawaiian Islands Coral Reef Ecosystem
20 Reserve serves to eliminate existing and potential
21 fisheries and extractive harvest of marine
22 resources in the area, including the following:

23 Lobster fishing worth approximately a
24 million dollars today; precious coral harvesting
25 estimated to be worth a million dollars in

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1 landings; bioprospecting, which may find the cure
2 for cancer and otherwise support the biomedical and
3 pharmaceutical industries; and other fisheries that
4 have yet to evolve.

5 While the President killed these existing
6 and potential fisheries, he offered to continue
7 fishing that does not exist and probably will not
8 exist. Recreational fishing can continue at
9 current levels. However, there is no documentation
10 of recreational fishing in the Northwestern
11 Hawaiian Islands, other than at Midway Atoll, which
12 is not part of the reserve, and it is unlikely that
13 recreational fishermen will travel hundreds of
14 miles of rough seas to fish in the reserve area.

15 Noncommercial native Hawaiian fishing for
16 cultural, religious and subsistence fishing can
17 also continue. But, again, this does not currently
18 occur and is unlikely to occur given the great
19 distances and rough seas between the populated
20 islands and the Northwestern Hawaiian Islands.

21 Commercial bottom fishing by already
22 permitted vessels would also be allowed but only at
23 current fishing levels and only in designated
24 areas. In other words, the bottomfish fishermen
25 can fish but not in much of their traditional

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1 fishing grounds.

2 In its process, the Executive Order
3 establishes an individual fishing quota for the
4 bottomfish fishery. However, Congress has placed a
5 moratorium on individual fishing quotas. The
6 Executive Order will cause fishing to be
7 concentrated in small areas and would run counter
8 to the existing rotational conservation and
9 management practices that fishermen are practicing
10 in that region today.

11 Furthermore, restricting fishermen to
12 small areas regardless of the weather and
13 oceanographic conditions could lead to safety risks
14 and put fishermen in harm's way.

15 Another consideration is the transfer of
16 fishing pressure from these areas to the main
17 Hawaiian Islands. We, as consumers, depend on half
18 of our bottomfish resources from the Northwestern
19 Hawaiian Islands. It's important to note that
20 two-thirds of the coral reef contained in the
21 reserve would be closed for at least 10 years to
22 even allowable fishing.

23 Thank you for allowing me to present my
24 concerns, and I hope that all of you will take to
25 heart the significant negative impacts that will

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1 occur with the adoption of the Executive Order as
2 it is currently worded.

3 Thank you.

4 MR. ADLER: Thank you. Sunny Greer and
5 then Adrian Kamali'i.

6 MS. SUNNY GREER: (Speaking in Hawaiian.)

7 My name is Sunny Greer. I live in an
8 area known as Kahana in a place called Red Kukui.
9 I live across a fishpond that's on the National
10 Historic Register called Huilua (phonetic)
11 Fishpond.

12 Conservation, recreation, commercial,
13 these are the voices I have heard, but who speaks
14 for those that are yet to come? It is the puno or
15 correct path to provide for at least seven
16 generations after our own.

17 If you live where I live, you know the
18 importance of taking only what you need to feed
19 your family, you know the value of kapu, where
20 areas are off limits for the sake of survival.

21 The survival of not only the species and
22 the habitat for these species, but for the survival
23 of our very own ohana so that we can have fish
24 available for our ohana today and tomorrow.

25 When are we going to let our basic

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1 survival needs take precedence over current and
2 future economic greed? I ask you, when will need
3 come before greed?

4 Look around our main Hawaiian Islands,
5 the kapu have been broken so many times that most
6 of our fish are imported and now there are attempts
7 to water this Executive Order down and rape the top
8 half of our Ko Pae Aina Hawaii, our island chain.

9 Please listen to what has been known for
10 many generations. If you malama the koa, you take
11 care of the fisheries, the koa will malama you.

12 This EO ensures that not only will our
13 koa continue the fragile nursery throughout the
14 Northwestern Hawaiian Islands, it will provide our
15 fish here in the main Hawaiian Islands. This EO
16 will help feed not only our ohana today, but it
17 will also provide for our children and our
18 children's children tomorrow.

19 Mahalo nui loa to President Clinton for
20 this EO and also mahalo to Senator Daniel Akaka for
21 his support.

22 And to reiterate, I stand in strong
23 support of this Executive Order. I stand in strong
24 support of the document known as Malama I Ka Moana
25 O Ka Northwestern Hawaiian Islands. I strongly

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1 support their reservation in perpetuity. I
2 strongly support the conservation measures and ask
3 that mandatory vessel monitoring systems be
4 inserted. I strongly support the Council as stated
5 in the EO. And, please, do what is pono, not just
6 for profit.

7 Mahalo.

8 MR. ADLER: Thank you. Adrian Kamali'i
9 and then Duane Minton.

10 MR. ADRIAN KAMALI'I: (Speaking in
11 Hawaiian.)

12 I'm 18 years old and my concerns here are
13 just for the future and for the future use of these
14 waters. I am here today in support of strong and
15 permanent protection of the Northwestern Hawaiian
16 Islands.

17 As Vicky Takamine has so eloquently
18 pointed out that the WESPAC Board and their
19 regulations can only go so far. I am asking that
20 the Board -- the new Board that will be overseeing
21 this reserve not become another type of a Federal
22 political bureaucracy.

23 Also, I would like to make a comment
24 about Pacific Islanders. The Pacific Islanders I
25 know, the Hawaiians I know, the Hawaiians I have

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1 been taught about, the Hawaiians I have grown up to
2 know fish in moderation. My ancestors fished in
3 moderation. Today we should continue to fish in
4 moderation, not as what Sunny had said, for greed.
5 This is for perpetuity of assets, natural assets,
6 to my culture and for the people of Hawaii Nei.

7 I would like to say again that I am in
8 strong support of permanent protection of the
9 Northwestern Hawaiian Islands.

10 (Speaking in Hawaiian.)

11 MR. ADLER: Duane Minton and then Joe
12 Ryan.

13 MR. DUANE MINTON: Hello everybody. I am
14 a researcher up at the University of Hawaii and I
15 have had an opportunity to do a considerable amount
16 of research up in the Northwest Hawaiian Islands.
17 I have dove every island in the reserve and I have
18 done about a hundred total dives up there.

19 The Northwest Hawaiian Islands represent
20 70 percent of all the coral reefs in the USA. They
21 also represent what I believe to be some of the
22 most pristine reefs in the entire world. More
23 pristine than the Great Barrier Reef, the islands
24 in the Caribbean and even many of the remote areas
25 of the Pacific.

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1 These reefs have remained pristine
2 because they are relatively isolated, and this has
3 led to a very low level of human impact on these
4 reefs. But everywhere that humans have been in the
5 Northwest Hawaiian Islands they have made some sort
6 of measurable impact upon these reefs and generally
7 not for the better.

8 And I would just like to highlight one
9 particular fishery which has had a considerable
10 impact on the reef, and that is the pearl shell
11 fishery, which actually decimated the black-lip
12 pearl oysters back in the early '30s.

13 It was reported that at Pearl and Hermes
14 reef back in the mid-'20s you could go out there
15 and black-lipped pearl oysters just littered the
16 entire lagoon area and some measured -- well, some
17 weighed more than ten pounds.

18 In 23 dives that I did there this fall I
19 could count the number of individuals I saw on just
20 one hand. I didn't see a single individual that
21 was more than probably three pounds up there.

22 Now, certainly, this unregulated fishery
23 from the 1930s is a poor illustration of modern
24 fisheries. Well, I bring it up just to illustrate
25 two facts. One, it is a great example of what

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1 humans can do in a very limited amount of time if
2 they are not careful.

3 But, secondly, is this really any
4 different from some of the modern fisheries that
5 are occurring, and I would like to draw parallels
6 with the Atlantic cod fishery and the haddock
7 fisheries which now appear to be decimated in a
8 large part because of overfishing.

9 But of what importance are black-lipped
10 pearl oysters? Well, as a coral reef biologist, I
11 just cannot answer this question, because I simply
12 don't know. But I can say this with a high level
13 of confidence, changes in one part of an ecosystem
14 often lead to a cascade effect, that is, changes in
15 one species lead to changes in a second species,
16 leading to changes in a third, and before you know
17 it, species that seem to be entirely unrelated to
18 the species originally impacted are affected.

19 We do not really know what the effect of
20 removing one species will have on other species in
21 the ecosystem, and until we have a better
22 understanding of our actions, we must approach our
23 stewardship in the Northwest Hawaiian Islands with
24 care.

25 All this is well and good, but what does

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1 it mean to those of us who are not scientists or
2 fishermen. Probably not very much. But please
3 consider this, the Northwest Hawaiian Islands
4 represent the natural heritage of the Hawaiian
5 Islands and are culturally significant to all of
6 the people of Hawaii, not just the native
7 Hawaiians, but everybody.

8 These islands potentially serve as a
9 refuge for many culturally and commercially
10 important species that live down here in our main
11 islands. What will happen to these species down
12 here if we destroy that place of refuge up there?

13 Many of the species found in the
14 Northwest Hawaiian Islands do not occur down here
15 in the main islands, and many occur only in the
16 Northwest Hawaiian Islands and nowhere else in the
17 world. This alone seems like reason enough for
18 everyone to be interested and concerned.

19 So for these reasons, I hope that the
20 people of Hawaii will support the reserve design,
21 and, most importantly, the preservation areas
22 created by the President and demand the lowest
23 possible level of human impact.

24 I am not saying that we need to shut down
25 all activity in the Northwest Hawaiian Islands, but

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1 I do feel it is important to have as little an
2 impact as possible until we have, at the very
3 least, a better understanding of our actions.

4 Permanent no-take preserves must go into
5 place and other potential impacts must be reviewed
6 carefully using the longest-term data available.

7 I am just about done. I have about five
8 more seconds.

9 And I push those with the decision-making
10 power to err on the side of caution and not on the
11 side of special interests. The reefs of the
12 Northwest Hawaiian Islands represent not only the
13 natural and cultural heritage of the people of
14 Hawaii, but they are part of the natural heritage
15 of the entire world, and let's not destroy them
16 because of our short-sightedness.

17 Thanks.

18 MR. ADLER: Joe Ryan and then Lynn
19 Hodgston.

20 Is Joe here?

21 A VOICE: He is not here.

22 MR. ADLER: Lynn Hodgston and then
23 Sharane Gomes.

24 MS. LYNN HODGSTON: My name is Lynn
25 Hodgston. I teach at UH West Oahu in Pearl City.

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1 I have been listening to a lot of people
2 talk about how pristine the Northwest Hawaiian
3 Islands are. I have visited Midway and I believe
4 every word of it. But it seems to me that the
5 action that people wish to take depends on their
6 philosophy. The environmentalists are saying
7 protect all of it, keep it that way, don't let
8 anybody touch it. WESPAC and some of the
9 commercial fishermen are saying use it more, it can
10 take it.

11 I think President Clinton's proposal is a
12 wonderful compromise. It is saying keep most of
13 the use at current levels, keep 5 percent of it
14 protected more than it is currently protected. So
15 I strongly support the creation of the reserve
16 preservation areas and encourage the regulators to
17 protect these areas permanently.

18 My students in environmental courses at
19 UH West Oahu and I are always appalled at the
20 declines in the world's fisheries, nearly all of
21 them, as well as the disappointing number of
22 organisms that keep being added to the endangered
23 and threatened species lists.

24 Clearly, most of these problems are
25 related to human activity, directly as harvest or

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1 indirectly through habitat destruction or damage
2 and pollution. If we can protect some feeding and
3 breeding grounds, we can offer a refuge from which
4 many species can expand back into the areas from
5 which they have been excluded or damaged by humans.

6 We hope to prevent harm in the future as
7 eco-tourism and increased technologies for fishing
8 increase at a rapid rate.

9 There is so much we don't know, but
10 evidence from other fisheries in the world
11 indicates that this kind of protection can lead to
12 increases in both commercial and noncommercial
13 species. This can lead to long-term survival of
14 commercial fisheries which otherwise might crash.

15 Thus for the benefit of the species in
16 the Northwest Hawaiian Islands and for the benefit
17 of those humans who utilize them, I support the
18 creation of these areas and I support the creation
19 of areas in which human activity is essentially
20 prohibited, which seems to be about 5 percent of
21 the proposed reserve.

22 Thank you.

23 MR. ADLER: Thank you very much. Sharane
24 Gomes and then Zenen Ozoa.

25 MS. SHARANE GOMES: Aloha, my name is

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1 Sharane Gomes.

2 I have something I was going to say and
3 read, but after listening to the testimony of
4 people here, I would like to address another issue.

5 One of my issues is I realize -- my
6 husband is a bottom fisherman, he spoke before. He
7 and I are permanent holders in the Northwest. One
8 of the five currently fishing. And as Hawaiians we
9 agree, we conserve, we preserve, we never fish the
10 same place. It is in our best interest to do that
11 if we are to survive.

12 Now, there has been much mention about
13 the kala, the money, the economics of our fishery,
14 and I just want to let you know that we talk about
15 subsistence and what we make and what we do there
16 is subsistence. We are not getting rich off
17 opakapaka and onaga. We are not making millions of
18 dollars.

19 Now, fishing, for some of you, you may
20 think it is just a job, but for us and for my
21 husband it is his way of life.

22 Now, we are, too, in support of the coral
23 reefs. That is a fisherman's enemy, that is not
24 his pride and joy. It's not something he wants to
25 get near, it's something he wants to stay away

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1 from.

2 And as for the monk seals, Mr. Atchitoff,
3 or I'm not sure what his name is, he had mentioned
4 about clubbing and killing seals. Now, my husband
5 has been fishing the Northwest Hawaiian Islands for
6 seven years, fishing the main Hawaiian islands for
7 20. How he got to the Northwest Hawaiian Islands
8 is because we participated in the only way
9 available to get there, which was you had to prove
10 you were a fisherman and he fished full-time in the
11 main Hawaiian Islands and worked his way up through
12 a point system and got there.

13 Now, that was hard work. We fought, we
14 went, we took the native Hawaiian issue and said,
15 "Why can't we go there," but that was not an issue
16 on the table at the time. So being a native
17 Hawaiian didn't matter then to get a fishing permit
18 to fish the Hawaiian islands, and it was because he
19 needed to sustain our way of life.

20 That's how we pay our mortgage. We have
21 a mortgage on the boat. We have the equipment that
22 we bought. Now, if we are not able -- and I know
23 people are saying but you can fish, you can fish,
24 you are going to be able to do exactly what you are
25 doing. That is not true.

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1 If you fish the Northwest Hawaiian
2 Islands you don't want to, of course, disturb the
3 coral reef reserve, you don't want to go near.

4 Everything is so gray now, we are not
5 sure exactly how we are affected. People are
6 saying 50 percent, others say 60 percent, because
7 if you get to where we fish, our effort -- on the
8 banks of Northwest Hawaiian Islands, you will see
9 that our effort has been focused in some areas
10 there that weren't taken into consideration.

11 So I ask you to please remember there are
12 some of us there who make our life and living there
13 and we are not taking more than we need. We are
14 limited in the size of our boat. We are limited by
15 mother nature. There are many limits on us
16 already. If you could please take that into
17 consideration, we really would appreciate it.

18 Mahalo.

19 MR. ADLER: Thank you, Sharane. Thank
20 you very much.

21 Zenon Ozoa and then Chris Vares.

22 MR. ZENEN OZOA: Good evening. My name
23 is Zenon Ozoa. I own the fishing vessel KA IMI
24 KAI. I employ three fishermen, two happen to be
25 native Hawaiians.

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1 The bottom fishing industry is one of the
2 safest fishing on the Hawaiian Islands, on the
3 Northwest Hawaiian Islands. So I come over here to
4 please help us stay over here and employ these
5 guys. I train my guys. I pick up guys from the
6 road, the homeless guys, they have no job, I give
7 them a job, I teach them how to fish, help them
8 support their families. What else can we do? We
9 go over there, we don't destroy anything.

10 In fact, you know, the monk seal is my
11 brother. The monk seal is my companion on the
12 ocean. We respect the monk seal. We don't want to
13 destroy anything.

14 So I don't have very much to say. All I
15 say is let us fish over there, let those guys make
16 some money to support their families. They don't
17 make very much money, like Sharane said. They make
18 a little money, they support their family, their
19 family go out to the store to buy food, the guy we
20 buy the food from support their families. Then the
21 money keep going and going and going. It is very
22 good for the state of Hawaii.

23 So please let us fish. Thank you very
24 much.

25 MR. ADLER: Thank you, Mr. Ozoa.

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1 Chris Vares and then Kathleen Kelly.

2 Is Chris Vares here?

3 A VOICE: No.

4 MR. ADLER: Kathleen Kelly?

5 (No response.

6 MR. ADLER: Carroll Cox and then Fred
7 Madlener.

8 MR. CARROLL COX: Good afternoon and
9 thank you. Carroll Cox within Enviro Watch.

10 I came to thank President Clinton and
11 applaud his actions. We have heard quite a bit and
12 I don't want to repeat, but I did come up with a
13 bit of interesting -- if you all recall, briefly,
14 the Hawaii Islands Humpback Whale National Marine
15 Sanctuary, the dedication, great, big deal.

16 One of the concerns that I have right now
17 is that I have heard that Senator Inouye and the
18 Governor and our Federal legislators wish to call a
19 time out to get public input. Well, I am going to
20 take this opportunity to give public input, and I
21 don't mean to offend anybody.

22 But here is the political part of this.
23 This is taken from a book -- bear with me here --
24 an in-house book for internal purposes only, do not
25 distribute externally. This is proposed by NOAA

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1 and its employees on behalf of the Governor, the
2 Senators and the Federal, Senator Inouye.

3 Hawaii's Congressional delegation, in
4 particular Senator Inouye and Representative
5 Abercrombie, weighed in with the Governor to accept
6 the sanctuary. NOAA owes the final approval of
7 this sanctuary, in large part, to their support.

8 Senator Inouye and Representative
9 Abercrombie are important to NOAA because they will
10 be heavily involved with the fiscal '99 NMSA
11 reauthorization and other NOAA-related bills.

12 Representative Abercrombie expects the
13 dedication celebration to be a high-profile event
14 that will showcase how the sanctuary is a positive
15 investment in Hawaii's future. He is up for
16 reelection and needs to counter harsh criticism
17 from the fishing/recreation community caused from
18 his support of the sanctuary. His polling numbers
19 are below 50 percent and staff are concerned about
20 his prospects for reelection.

21 These are Federal employees wanting to do
22 the same thing, possibly, so that they can get more
23 public input.

24 I think that the sanctuary should be
25 expanded, WESPAC should be arrested. Let's not kid

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1 ourselves, you are a Colonel, we know it, the
2 Federal Judges don't allow you to go into court
3 with this position, bogus evidence.

4 But to go on, Representative Abercrombie
5 and Senator Inouye will continue to pressure NOAA
6 to increase program funding and staffing for the
7 Hawaii sanctuary.

8 Senator Inouye and Representative
9 Abercrombie and Representative Mink will attend the
10 event. Senator Akaka has a scheduling conflict and
11 cannot attend. And, thank God, because he also
12 supported this.

13 But further, State of Hawaii's update,
14 the Governor will not attend the dedication
15 celebration. His staff indicated he won't attend
16 since this is an election year and he doesn't want
17 to further alienate his fishing and marine
18 recreation constituents. Mike Wilson will
19 represent the Governor.

20 Governor Cayetano is running for
21 reelection this year in what is expected to be a
22 very close and hotly contested race. His opponent
23 is Linda Lingle, the Republican Mayor of Maui, who
24 opposed the sanctuary.

25 So I will submit this testimony. If any

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1 of you care to see it. We need to finalize this
2 tonight. There shouldn't be any more public
3 debate. We might be exposed to politics.

4 MR. ADLER: Thanks Carroll.

5 Next is Fred Madlener, and following Fred
6 is Cha Smith.

7 MR. FRED MADLENER: My name is Fred
8 Madlener and I'm here as a representative of Life
9 of the Land. It so happens that I was also on the
10 Long-Range Planning Committee for Kaneohe Bay when
11 the matter of the corals was debated.

12 Life of the Land supports this
13 initiative. And we would like to see it
14 strengthened. But it was as President of Hawaii's
15 Thousand Friends that I first came across the
16 matter of the Public Trust Doctrine.

17 The Supreme Court of Hawaii -- and these
18 islands are, after all, in Hawaii, so this has to
19 be relevant -- have found and have stated in their
20 decision that the Public Trust Doctrine should have
21 sway over the way we manage natural resources here.

22 Now, if you have a public trust of some
23 kind, you need a trustee. And what the Supreme
24 Court said was that regulatory offices of
25 government should act as trustees. And a trustee

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1 is a person who takes care of a resource and uses
2 it wisely, and the Public Trust Doctrine says --
3 and it is enshrined in common law, it's a very,
4 very old doctrine -- is that you don't destroy
5 natural resources unless there is an absolutely
6 compelling need to do that. In other words, there
7 are serious constraints on busting natural
8 resources.

9 Now, here in Hawaii we have made the
10 Fishing Council one of the trustees, and I don't
11 think that they have fulfilled that role well. So
12 I think the trustees must be other than them.

13 I want to ask you, if you have a trust
14 relationship, who are the beneficiaries? In Hawaii
15 we have a tremendous debate going on as to who the
16 beneficiaries or the trustees that are guarding our
17 lands are. It hasn't been resolved. We don't know
18 whether it is going to be the people of Hawaiian
19 descent or whether it is going to be all the
20 Hawaiians, all the Hawaiian residents. We're
21 working on that.

22 So -- but what I can tell you is that are
23 the fishing folk to be the beneficiaries of trust
24 actions that are taken by regulators, and I suggest
25 to you, and to everybody concerned with this, that

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1 the fishing folk essentially have to stand in line
2 with everybody else. They are not the only people
3 that are affected by this. The beneficiaries are a
4 huge pool of persons who have an interest in the
5 preservation of these natural resources, and the
6 fishing folk must take their part among that huge
7 group and not be the people that have control over
8 all of it.

9 So I'm getting to my three minutes, then,
10 so --

11 MR. ADLER: You have finished your three
12 minutes.

13 MR. MADLENER: I have finished my three
14 minutes. Okay.

15 What I can conclude with is that in
16 Kaneohe Bay and in French Polynesia, in the great
17 atolls, what I have noticed by my observation is
18 that wherever there are people and wherever there
19 is fishing pressure and wherever there is
20 commercial fishing, the resources are going down.
21 And this is not something that Life of the Land or
22 myself want for the Northwest Hawaiian Islands.

23 MR. LOWRY: Thank you.

24 Folks, we know that time limits are not
25 the local way. We are trying to be respectful of

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1 everybody's time. We have 50 more people who
2 signed up to testify this evening. So that's why
3 if we seem to be a little heavy-handed, we are
4 trying to be respectful to everybody who has asked
5 for an opportunity to speak.

6 The next person identified is Cha Smith.

7 MS. CHA SMITH: My name is Cha Smith, and
8 I'm the Director of Kahea, the Hawaiian
9 Environmental Alliance.

10 I want to say that one of the things
11 that this process has been plentiful of is public
12 input and public participation, and I have never
13 seen so many people involved in a marine protection
14 issue as in the last six to eight months of our
15 working on this issue.

16 I want to offer support for the Executive
17 Order that it provide permanent -- immediate
18 permanent protection, that those protection
19 measures be expanded to a depth that does not
20 impact the fishermen of 15 fathoms throughout the
21 reserve, as the bottom fishery exists in areas over
22 40 or 50 fathoms.

23 One of the things that I think hasn't
24 been touched on at this point is -- partly because
25 we are not able to hear from the scientists who

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1 have been to the Northwest Hawaiian Islands -- is
2 that these particular islands have a very strong
3 role to play in the future of our planet, that the
4 Northwestern Hawaiian Islands are in colder
5 temperature waters and are not likely to be
6 impacted from the impacts from global warming. As
7 a result, they are a critical resource that must be
8 reserved for the long term.

9 They have an international significance.
10 They have a significance for the entire planet.
11 And certainly the international community is very
12 supportive of this measure and very supportive of
13 the Executive Order and as are other national
14 organizations who are tracking and looking at
15 what's going on in Hawaii.

16 There is a world focus on our opportunity
17 right now. This is an opportunity to offer
18 protection that is not going to impact the current
19 fishery, that you can be proud of, that you can
20 say, you know, hey, we wanted this to happen, we
21 understood the importance of this happening, the
22 scientific importance, the cultural importance, the
23 thing that is the right thing to do.

24 We are waiting to hear from the
25 scientists. I want to hear from the scientists. I

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1 want to hear from the scientists that were on the
2 RAPTURE. I wonder where they are, I wonder why
3 they are not being allowed to speak.

4 One of the things about the Northwestern
5 Hawaiian Islands is that the nutrient cycle there
6 is very, very slow. These colder waters and the
7 lack of nutrients create an ecosystem that is
8 particularly fragile.

9 These are not rainforests that have
10 tremendous regeneration properties and abilities,
11 these are the -- these are very, very fragile
12 areas, and they are very critical habitat for
13 endangered turtles, the green sea turtle, and also
14 the monk seal, of course.

15 So in closing I just want to say that
16 this is a good beginning, I don't think it offers
17 enough protection, but we do support the Executive
18 Order as a good beginning, and we encourage that
19 vessel monitoring is part of this and that the VMS
20 system is absolutely critical or this will have no
21 meaning to anyone.

22 And that about wraps it up. Thank you
23 very much.

24 MR. LOWRY: Thank you. Next we have
25 Leslie Awana Manini, followed by Patrick McCaine.

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1 MS. LESLIE AWANA MANINI: My name is
2 Leslie Awana Manini. I am sure you have heard the
3 kids in the corner. I apologize for that. I don't
4 have a bunch to say, but I have something written
5 here that I would like to share with you all.

6 I'm the wife of Jack Kui Manini and the
7 mother of his two dependent children, Amber, who is
8 seven, and Laakea, who is four.

9 My husband is the first mate on the
10 bottom fishing vessel KA IMI KAI, and he fishes in
11 the Northwest Hawaiian Island chain along with Guy
12 Ohara, the ship's captain, and his friend Kalie
13 Cabanlet.

14 We are a native Hawaiian family. Jack
15 brings home fish after every trip that we eat as
16 part of our daily diet. Jack also gives fish to
17 his mother and father and trades some fish for
18 other goods and services. We are a fishing family.
19 This is our lifestyle and the way that we obtain
20 money for our everyday existence.

21 President Clinton's coral reef reserve
22 plan will create many problems for my family. Jack
23 does not make a lot of money and closing that large
24 a part of the fishery will reduce our income and
25 cause serious harm to our family.

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1 Please consider using the Coral Reef
2 Management Plan developed by the Western Pacific
3 Regional Fishery Management Council. This plan is
4 good for the environment and it will allow my
5 husband to continue fishing and providing for our
6 family.

7 Thank you.

8 MR. LOWRY: Patrick McCaine. Is Patrick
9 McCaine here?

10 (No response.)

11 MR. LOWRY: Chris Cox.

12 (No response.)

13 MR. LOWRY: Charles Kaaiai followed by
14 Kevin Kelly.

15 MR. CHARLES KAAIAI: My name is Charles
16 Kaaiai. I work for the Western Pacific Regional
17 Fishery Management Council. I'm their indigenous
18 coordinator, and I have prepared a testimony to
19 present.

20 The Executive Order to establish a
21 reserve in the Northwestern Hawaiian Islands is a
22 taking of trust assets without just compensation.
23 This is colonization again visited upon the
24 Hawaiian people. Do you wish to make a
25 Congressional apology for the taking now or after

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1 the ecosystem is damaged?

2 There is nothing wrong with the current
3 management of the Northwestern Hawaiian islands.
4 The recent crews of the RAPTURE and TOWNSEND
5 CROMWELL reported that the coral reef resources are
6 abundant and diverse. It's been fished for a
7 thousand years and there is still an abundance and
8 diversity of coral reef resources. That is the
9 strength of the Western Pacific Fishery Management
10 process and the resiliency of the environment.

11 Thirty years ago, before the Council was
12 formed, fishing was a free-for-all in the
13 Northwestern Hawaiian Islands. An Executive Order
14 for closure would have been welcome then. Now,
15 with the fisheries heavily regulated, the ecosystem
16 healthier and measures to address the North Pacific
17 marine debris being developed, this Executive Order
18 is a nuisance.

19 The Council process has worked for the
20 betterment of all the stakeholders in the U.S.
21 Western Pacific area. Decisions are based on the
22 best scientific data available, public comment,
23 deliberation and consensus unlike this decision to
24 make the Northwestern Hawaiian Islands a reserve.

25 I like the comparison to the Great

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1 Barrier Reef Marine Park Authority. Visit the
2 Great Barrier Reef Marine Park Authority web site.
3 Their goal is to provide for the protection and
4 wise use, understanding and enjoyment of the Great
5 Barrier Reef in perpetuity through the care and
6 development of the Great Barrier Reef Marine Park.

7 They have, 2,400 commercial fishing boats
8 and 24,000 permitted recreational boats. They
9 allow line fishing, net fishing, spear fishing,
10 hand gathering, diving, snorkeling, native access,
11 subsistence use, live rock harvest, live coral
12 harvest, aquaria harvest, and bioprospecting. They
13 also allow trawling.

14 The purpose of this Executive Order is to
15 ensure the comprehensive, strong and lasting
16 protection of the coral reef ecosystem and related
17 marine resources and species of the Northwestern
18 Hawaiian Islands.

19 The plan is not comprehensive. It
20 prohibits and will prohibit the sustainable or any
21 use of the resources. It imposes rules about
22 things for which there is no data. By attempting
23 to impose a rigid structure onto the ecosystem, the
24 Executive Order creates a situation that will
25 damage the resources with unrealistic expectations

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1 on the environment. The expectations will drive
2 the management and the expectations will bias the
3 data.

4 Let me go all the way down.

5 MR. LOWRY: Thanks, real quick.

6 MR. KAAIAI: I am amazed that so much
7 effort is being expended for Federal career
8 advancement for a few and a strange antifishing
9 sentiment.

10 I can't fully express how I feel for this
11 imposition of central authority. As I read the
12 list of people that agree with Kahea's position, I
13 am filled with disbelief that people I know from
14 the sovereignty movement are petitioning the
15 Federal Government to intervene, take this trust
16 property and stop the fishing. Fishing and
17 resource management is part of the excellence of
18 Hawaiian culture.

19 What will we say to future generations
20 when they face another fence around our trust
21 assets, another wall separating us from the
22 benefits derived from our trust reserves? Lest we
23 forget, the people fencing the Northwestern
24 Hawaiian Islands bombed Kahoolawe, bombed Makua
25 Valley, bombed Kaula Rock, bombed Pohakuloa. These

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1 people are doing low frequency active sonar
2 testing, acoustic thermometry, carbon dioxide
3 sequestration, munitions, chemical and biological
4 agent incineration on --

5 MR. LOWRY: Could you Wrap it up,
6 Charles.

7 MR. KAAIAI: -- on Johnston Atoll.
8 Thank you.

9 MR. LOWRY: Thanks.
10 Kevin Kelly followed by Leslie Martini,
11 please.

12 MR. KEVIN KELLY: My name is Kevin Kelly.
13 I also work for WESPAC, and my concern -- first of
14 all, I would like to say one thing, they say that
15 about 4 percent of the area is designated as a
16 no-take area, or whatever they are calling it. But
17 approximately 4 percent of the area is actually
18 coral reef as well. I am not sure what the true
19 percentage of coral reef protection versus coral
20 reef there, but saying 4 percent is somewhat
21 misleading.

22 My concern is that people here have a
23 concern -- you are very well-aware of the main
24 Hawaiian islands and the problems that we face here
25 and that's what most people have on their minds.

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1 And I hear a lot of people saying that the
2 Northwest Hawaiian Islands is a nursery for the
3 main Hawaiian Islands. Well, that, the jury is
4 very much out on that, unfortunately. It would be
5 a great thing if it was.

6 But be that as it may, the main Hawaiian
7 Islands and the fishing pressure that they have
8 exhibited is where the concerns should lie. The
9 Northwestern Hawaiian Islands, which has been said,
10 is a pristine environment and lightly impacted by
11 human hands. I don't think all the attention
12 should be paid there. I'm concerned that this new
13 Reserve Council that will be established is going
14 to compete for the scarce Federal funding to
15 provide research opportunities and other things in
16 an area where it's not necessarily required because
17 there is so little human impact, and other areas
18 are going to suffer, that's the main Hawaiian
19 Islands and other areas where there is much more
20 human impact, much more fishing and land-based
21 issues. And I believe that one of the things that
22 this Reserve Council is going to do is going to
23 compete, unfortunately, with the Western Pacific
24 Fishery Council which manages all the ecosystems
25 and hopefully prioritizes where the need is of most

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1 importance.

2 And I think that is all I really want to
3 say.

4 MR. LOWRY: Thanks, Kevin.

5 Leslie Martini.

6 (No response.)

7 MR. LOWRY: Rick Grigg and Kim Holland.

8 MR. RICK GRIGG: Good evening. My name
9 is Rick Grigg.

10 Actually, I'm somewhat uplifted by the
11 testimony I have heard tonight. When you stop and
12 think about it, all of us in this room are for the
13 same thing, which is the protection of the
14 Northwestern Hawaiian islands. That's what unites
15 us.

16 What divides us is how do you do it.
17 That's really the problem. But I think to
18 recognize we're all on the same side in one sense
19 might help us get along together. And I think we
20 need to do that to improve the management up there.

21 Now, I have a few paragraphs I would like
22 to read, but let me first tell you a little bit
23 about my experience up there.

24 I was heading up a large-scale five-year
25 cooperative research program in the '70s. It was

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1 called Tripartite. It involved 200 people. We
2 published about 300 papers and this resulted in
3 five FMPs, along with people like John Nodham
4 (phonetic).

5 I have dived on every island in the
6 entire chain, and actually agree with Buzzy Agard.
7 But, Buzzy, we are not talking about coral reef
8 fisheries here. We are talking about lobster,
9 which is on the deep banks. We are talking about
10 bottomfish, which is off the shelf, and precious
11 coral, which is down 1200, 1500 feet. These are
12 not resources that impinge the reef. I'm in favor
13 of protecting the reef. Look what has happened in
14 the high islands.

15 Where we need the Executive Order to
16 protect the reefs is down here, not up there. The
17 reefs up there are healthy. They were healthy 25
18 years ago and they are healthy today.

19 Let me just give you one example of the
20 precious coral example. This Executive Order caps
21 that fishery at zero. That's because there was no
22 take in the year 2000.

23 Under the Planning Team Plan, WESPAC,
24 this would allow up to 5,000 kilo, which is five
25 tons. It would fit in a small cubicle of about

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1 3 meters. You could see it right here. that's the
2 tiny take it would represent, but it is worth
3 \$2 million and that supports 1,000 jobs. That
4 industry is going to be severely impacted by this
5 order.

6 And do you know what happens to precious
7 coral if it is not harvested, it turns to sand on
8 the bottom of the ocean at 1,200 feet. Some of you
9 may think that's good.

10 I think perhaps worse than the lost
11 revenue and the lost jobs is the false perception
12 that this order presents to you. It is perception
13 that the Northwestern Hawaiian Islands need
14 protection. The reality is that they are already
15 protected.

16 The Executive Order sounds good, and
17 people who don't know the facts think it is good.
18 It is a victory of ideology over critical thinking.
19 A feel-good environmentalism over science, of
20 manipulation over truth. An even greater tragedy
21 is that environmentalists who favor this plan are
22 being manipulated and they don't know it.

23 It represents a unraveling of critical
24 thinking. When this sort of thing happens, society
25 is first exposed to propaganda and then it is

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1 controlled by propaganda. It is a step away from
2 lynch-mob mentality.

3 I have one more sentence. This is a
4 legacy for President Clinton, a legacy based on
5 saving something that doesn't need saving, at least
6 now.

7 MR. ADLER: Could I ask people not to
8 interrupt him.

9 MR. GRIGG: Thank you very much.

10 MR. ADLER: Thank you.

11 Okay. Kim Holland will be followed by
12 William Aila.

13 MR. KIM HOLLAND: My name is Kim Holland.
14 I am on the research faculty at the University of
15 Hawaii, although I would like to make it clear that
16 my testimony tonight is my own personal testimony.

17 Much of what I would say, Rick Grigg just
18 said. But I would like to say that I am of a very
19 strong supporter of the concept of marine reserves.
20 I think they are an excellent management strategy.
21 But more than thinking that, I would like to point
22 out that that is my research specialty. I have
23 published several papers, scientific papers, on use
24 and efficacy of marine reserves in the Hawaiian
25 waters. I am a big supporter of this concept. Not

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1 only am I a supporter of it, but I have researched
2 it and I have published on it and I am familiar
3 with the field.

4 There is no doubt that the Northwest
5 Hawaiian Islands are very special. There is no
6 doubt that monk seals are very special. But the
7 kind of high-handed poor-thought-through management
8 regimes that this Executive Order represents has no
9 sense and no scientific background.

10 In fact, I would like to just reiterate
11 the point that where we really need the attention
12 is on the main Hawaiian Islands. We are sustaining
13 the use of the Northwest Hawaiian Islands. There
14 is no breach of the concept of sustainability that
15 was so important to the Hawaiian culture. The
16 Northwest Hawaiian Islands are being fished
17 sustainably. Where it is not sustainable is in the
18 main Hawaiian Islands.

19 There are a couple of things that need to
20 be brought in mind. If we close down the fish that
21 can come out of the Northwest Hawaiian Islands,
22 more pressure will be put on the main Hawaiian
23 Islands. And that brings into a couple of facts,
24 scientific facts.

25 One, for some species for sure and

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1 probably for all of the fish species in Hawaii,
2 they are all one stock genetically. You don't main
3 Hawaiian fish and Northwestern Hawaiian fish. They
4 are all the same stock.

5 Two, the predominant currents in the
6 Hawaiian archipelago from east to west they go
7 along the chain from the main Hawaiian Islands to
8 the Northwest Hawaiian Islands. So it is probably
9 not the case that the Northwest Hawaiian Islands
10 feed the main Hawaiian islands, it is the other way
11 around. It is the currents caring small eggs,
12 small fish and eggs from the fish in the main
13 Hawaiian Islands to the Northwest Hawaiian Islands
14 which replenish those islands.

15 So what we should be doing, we should be
16 putting our attention on the main Hawaiian Island
17 resources and we should not be encouraging
18 management regimes which fix a problem which
19 doesn't exist.

20 That is not so bad if it were not for the
21 fact that fixing a nonexistent problem will impact
22 the main Hawaiian Islands and it is probably the
23 main Hawaiian islands which is responsible for
24 replenishing the Northwestern Hawaiian Islands.

25 This is a wrong-headed idea promoted by

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1 underinformed people. Thank you.

2 MR. ADLER: William Aila followed by
3 Charles Ota.

4 MR. WILLIAM AILA: I'm going to stand in
5 front of you and I hope everybody looks at my feet,
6 because the symbolism of my slippers being on
7 backwards is it is so wonderful to see how people
8 squeal when the shoe is on the other foot.

9 Having said that, I'm going to say one
10 more thing and that is I wish the people in this
11 room who are so excited about following the rule of
12 law would go back a little bit further in history
13 and understand that the U.S. Constitution is the
14 foundation for all of the law that we are talking
15 about today, and that 106 years ago it was
16 violated, that Hawaii was annexed in violation of
17 that Constitution. If that were not the case, we
18 wouldn't be having this discussion today because
19 the Kingdom of Hawaii would be managing the
20 Northwest Hawaiian Islands pretty damn good.

21 Having said that, I must beg your
22 forgiveness, because I think this meeting is --
23 there is too much ha kai kai (phonetic) in this
24 room, and as part of my testimony I, too, offer a
25 pule, which should have been done at the very

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1 beginning of this meeting, because you are in
2 Hawaii and that is how we start meetings in Hawaii,
3 okay. So indulge me.

4 (Recites Pule No'aumakua.)

5 Now, as I gave (Hawaiian word) in
6 preparation for this meeting today at (Hawaiian
7 word), I thought of what I would say. And I sat
8 for a long time, because there was nothing to say,
9 the decision has been made. And I thought how
10 wonderful that this gentleman 4,000 miles away, who
11 has a history of not doing pono things, would be
12 touched by (Hawaiian word), would be touched by the
13 (Hawaiian word), would be touched by (Hawaiian
14 word) and do the right thing.

15 And you don't have to worry about the
16 spellings.

17 Mahalo, President Clinton. Mahalo. It
18 is this pono decision, and I also believe that the
19 Reserve Council advisory body, as proposed in these
20 measures, will facilitate the long-term management
21 for seven generations down the road.

22 The proposed conservation measures are a
23 compromise. They are not the best measures, but
24 they are the best measures that we have right now.
25 I urge the President to implement and make

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1 permanent these measures as soon as possible.

2 That's my recommendation. Take that
3 back.

4 MR. LOWRY: Thank you.

5 Charles Ota followed by Gigi Glover.

6 MR. CHARLES OTA: My name is Charles Ota.
7 I'm a trustee for the Office of Hawaiian Affairs.

8 I speak this evening as a individual
9 trustee and not on behalf of the Board. I hope you
10 bear with me, because it is kind of past my bedtime
11 at my age. Nevertheless, it is my belief that the
12 recent President Clinton designation of the
13 Northwest Hawaiian Islands as a sanctuary is an
14 opportune time to begin planning for a live and
15 untouched area.

16 The President has approved customary
17 practices as evidenced by the artifacts and bones
18 found in the Northwest Island chain, which has
19 demonstrated and confirmed the ancient Hawaiian
20 presence and usage.

21 Such early occupancy allowed special
22 treatment for the native people to continue the
23 practice of their religion and other activities and
24 allowed, unlike earlier report or finding,
25 regarding native access or preferential treatment

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1 being left undetermined.

2 The net result of the President's action
3 is to emphasize the possibility of making the
4 Northwest Hawaiian Islands into a similar status as
5 the Island of Kahoolawe.

6 Kahoolawe has been designated as being
7 set aside for the future Hawaiian Kingdom to work
8 and manage and practice traditional and customary
9 practices.

10 I want to reemphasize that paragraph.
11 The net result of the President's action is to
12 emphasize the possibility of making the Northwest
13 Islands into a similar status the Island of
14 Kahoolawe.

15 Kahoolawe has been designated as being
16 set aside for future Hawaiian nation to work and
17 manage and practice traditional and customary
18 rights.

19 Since 1903 President Theodore Roosevelt
20 designated the Northwest Islands as a wildlife
21 refuge, and due to the poaching of albatross eggs
22 by many, many thousands and the extraction of
23 native bird feathers for fashionable ladies' hats
24 that were popular at that time.

25 Now in the year 2000, 91 years later, the

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1 protection can be enhanced with the implementation
2 of President Clinton's designation by applying old
3 Hawaiian practice of management using the kapu
4 system on harvesting of resources. Take what you
5 need and leave the rest for tomorrow. The ocean is
6 an icebox. And that way we are guaranteed fresh
7 product. We know that there is no need to take
8 more than necessary.

9 I think my time is getting short so I
10 want to make a closing statement here.

11 As an OHA member, the Northwest Hawaiian
12 Islands has been one of my top priorities for the
13 future of the Hawaiian nation. I'm thoroughly
14 convinced that I can convince the rest of the Board
15 members that we pursue the Northwest Islands as an
16 integral part of the future of the Hawaiian nation
17 when the time for negotiating with the State for
18 the land that is due for the Hawaiian people.

19 Thank you very much.

20 MR. LOWRY: We are going to take -- if
21 you will bear with me, we are going to take a
22 three-minute break to give our court reporter an
23 opportunity to stretch her wrists a little bit. So
24 just a three-minute break here and then we'll start
25 again.

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1 And Gigi Glover will be the first speaker
2 when we start again.

3 (Recess.)

4 MR. LOWRY: Welcome back. Thank you for
5 indulging us in a little break.

6 Our next testimony is Gigi Glover
7 followed by William Amona.

8 MS. GIGI GLOVER: Are you guys going to
9 join us over there? Thank you. I have been
10 waiting a number of hours and I have been called
11 some rather ugly names, so I would like your
12 attention.

13 I didn't come here to be called names,
14 but that's what happened. On that point I would
15 just like to point out that if you don't have
16 anything relevant to say about the argument, please
17 don't even engage in name calling, because that is,
18 of course, not a sign of any kind of critical
19 thinking.

20 I am really quite thankful to be here.
21 It is unusual to be able to have an opportunity to
22 applaud the actions of the sitting President, and
23 this is something I find that I can support
24 wholeheartedly. And it is unfortunate -- I don't
25 think this would be necessary if our fisheries here

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1 in the main Hawaiian Islands had been protected up
2 until this point.

3 I would like to comment specifically on
4 the issue of permanency, and, of course, I support
5 permanency. The goals as outlined in the Executive
6 Order, a number of goals include sustainable use.
7 And, of course, sustainable use has no meaning if
8 it is not in the context of something that is
9 permanent.

10 Also, if we are going to support by
11 adversity a unique marine species, this needs to be
12 something that happens on a long-term basis. It's
13 not something that can be achieved without
14 permanence, and this is what the goals that were
15 listed in the Executive Order set.

16 The preservation methods of the past
17 worked with the technology and cultures of the
18 past. Mother Nature can't compete with the
19 technology of today.

20 For thousands of years, yes, people have
21 been fishing, but for thousands of years have we
22 had this kind of technology and advantage over
23 nature, no. That's why we need something more than
24 the kinds of measures that we have had in past to
25 protect our resources.

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1 Permanent protection is necessary also to
2 ensure the State's long-term economic viability.
3 We have had a lot of talk this evening about
4 economics. And what we really need to look at is
5 what is the main economic linchpin of our state,
6 and it is tourism. And why do people come to
7 Hawaii, they come here because we have oceans that
8 they want to visit and they want to see and they
9 want to be in. And they want to experience the
10 marine life that is there.

11 Today's Hawaii's economy, like it or not,
12 is dependent on tourism and tourism is dependent on
13 a healthy marine-filled ocean environment. And
14 tourism is increasingly competitive. Unless we
15 figure out some other form of economic means for
16 the majority of the people here to support
17 themselves, we need to keep our oceans in a
18 condition that they want to come and visit.

19 It is interesting to me, you know, I
20 travel to the Big Island and there's some person on
21 the plane who has been traveling forever, and he
22 has come here, why, because he wants to dive in our
23 oceans. Of all the places in the world he has
24 chosen Hawaii. We will not be able to support
25 anyone in our state if we don't maintain the

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1 oceans.

2 As far as the issue of the conservation
3 issues in the Executive Order, I think that they
4 don't go far enough, especially with regards to
5 bottom fishing.

6 And one thing that concerns me is the
7 lack of restrictions on the military, especially
8 with regards to dredging.

9 And that's it.

10 MR. LOWRY: Thank you, Gigi.

11 MR. ADLER: Mr. William Amona.

12 MR. WILLIAM AMONA: Aloha. My name is
13 William Amona. I'm a kanaka maoli. Others call me
14 a native Hawaiian, but that term "native Hawaiian"
15 is really not complimentary, because under the rule
16 of discovery, which was the basis for the theft of
17 the Hawaiian Kingdom nation, the word "native"
18 means you are not as bright as a non-native. So if
19 people say, "What are you," I don't say, "I'm a
20 native Hawaiian," I tell them I'm a kanaka maoli.
21 Why? Because my ancestors are indigenous to these
22 islands.

23 I would like what President Clinton is
24 doing. I like it. And the best word I can say of
25 what he is doing is it is good. You know, when the

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1 Lord created the heaven and the earth and he looked
2 at what he created, he looked back and he stood
3 back and said, "It is good."

4 I like it. I never agreed with many
5 things he had done. Why? Because I think he knows
6 that he is no longer going to be President and he
7 is leaving office, so I like this bill. It's good.

8 A kupuna is someone who has learned that
9 wisdom. And the first sign of wisdom is the love
10 of keakua (phonetic). When you learn to love
11 keakua, then you have wisdom. Why? Because you
12 are not really interested in anything else that the
13 world has to offer. Why? One day you are going to
14 be in a different kingdom.

15 I have reached the point where I don't
16 need, I don't want anything of this world except
17 what is good. President Clinton's idea of
18 preserving Northwestern Hawaii, which is part of
19 the kingdom that was stolen by the United States,
20 is good.

21 All I wanted to leave with you is if you
22 don't know the difference between right and wrong,
23 good and bad, ask the Lord. He will give you a
24 answer.

25 Mahalo (Hawaiian words). Mahalo.

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1 MR. ADLER: Patricia Ayers followed by
2 Tim Timini.

3 MS. PATRICIA AYERS: Mine will be really
4 short.

5 I'm a volunteer at Hanauma Bay in their
6 education program, and what I have seen at Hanauma
7 Bay is a protected area just full of marine life
8 and everyone is so delighted with it and your
9 tourists flock to see it.

10 And I would like to see the Northwestern
11 Islands protected in that same way. My heart goes
12 out to the fishermen, because my uncle was a
13 fisherman in Massachusetts and he experienced the
14 cod fisheries collapse. And in Hawaii we have seen
15 the swordfish industry collapse, and we have almost
16 seen the ground fish collapse, too.

17 And I think we have lost trust for
18 WESPAC. I'm really sorry. It seems like a
19 lobbyist group rather than a management group. I
20 have to say I don't like to name-call, but I think
21 it is due.

22 In Hawaii we have five different kinds of
23 reefs. We have the fringing reef and we have the
24 atoll and we have the patch reef and we have the
25 barrier reef, a tiny bit of it, and we have

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1 something called vermiculite (phonetic) reef. That
2 is the Pearl and Hermes area.

3 I heard a lot of you fishermen talk about
4 the reef as if it is just a hunk of rock and the
5 fish are something separated from that. But they
6 need the reef and they use it and they don't all
7 eat just algae off of it. It is a really complex
8 bio community.

9 And I would really like to see this
10 preserved the way Clinton has asked for it. And
11 also to go a little farther, especially as far as
12 allowing bottom fishing in such shallow water. I
13 think it is really -- he should go a little more
14 stringent with that.

15 Thank you.

16 MR. LOWRY: Thank you very much.

17 Is Tim here?

18 MS. TIM TIMINI: Aloha. My name is Tim
19 Timini. My husband and I have been fishing in the
20 Northwest Hawaiian Islands since 1983. We are
21 Ho'omalu zone permit holders.

22 When I first read the President's
23 Executive Order I thought he had received truly bad
24 advice, for the stated conservation measures will
25 not promote sustainable fishing. But then I

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1 realized that if the goal was doing that with no
2 commercial fishing in the Northwest while being
3 able to claim support for fishing, then the
4 President received very astute advice indeed.

5 Bottom fishing, as we practice it, is one
6 of the most conservative of fisheries. There are
7 four or five boats per vertical line, one line per
8 crew, two to four crew per boat, and five boats in
9 the entire Ho'omaluu zone.

10 We travel from bank to bank taking a
11 variety of fish from many different spots. This
12 spreads out fishing pressure over the whole chain
13 instead of hammering in one spot, and it allows
14 continual recruitment. We do not fish or anchor on
15 the reefs themselves.

16 While reading a short overview of the
17 recent reassessment group in the Northwest, one
18 paragraph stands out as an example of what I think
19 is part of the poor understanding of what we do. I
20 read as follows:

21 "One of the few large bottom dwelling
22 predators found on the Hawaiian coral reefs is the
23 Hawaiian grouper or hapu'upu'u. This species was
24 frequently observed on Kure Atoll on the fore reef
25 and was very curious towards divers and as a result

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1 probably highly susceptible to fishing pressure.

2 "Hapu'upu'u are rare in diving tests in
3 the main Hawaiian Islands, but were observed quite
4 commonly in as shallow as 30 feet at Kure. It was
5 not observed at any other locations during our
6 surveys other than Midway. This species should be
7 given high priority in protection owing to its
8 restricted range, curious nature and status as an
9 endemic species."

10 Hapu'upu'u do not have a restricted
11 range. We have found them on all banks from 30 to
12 120 fathoms or 180 to 720 feet. Believe me,
13 hapu'upu'u living in the terrifying shallow depths
14 of 30 feet are safe from me and my fellow bottom
15 fishermen.

16 The closures, including those using
17 straight-line depth contours are far more
18 restrictive than as apparent at first reading.
19 They would radically increase fishing pressure on a
20 few banks and our conservative methods would be
21 destroyed. And so would the health of the stocks
22 available, thus making a lie out of this concept of
23 protecting the reefs while allowing sustainable
24 fishery.

25 If there was really truly a cap on the

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1 current levels, then there would be no area
2 closures. If our small fishery is surviving at
3 harvesting levels substantially less than maximum
4 sustainable yield and is not going to grow because
5 of the physical requirements involved in fishing
6 this remote area and the rules of limited entry, I
7 fail to understand the justification for a cap on
8 pounds caught.

9 Fishing effort changes from year to year,
10 boat to boat. No one year is typical. I have
11 failed at imagining an equitable division of catch.
12 To me, not even equal quotas qualify. Anything
13 else would result in a dirty fishery, which would
14 lead to ecologically unsound and physically unsafe
15 fishing practices and extremely poor market
16 conditions.

17 I just have one more comment. As bottom
18 fishermen we all participated in the coral reef
19 management plan that WESPAC was promoting and we
20 agreed to some closed areas with no-take zones.
21 And as fisherman that depend on that area, we would
22 like to have had the same level of participation in
23 the President's Executive Order.

24 Thank you.

25 MR. ADLER: Mark Heckler followed by

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1 Cindy Hunter.

2 Is Mark here?

3 A VOICE: No.

4 MR. ADLER: Mark is gone. Cindy and then
5 followed by Chuck Burrows.

6 MS. CINDY HUNTER: My name is Cindy
7 Hunter and I am a research associate and curator at
8 Waikiki Aquarium.

9 I'm here to voice my enthusiastic support
10 for the Executive Order. It forces the issue that
11 the preservation of reefs may be better served by
12 moderation in the Federal agency with a primary
13 mandate to develop fishery resources.

14 In a report summarizing the status and
15 use of the Pacific coral reefs under U.S.
16 jurisdiction commissioned and released by WESPAC,
17 this 1200 mile stretch of coral reefs was uniquely
18 identified as being both in excellent condition
19 with almost no current utilization relative to
20 other reef areas around the world. And I firmly
21 believe that these two conditions are part and
22 parcel.

23 And while precious corals may indeed turn
24 to sand in a couple of hundred years, I don't see
25 that really as a directive to develop the harvest

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1 of these resources or I don't know if we know the
2 effect on the harvesting ability of monk seals in
3 the foraging areas that they provide.

4 Scientists on the two recent expeditions
5 to the Northwest Hawaiian Islands have had to
6 redefine their thinking about healthy coral reefs
7 and how they actually function, based on their
8 observation of the diversity of species and the
9 domination of large predators, sharks and jacks,
10 that they found on their expedition.

11 These reefs can now remain a rare and
12 true wilderness where the natural ecosystem can be
13 understood and appreciated without degradation or
14 depletion.

15 This will not just preserve an intact
16 coral reef, but really one of the few intact
17 ecosystems remaining on this planet, complete with
18 apex predators.

19 If anybody here really thinks that Bill
20 Clinton came up with this idea on his own, I hope
21 they take a moment to reconsider.

22 The move to confer immediate protection,
23 however, to some of the most isolated and pristine
24 reefs on earth will undoubtedly be recognized in
25 the next century as one of the most important

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1 necessary decisions ever made to preserve an
2 ecosystem. And we together -- we all together have
3 the opportunity to establish an unprecedented
4 global legacy.

5 I say congratulations to everyone.
6 Everyone in this room has worked hard to promote an
7 understanding of the need for such forward thinking
8 and decisive action.

9 MR. ADLER: Chuck Burrows followed by
10 Gary Lockwood.

11 MR. CHUCK BURROWS: Aloha (Hawaiian
12 word). I am Charles Pe'ape'a Makawalu Kekuewa
13 Burrows. Others know me as, on the English side,
14 Chuck Don Burrows.

15 I am the President of 'Ahahui Malama I Ka
16 Lokahi, which is a Hawaiian environmental
17 organization whose members are both Hawaiian as
18 well as non-Hawaiian, and both have a deep love for
19 the ecosystems of Hawaii, both the terrestrial as
20 well as marine.

21 We, 'Ahahui Malama I Ka Lokahi recognize
22 the Hawaiian Islands, including the Northwest
23 Islands, have evolved unique ecosystems and species
24 which are found nowhere else in the world. We also
25 realize that our kupuna or ancestors when they

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1 reached these shores developed certain spiritual
2 and conservation values, wise management practices
3 and regulatory laws or kapu for these ecosystems.

4 We are also aware that throughout history
5 Hawaii's environment has been drastically changed
6 by human impact, and since Western contact has
7 accelerated in the reduction of native habitat and
8 endemic species.

9 'Ahahui Malama I Ka Lokahi therefore
10 strongly supports and endorses the President's
11 Executive Order to designate the Northwestern
12 Hawaiian Islands coral reef ecosystem as a reserve.

13 We are in agreement with most of the
14 conservation measures established by the Executive
15 Order regarding the areas and depths of fishing,
16 types of fishing gear to be used and the issuing of
17 permits and restriction of recreational fishing to
18 limited areas.

19 We also are in support of the
20 prohibitions throughout the reserve, the removal of
21 live coral and the prospecting for mineral, oil or
22 gas for commercial purposes.

23 To protect the Hawaiian monk seal and sea
24 turtle and coral reef ecosystems, however, we would
25 recommend that commercial bottom fishing be

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1 restricted to the deeper areas from 50 fathoms and
2 beyond and not at the present allowed areas of 10
3 to 20 fathoms.

4 We also propose that the State of Hawaii
5 controlled areas within the three nautical miles be
6 included in the National or State Reserve for
7 consistent management.

8 As a Hawaiian environmental organization
9 we are in concurrence with the Executive Order and
10 with Kahea to allow kanaka maolis access to the
11 Northwest Hawaiian Islands to practice religious
12 beliefs and cultural activities as archaeological
13 evidences and legends testify.

14 We support the supposition of
15 noncommercial kanaka maoli's subsistence and
16 cultural practices while at the Northwest Hawaiian
17 Islands, such as Nihoa and Necker, but recommend
18 that any food gathering from the kai or ocean
19 waters be consumed for subsistence as part of their
20 cultural practices while on island.

21 In this regard, we, as Hawaiians, would
22 be practicing the Hawaiian conservation ethic of
23 taking and using no more than we can consume and
24 being ecologically responsible for the stewardship
25 or malama of the aina.

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1 I would like to conclude very brief by
2 saying that there has already been sufficient
3 public input in the preliminary discussions to
4 designate the Northwest Hawaiian Islands Coral Reef
5 Reserve and with the formation of the Reserve
6 Council further contributions of the public and
7 other interest groups will be continued.

8 We must all laulima, work together, as
9 did our Hawaiian kupuna in not overexploiting our
10 natural resources for short-term economic gains but
11 to protect these Northwest Hawaiian Islands as wahi
12 pana, a treasured sacred place to be shared for
13 generations to come.

14 Mahalo.

15 MR. LOWRY: Thank you.

16 Gary Lockwood. And Gary is going to be
17 followed by Kelly Washino.

18 MR. GARY LOCKWOOD: Good evening,
19 everybody.

20 I just wanted to let you guys know I
21 appreciate everyone's comments. I think there has
22 been a lot of positive remarks, a lot of good
23 suggestions, and I just wanted to express how I
24 kind of feel about this issue as a person who grew
25 up on Oahu, fishes on the coast and once in a while

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1 gets out on a boat to do some offshore fishing, and
2 as a student of fishpond management, that is
3 (Hawaiian words).

4 I think the Northwestern Hawaiian Islands
5 represent a possible powerful educational tool that
6 should be made available to students and concerned
7 citizens and people of Hawaii.

8 I realize they are valuable for
9 harvesting of resources, fishes, corals and things.
10 But I really feel it is time that they be made
11 available to people who are interested in learning
12 about ecosystems and the way they function.

13 I can honestly say I feel that the
14 management of our estuaries, brackish nurseries,
15 marine nurseries, fishponds is pitiful. I'm
16 disgusted. It is left a shambles, neglected.
17 We've talked about sustainability a lot tonight and
18 fishponds really represent that.

19 And we can learn a lot from fishponds.
20 They are powerful educational tools. They are the
21 best teachers. And so are the Northwestern
22 Hawaiian Islands. They are teachers, living spirit
23 that should be better understood and should be
24 shared with more people.

25 In conclusion, I just would like to say I

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1 am in support of this plan to conserve, better
2 conserve the Northwestern Hawaiian Islands.

3 And I think it is very important to
4 understand the concerns that a lot of people have
5 brought up about the main Hawaiian Islands chain.
6 There shouldn't be any shortage of money to fund
7 both of these projects to better the environment.
8 There shouldn't be a fear that if we devote some of
9 this energy and money into preserving the
10 Northwestern Hawaiian Islands that we don't have
11 enough to take care of the main Hawaiian Islands
12 that most of us live on.

13 I want the challenge people to find this
14 money. I want to challenge the United States
15 Government to come up with the money to do this.

16 Thank you.

17 MR. LOWRY: Thank you very much, Gary.
18 Kelly Washino followed by David Washino.

19 MS. KELLY WASHINO: My name is Kelly
20 Washino. I'm very grateful to be able to be here
21 tonight to give my testimony on this project.

22 I am a concerned citizen and I'm here
23 because of my love for our natural resources and
24 our beloved treasures here in Hawaii. And I would
25 like to say, you know, to be on the record that I

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1 support, you know, making this a permanent
2 preserve.

3 And I also would like to say that I think
4 that the conservation measures could be more
5 restrictive. I feel that we need to have better
6 management on our fishing, that there is a lot of
7 evidence out there of pollution, you can look at
8 our own DLNR and the records and pictures of drift
9 nets with animals caught in them and just horrible
10 tragic things that are happening right here in our
11 beloved Hawaii's natural resources.

12 I would also like to say that I'm very
13 concerned about the enforcement of this regulatory
14 body that's going to be looking over this plan here
15 that President Clinton has put forth, and I think
16 that we need somebody that's going to do the job
17 and do it well.

18 And I would also like to remind everybody
19 that mankind is, you know, Mother Nature's worse
20 enemy and we all have to do our part to preserve it
21 and protect it for future generations.

22 Thank you.

23 MR. LOWRY: David Washino followed by
24 Mike House.

25 MR. DAVID WASHINO: Aloha, everyone.

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1 I have been a resident here for the last
2 two-and-a-half years. I'm a newcomer, relatively
3 newcomer here, but I really have fallen in love
4 with the islands here.

5 I hear stories all the time of how
6 beautiful it was, though, in the past, and it has
7 concerned me, and that is why I wanted to come here
8 tonight and speak in favor of the Executive Order
9 presented by President Clinton.

10 I think it is time that we take control
11 of our destiny, we make sure that we preserve and
12 protect what we have or it won't be there tomorrow.
13 I know I have heard testimony tonight saying that
14 everything is fine, the reef is fine, the fish are
15 fine. But what about tomorrow? If we don't start
16 with our vision today protecting what we have, we
17 won't have anything for tomorrow.

18 I mean, I don't want to go into detail, I
19 know there are a lot of people that have a lot to
20 say, but I would just like to say thank you to the
21 groups that have also come here tonight and spoken
22 in favor of this Executive Order.

23 I applaud all the research, the hard work
24 they have done. I wish I could be side by side
25 with them. But this is something we need to do,

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1 everyone.

2 Mahalo.

3 MR. LOWRY: Thank you.

4 Mike House followed by Tish Rainwater.

5 MR. MIKE HOUSE: I'm a recreational
6 fisherman, and I wish there were a few more
7 recreational fishermen out here tonight.
8 Unfortunately, it is not the case. But some of us,
9 believe it or not, contrary to what a lot of
10 Hawaiian and local people and commercial people,
11 some people do just like to fish just for the sheer
12 fun of it.

13 And I am a recreational fisherman who has
14 had the opportunity to fish Midway and see and
15 visit the area. And I have also had an opportunity
16 to work with a company that ultimately sells the
17 trips and runs the trips out at Midway Atoll.

18 In general, I support the President's
19 Executive Order. While the broad parameters of the
20 order are based on the goal of preserving the
21 resource, the opportunity for everybody to testify
22 here tonight appears to be the basis for us to mold
23 the order into something that is workable for
24 everybody so everybody can use the resource,
25 commercial fishermen, local fishermen and people

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1 who just like to do it just for fun.

2 Placing a cap on the areas of
3 recreational fishing is the area I would like to
4 address. The vast majority of the recreational
5 fishing currently taking place in the Northwestern
6 Hawaiian Islands today is tag and release sport
7 fishing, which contributes substantially to
8 furthering our scientific knowledge of many
9 species, most of which are pelagic. We have been
10 kind of focusing on the bottom fishing a lot here
11 tonight, but I would just like to talk about the
12 pelagic species.

13 In my opinion, not only should the catch-
14 and-release recreational fishery in the
15 Northwestern Islands be expanded, the Executive
16 Order should even consider funding to seek
17 expansion of recreational efforts to further that
18 scientific knowledge.

19 Recreational tag-and-release fishing,
20 angling -- one of the two -- furthers the
21 opportunity for marine biologists, educators and
22 resource managers to track and observe the
23 movements of a number of important Central Pacific
24 species.

25 There's a bunch of examples, very, very

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1 numerous, and in the interest of brevity, of
2 course, I'll leave that for some written testimony
3 in the future.

4 Without question, the recreational
5 fishing harvest up in the Northwestern Hawaiian
6 Islands is statistically insignificant and it is
7 very unobtrusive. The harvest itself from
8 recreational fishing is tantamount to cutting down
9 one single Christmas tree in a field of millions.

10 However, the current levels of fishing
11 effort, which are representative up in the
12 Northwestern Hawaiian Islands, is significant. It
13 includes trips from Midway Atoll to several
14 adjacent sea mounts, as well as Kure Atoll and
15 Pearl and Hermes Atoll, some of which are in the
16 defined reserve of the order. Also trips from
17 Kauai to the Southeast reaches of the new reserve
18 and a few trips that run across the entire length
19 of the chain.

20 The actual count of these trips again is
21 very difficult to measure, but they have been
22 numerous and most likely will grow as more and more
23 visitors wish to explore these exotic places and
24 just plain fish for fun.

25 Again, with the emphasis on science,

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1 entertainment and enjoyment where the environmental
2 impact is negligible, the entire Northwestern
3 Hawaiian chain should remain available to
4 recreational angling.

5 Thank you.

6 MR. LOWRY: Tish Rainwater followed by
7 Henry Okamoto.

8 Is Henry here?

9 A VOICE: No.

10 MS. TISH RAINWATER: Hi, my name is Tish
11 Rainwater, and I will be representing my parents
12 who are bottom fishermen, and they couldn't be here
13 tonight.

14 And I would just like to say -- they
15 wrote a letter -- in our judgment there's no reason
16 to put a cap or a pound restriction on any bottom
17 fishing allowed in the new Coral Reef Ecosystem
18 Reserve as the stocks are not in jeopardy.

19 If the Government's plan is to squeeze us
20 out by limiting our ability to fish in the areas
21 which actually contain marketable fish or to
22 restrict our abilities to produce enough fish to
23 make a profitable venture, then the honorable thing
24 to do is to buy us out.

25 The area is inhospitable to visit by

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1 tourists. This is caused by the weather being
2 ferocious most of the year.

3 With as little fishery effort as there is
4 in the Northwest Hawaiian Islands we defy the
5 powers to but find any difference even if they
6 remove us totally.

7 We are food producers. For the President
8 to consider himself the Roosevelt of the ocean is a
9 falsity. He will, however, be long remembered as
10 the President who closed down the fishery which
11 provides food for our families.

12 And I would just like to say one thing,
13 that the next time you drive into a McDonald's and
14 you sit down to your favorite restaurant and you
15 order the fish on the menu, would you please take
16 into consideration where that came from.

17 Thank you.

18 MR. LOWRY: Is Henry Okamoto here?

19 (No response.)

20 MR. LOWRY: Tom Webster going to be
21 followed by Peter Feltien (phonetic).

22 MR. TOM WEBSTER: Good evening.

23 The Northwestern Hawaiian islands is a
24 vast, remote area that is a natural reserve.
25 Everyone agrees that the coral reef ecosystem there

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1 is near pristine despite decades of commercial
2 fishing under the existing management arrangements.
3 So why is there a rush to change 10-year area
4 closures into permanent closures? Why subvert the
5 efforts of WESPAC to continue to do its job?

6 Incidentally, I find some of the
7 references to the collapse of the individual
8 fisheries as being irresponsible. I really
9 question the data. The only significant impact the
10 closures will have is socioeconomic. It will close
11 the lobster fishery, prevent the deep-water
12 previous coral fishery from developing and provide
13 significant hardships in the bottomfish fishery.

14 Is it really necessary to eliminate these
15 fisheries in the Northwestern Hawaiian Islands in
16 order to ensure permanent protection of the coral
17 reef ecosystem? The stocks are not overfished and
18 limited entry programs and quota programs are in
19 place.

20 When uncertainly has arisen about the
21 lobster stocks, temporary closures have been
22 implemented as a precautionary measure. Observers
23 placed on the vessels and research studies by the
24 National Marine Fisheries Service do not support
25 claims made by some that the existing fisheries

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1 harm the ecosystem or protected species or overfish
2 the stocks.

3 I would suggest that all the parties step
4 back and discuss what the real issues are. It
5 seems to be a great concern about groundings, about
6 vessel groundings, which seems like a pretty bad
7 idea to me. If I were driving a boat out there,
8 I'd hate to be grounding it.

9 Fishing boats on the reefs are unlikely
10 and occur rarely. And other than the
11 unsightliness, these groundings cause minimal,
12 insignificant environmental damage. In fact, if
13 they are left on the reef, they develop historical
14 value, which is kind of an oxymoron to me. I lived
15 on the Oregon Coast for a good many years and there
16 is a wreck of a sailing vessel on the Northern
17 Oregon Coast. It is a monument.

18 So let's get beyond the unfounded
19 perceptions and address the real issues behind
20 these efforts to close down Hawaii's commercial
21 fisheries. Area closures and fishery restrictions
22 should be based on facts and not on perception.

23 One thing that occurred to me was if you
24 spend any time in a large metropolitan area like
25 Los Angeles, you develop a high regard for the

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1 concept of preserves and sanctuaries. I think
2 the -- this occurs to me as being a grandstand move
3 to absolve a sense of guilt about what has happened
4 to our major metropolitan areas.

5 MR. LOWRY: Can you wrap it up, Tom.

6 MR. WEBSTER: Yes.

7 MR. LOWRY: Thanks a lot.

8 MR. WEBSTER: Thank you.

9 MR. ADLER: I'm having a hard time
10 reading this next name, Sue My King. Sue My King
11 followed by it looks like Stu Simmons.

12 MS. SUE MY KING: Good evening. I am
13 here on behalf of my husband, my husband's family
14 and our all-local-boy crew.

15 My husband comes from a fishing family
16 and he has fished all his life. We all oppose the
17 Executive Order as written. It is typical that
18 when meetings are held many of the fishermen are
19 out fishing, so there voices are seldom heard.

20 I guess Kahea had a meeting with a large
21 number of people on this issue, but I don't know
22 any fishermen from the Northwestern Hawaiian
23 Islands who was invited to that meeting.

24 The fisheries in the Northwestern
25 Hawaiian Islands are already some of the most

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1 strictly regulated fisheries in the world.

2 The Executive Order goes far beyond
3 what is necessary to protect the coral reef. In
4 fact, the environmentalists agree that this area is
5 pristine. We all agree it is pristine, but it is
6 only pristine due to the management of the Federal
7 agencies involved over the last 25 years and the
8 cooperation of the fishermen. This pristine
9 condition will remain so with existing strict
10 regulations and even after our many years of
11 fishing there.

12 We oppose the order not only because it
13 is on our livelihood, but it is such an extreme
14 measure being taken at the commercial level while
15 it would allow commercial and sport fishing and
16 allow ecotourism, which by allowing that, look at
17 the main Hawaiian Islands and the condition of
18 these activities over the past many years.

19 I have a lot to say, but the Executive
20 Order as written, though verbally they say it would
21 allow fishing -- sustainable fishing at its current
22 level, the truth it allows no lobster fishing at
23 all.

24 We have a substantial investment in this
25 fishery. It is not only income that we are worried

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1 about, we are out there to preserve it as anybody.

2 Also, contrary to what is said, the
3 lobster stocks are healthy and are not overfished,
4 and certainly not overfished in the manner
5 described by the environmentalists, who are the
6 only ones I hear or read saying it's overfished.
7 The scientists of National Marine Fisheries, who
8 are in the business of analyzing data, have said it
9 is not overfished. And I would rather go with the
10 science on the fishery.

11 I would like to address other statements
12 that compare the lobster fishery in 1999 to the
13 lobster fishery in 1983. In 1999 it may have been
14 only 10 percent of whatever it was in 1983, but
15 many more boats fished year around in 1983 with
16 absolutely no limits, no quotas, no limit on number
17 of vessels. In 1999 there were only about six
18 boats fishing, each limited to one trip per year
19 with quotas for each area fished. So, of course,
20 the catch would be less.

21 These facts aren't coming out, and thank
22 you.

23 MR. LOWRY: Thank you very much.

24 Stu Simmons followed by Karyn Hermann.

25 MS. KARYN HERMANN: Aloha. My name is

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1 Stu Simmons, and I'm the President of Seafood
2 Connection. Seafood Connection is the largest
3 distributor of Hawaiian lobster in the state. I am
4 also a member of the Crustacean Planning Team, and
5 I am also an environmentalist.

6 I believe that everyone in this room has
7 the same mission. We are more alike than we are
8 different. We all want to protect the ecosystem of
9 the Northwest Hawaiian Islands. We all want to
10 preserve what is there. The fishermen, the people
11 in the seafood industry, the environmentalists, the
12 National Marine Fishery Service. All of us have
13 the same cause and we need to remember this.

14 Excuse me, folks, you are the rudest
15 folks I have ever met. Please be respectful and
16 show some dignity to people here. Thank you.

17 What we need to do now is learn from each
18 other and work together. Unfortunately, there are
19 numerous misunderstandings regarding the commercial
20 Hawaiian lobster fishery.

21 First of all, the proposed measurements
22 will discontinue all lobster fishing. No matter
23 what other people say, the people in the business,
24 the National Marine Fishery Service, they all
25 declare that the lobster fishery will be closed.

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1 And so the environment groups who are saying the
2 fishing will continue, please don't say that,
3 that's not the truth. Just tell the truth. Let's
4 stick to the truth and the facts.

5 Another fact that has not been told to
6 the public is the Hawaiian lobster fishery is the
7 most regulated fishery in the entire world. The
8 lobster fishery in the Northwestern Hawaiian
9 Islands limits the number of vessels to be fished,
10 limits the number of traps, limits the fishing
11 season, which is only one or two months a year, and
12 has a very conservative quota for the fishery. In
13 addition, every single vessel has an observer on
14 board to observe the catching and counting of
15 lobster.

16 These are the facts. The lobster fishery
17 is very stringent and the regulations will ensure
18 that's sustainable.

19 Tonight quite a few people who claim they
20 are lobster experts or fishery management experts,
21 I have never ever seen you at any of the Crustacean
22 Planning Team meetings, which you are more than
23 welcome to. I have never seen any of you at the
24 World Lobster Conference in Adelaide last year. So
25 I don't know where you get your expertise when you

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1 have no background.

2 I would like to propose that let the
3 scientists make the decisions here, not let the
4 fishermen, not let the environmentalists, not even
5 the government bureaucrats back in Washington, D.C.
6 Let the people who have the education and knowledge
7 to make the right decisions.

8 The Hawaiian lobster fishery can be
9 sustainable. It is very well managed at this
10 moment, and, unfortunately, there's a lot of
11 misunderstanding that's being told to the public.
12 Let's talk about the truth and the fishery will be
13 preserved and most importantly the ecosystem of the
14 Northwest Hawaiian Islands will be preserved, and
15 that's what we all care about.

16 Thank you very much.

17 MR. LOWRY: Thank you Stu.

18 Next is Karyn Hermann, and she is
19 followed by Scott Barrows. I am having difficulty
20 reading some of the handwriting.

21 MS. KARYN HERMANN: My name is Karyn
22 Hermann. I am here tonight as an elementary
23 schoolteacher and also a parent, and I'm here to
24 give my heartfelt testimony in support of President
25 Clinton's endorsement for the preserve.

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1 As you know, we rank 48th in the nation
2 for our education system. I think we can do better
3 than that. I think that we are going to need to
4 work together really hard to have a better plan of
5 management for the future.

6 I can't tell you how hard it is for me to
7 answer the questions of my fourth-grade class when
8 children ask me why the sea turtles have tumors,
9 why so many of the coral reefs here are dead, and I
10 would hope that all of us, if we are part of the
11 same ohana, would be looking towards the future,
12 and my testimony tonight is simply to ask you to
13 look forward to the generations which will follow
14 us and give full support of sanctuary.

15 Thank you.

16 MR. LOWRY: Scott, and followed by Allen
17 Furuno, I think it is.

18 MR. SCOTT BARROWS: Hello. My name is
19 Scott Barrows and I'm a fisherman. I have only
20 fished Hawaii. I have been fishing here since
21 about 1975.

22 When I started it was on a fishing
23 research vessel that went up to the Northwest
24 Islands and dropped off scientists on Necker,
25 French Frigate Shoals, Lisianski, pick them up.

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1 We'd do our fishing and come back.

2 Since then I have -- the last 17 years I
3 have been doing long line. But I felt like coming
4 here tonight, even though this doesn't really
5 affect my fishery, I just wanted to state that I
6 feel this is regulation for the sake of regulation.

7 The Northwest Hawaiian Islands were
8 pristine when I was there in 1975, and from what
9 I'm hearing tonight, they are still in pretty good
10 shape. So I really feel that most of the -- when I
11 first started fishing here, there were no
12 regulations on any fishery. Basically you can go
13 up the chain, you can go around these islands. I
14 shrimp, I lobster, I bottomfish, I long-line, aqua
15 fish.

16 I have watched all these regulations be
17 implemented and the one thing I always felt was the
18 bad part of this was regulation for the sake of
19 regulation.

20 I want to take care of my environment
21 like everybody else, and I think the downfall of
22 any of these systems where they have been
23 regulated, they were regulated without data to back
24 them up.

25 And if you people have been involved in

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1 this for three months, I have been involved in it
2 for 25 years, and I do care about the ecosystem.
3 Most fishermen do, because if they screw up their
4 environment, they don't have a business.

5 So that's basically all I want to say,
6 thank you. And I am against Clinton's plan.

7 MR. LOWRY: Alan Furuno.

8 (No response.)

9 Tina Yamamoto, I think it is.

10 (No response.)

11 Shawnty Rycall.

12 (No response.)

13 Lela Hubbard followed by Wayne Hait.

14 MS. LELA HUBBARD: Aloha. My name is
15 Lela Hubbard, and I the leader of Nakua I Kai Ka
16 (phonetic), an ohana group. I represent my
17 brother, who has fished; my father, who has fished;
18 other members of our family that fish to sustain
19 their lives. I also represent someone who has
20 lived over 50 years and I have seen the changes in
21 our ecosystem, and they have been negative changes.

22 So I support what the President is doing
23 in the Northwest Hawaiian Islands, because
24 Dr. Abbott hinted as to what these will be. These
25 will be the cradle. These will be the incubators

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1 that will replenish what we devastate in the
2 Hawaiian Islands.

3 We made so many errors. We have the
4 talapia ruining our ecosystem, eating everything.
5 So what effect does that have on our local fish?

6 You speak about facts, I read Environment
7 Hawaii, and there are facts in there,
8 well-documented facts on the lack of the
9 sustainability of our fishing.

10 We are fishing, yes, but our fish are
11 smaller and smaller. So don't kid us. Don't kid
12 us. This is our land and we have fished for many
13 years. My father used to supplement his income
14 fishing in Maile. The good fish he could barter at
15 the store for food or he could sell the good fish
16 for cash at the Chinese restaurants. You can't do
17 that now with any of the reef fish from that area,
18 because of ciguatera. And we have ciguatera that I
19 know of on the Big Island because my nephew fishes
20 there, and he's concerned.

21 I foresee in the future that there will
22 be many species here in the Hawaiian Islands that
23 are gone, and we will have to clone those species
24 by using the species left in the Northwest Hawaiian
25 Islands. So they should remain pristine.

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1 And I'm sorry that you cannot make a
2 couple of million dollars mining black coral or a
3 million dollars for the lobster industry. I am
4 sorry, but you have to draw a line in the sand. We
5 have the opportunity to now, to protect a vital,
6 critical and fragile area.

7 Mahalo.

8 MR. ADLER: Wayne Hait. Is Wayne here?

9 (No response.)

10 MR. ADLER: Dave Spafford. Bob Fram, are
11 you here?

12 MR. BOB FRAM: Yeah.

13 MR. ADLER: Okay. You are going to be up
14 after Dave.

15 MR. DAVE SPAFFORD: Good evening. My
16 name is Dave Spafford, and I strongly support
17 President Clinton's actions. I have a Master's
18 degree in neurobiology, a DMD and a Master of
19 science. I recently have done research in marine
20 algae dispersion rates.

21 I just want to say that it is important
22 to understand the interrelationship of all the
23 species in the ecosystem and that -- for example,
24 changing the fish population not only impacts the
25 distribution of fish, but it can also change the

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1 balance of species algae in the area. And by
2 changing the distribution of algae, you can change
3 the entire ecosystem. So that altering fish
4 populations have widespread consequences.

5 So the really best way to preserve a
6 ecosystem is to not affect it at all by human
7 intervention. And as caretakers of this sanctuary,
8 the most responsible thing to do would be to
9 prohibit all human activity and all fishing in this
10 pristine treasure that we are responsible for.

11 So that I hope for the sake of the earth
12 and humanity that someday we can fully protect this
13 area and prohibit all human activity and make it a
14 true sanctuary. Until that time, I think this
15 compromise measure is the least we can do to
16 protect the area.

17 Thank you very much.

18 MR. BOB FRAM: Aloha. My name is Bob
19 Fram, and I know it is getting late, so I will try
20 to make it as quick as I can.

21 I grew up here on the Island of Oahu and
22 I learned to surf and I learned to fish and dive,
23 and many of my friends did the same. They are also
24 fishermen now. We went into careers that probably
25 had something to do with the ocean, the tightest

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1 group of us, anyway.

2 Many of us were marine option program
3 students at Kailua High School in '73, and quite a
4 few of the folks will remember what Ray Rounds, our
5 marine science teacher, told us, and this was in
6 1973 in Kailua High School. He told the Hawaiians,
7 the Japanese, the Samoans, Koreans, haoles, all of
8 us in his class, all he said was, "All you have to
9 do, folks, is stop and control pollution, save the
10 estuaries and don't use nets and we will have choke
11 fish everywhere." And he was one of the first guys
12 to say "choke fish." He knew what he was talking
13 about.

14 When you for fish hook and line, it is
15 really, really tough. You do not catch a lot of
16 fish. You can look like me, you could be bald of
17 head a lot of days out there. You don't get fish
18 every time.

19 Let's get to the logic of this whole
20 thing here, folks. When you talk about fishermen
21 fishing for hook and line, whether they are long
22 line or bottomfish or troll, they cherish each
23 fish, they ice each fish, and they want to bring it
24 to market for sashimi.

25 It is not like net fishing. And even

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1 some of us, maybe in this room, and I can proudly
2 say not me, have strung a net across a reef barrier
3 just to see what we can catch.

4 When you set a net, you get by catch
5 that you don't need, you get baby fish, and you get
6 a big school of them and the school does not escape
7 the net. With hook and line, most of the school
8 keeps swimming. You get a small portion.

9 I also represent the Hawaii Seafood
10 Association and I am here to speak for chefs,
11 restaurants, retailers and the local consumers and
12 wholesalers like me. What I would like to tell you
13 is that when you have the Federal Government and
14 people out of our state telling you what to do
15 here, and the Hawaiians experienced it in a
16 heavy-handed way a long time ago, it is not really
17 right for what his happening here. It is not
18 correct.

19 What we need to do is support local
20 groups and get to the basic scientific information,
21 not the emotional side, you know, pictures like --
22 let's take this one here -- the monk seal in the
23 trawl net out there on the Pacific Northwest
24 Islands. I'm going to leave you folks a lot of
25 good pictures to check out there. Here is a couple

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1 ton trawl net. If you weighed up all this stuff,
2 you would be lucky to find a percent of a percent
3 of any of this gear on the Northwest Pacific
4 Islands is hook and line. They lose their butts,
5 they lose their okoles when some of their gear gets
6 snagged with this kind of net debris.

7 We really need to get back to the basic
8 logics, everybody in this room. This is proof.
9 They took 25 tons last -- no, 35 tons of debris,
10 and it was 99.999 percent marine net gear floating
11 there last year. They took 25 tons in only 57 days
12 this year. And they estimate 3,000 tons of net
13 gear is up there still. And we folks in here are
14 bickering about whether we should let some brothers
15 go out and fish hook and line. I think we need to
16 take a look.

17 Let me finish up here real briefly.

18 We're all good people on both sides of
19 this subject. We need to be very logical about our
20 approach. Let's all get together and let's start
21 eliminating gill nets, trawl nets -- there are
22 still drift nets being used by pirateable Asian
23 countries -- and work together to eliminate nets.
24 Even on a small local scale, had we eliminated
25 pollution, small nets and estuary degradation, we

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1 troll fish in Hawaii in our main islands.

2 The real problem of man's footprints,
3 everybody is saying here, is the nets, folks. And
4 I am going to leave these pictures over there.
5 Please look at them.

6 MR. LOWRY: Thank you.

7 We have -- is Tom Kraft here? Okay, Tom.
8 And is Bonnie Kerr here? Tom and Bonnie.

9 MR. TOM KRAFT: I'm Tom Kraft. I am in
10 the commercial fishery here as a wholesaler.

11 It is little intimidating to speak before
12 a crowd like this. We have got great legal
13 representation on both sides. We have very
14 spiritual people here who feel very deeply about
15 what is going on.

16 I am against President Clinton's decree
17 here for various reasons. One of them is I don't
18 believe it is wise to give our management over to
19 another group, a group that has no record, no
20 history, and very little scientific backing to be
21 managing our fisheries.

22 There can be instances in the past where
23 people may feel WESPAC hasn't represented the best
24 trusteeship of the marine resources. However, to
25 throw that all away now and to give it to another

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1 group who has not put any effort into managing this
2 fishery, I believe is poor thinking and is going to
3 put us in a situation where we have subjugated our
4 rights to somebody else.

5 A year-and-a-half ago it would have been
6 hard to find people standing up here saying how
7 great President Clinton is. So beware of the idea
8 that the enemy of my enemy is my friend. I don't
9 believe that President Clinton is necessarily any
10 of our friends and that this is grandstanding on
11 his part and it is actually going to hurt us all in
12 the long ran.

13 Thank you.

14 MR. LOWRY: Bonnie Kerr. And that will
15 be -- should be followed by Sylvain Lon, I think it
16 is.

17 MS. BONNIE KERR: Good evening. I live
18 in Hawaii now, but for six years I lived on
19 Bonaire, an island in the Caribbean that is one of
20 the oldest marine parks where only single hand
21 lines are allowed.

22 The sea covers the globe and knows no
23 boundaries. Let's see what's going on there.
24 Twenty-five percent of the world's coral has been
25 destroyed by pollution, overharvesting and global

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1 warming.

2 At the International Coral Reef Symposium
3 this year scientists revealed that by the year 2025
4 one half of the world's coral reefs will be lost.
5 By the year 2050 75 percent of the reefs will be
6 lost.

7 As far as fishing goes, according to the
8 Food and Agricultural Organization, the commercial
9 fishing industry has either fully exploited,
10 overfished, depleted or are rebuilding from
11 previous over 70 percent of the world's fish
12 stocks.

13 According to the ecologists 13 of the
14 world's 17 major fishing grounds are either fished
15 out or in decline.

16 Scientific American says that the fish
17 stocks have gone past the sustainable threshold in
18 the Atlantic, the Mediterranean and the Pacific.

19 Now, according to a ruling by the WTO,
20 the U.S. is compelled to accept tuna fish with
21 non-dolphin-safe nets.

22 This seems to be getting out of hand.

23 Quotas are suggested for the fishing
24 industry within the Northwest Hawaiian Islands.

25 Quotas. It is one of the things that is a common-

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1 sense principle that exists in legal documents and
2 quite another for them to enforced.

3 According to the World Conservation
4 Monitoring Center, no country can be viewed as
5 generally successful in fishery management with
6 quotas.

7 In the past month in the Galapagos
8 Islands there has been so much physical and
9 property violence over the lobster quotas that the
10 park staff has had to arm themselves.

11 It is outrageous that our Governor talked
12 President Clinton out of mandating monument status
13 over sanctuary status. Sanctuary status allows
14 commercial fishing and tourism. What is going on
15 that Governor Cayetano suggested this.

16 The revenues from the active fisheries of
17 the Northwestern Hawaiian Islands are currently one
18 million dollars a year. Any one of the shops
19 across the street at Ala Moana Center make more
20 than this.

21 I am sensitive to the fisherfolk who work
22 the Northwest Hawaiian Islands. The litany over
23 and over again of jobs, jobs, jobs is heard. Well,
24 I hear from people living on Midway Island that
25 tons of debris drift onto these beaches every

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1 month. Let's retrain these folks, let's hire them
2 and there boats to clean up and patrol the reserve.
3 There are plenty of jobs out there to help our
4 ecosystem survive. Or perhaps as one of the
5 fisherladies herself said, "Let's buy them out."

6 WESPAC and others feel that these
7 measures are extreme, President Clinton's measures.
8 I would like to redefine extremism.

9 Extremism is when business interests,
10 like the tourism and fishing industries corrupt,
11 buy and sell our politicians and management
12 councils, destroying our democracy. It is no
13 extremism to fight this type of destruction to our
14 political system. Extremism is when these
15 industries pollute, poison, contaminate and deplete
16 our environment when the know better and they know
17 how to stop.

18 MR. LOWRY: Bonnie, can you finish it up.

19 MS. KERR: I certainly can.

20 It is not extremism by environmentalists
21 to try and stop this. I am for the most stringent
22 recommendations of the Executive Order in
23 perpetuity and measures to protect not only the
24 Northwest Hawaiian Islands but these islands also
25 that we stand on now.

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1 Thank you.

2 MR. LOWRY: Sylvain Lon. Keoki Stender
3 is next.

4 MR. SYLVAIN LON: Good evening. I hear a
5 lot of people, and, well, I'm going to be one of
6 the few cynical that there was tonight. But I --
7 it seemed to be more about the legacy of President
8 Clinton than about preserving the environment.

9 Everybody so far talked about preserving
10 for tomorrow, but I am more concerned about what is
11 going on now, what has been done already and those
12 treaty or, well, preserve it for tomorrow and then
13 when we need it we will open it. Okay. That's
14 very often how these things go.

15 So, good, if we can protect there, this
16 area, and that's great. But what about what's
17 going on around these islands and if we don't limit
18 the growth on these islands, Oahu and the other
19 Hawaiian Islands, we will have to go there to fish,
20 okay. Even if there is a treaty to stop it, we
21 will have to go there. So I think we have to limit
22 growth on these islands before Oahu becomes another
23 Tokyo or Los Angeles.

24 Thank you.

25 MR. LOWRY: Jerry Norris will be after

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1 Keoki Stender.

2 MR. KEOKI STENDER: I'm Keoki Stender. I
3 am a former manager of the Midway Support Diving
4 Operation, Midway Atoll for two years. I'm also a
5 crew member, diver, of the recent survey of the
6 Northwest Hawaiian Island chain.

7 Like I said, I have been diving there
8 about a thousand times. I have seen a lot
9 underwater.

10 I am supporting the Executive Order. It
11 is about time that we have a Council that will
12 balance out the Western Fisheries Management
13 Council, I think.

14 What I can say about the Northwest
15 Hawaiian Islands is that we may think about it as
16 being a place that's just loaded with fish and just
17 unlimited and just really great.

18 It is true that it is really nice to go
19 there and see the fish. There are a lot of fish
20 there, but the islands are very small, the reefs
21 are very small, and there is a lot of areas there
22 on each island that I have seen that does not have
23 a lot of fish, just little pockets here and there.
24 It is not teeming with fish like Hanauma Bay. It
25 is a very fragile area.

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1 Also, the diversity in the Northwest
2 Hawaiian chain is about two-thirds of the number of
3 species that you find in the main islands are
4 there. Also, the larvae from the adult fish goes
5 west, away from the Hawaiian Islands. It does not
6 come back to us.

7 So whatever is there depends upon the
8 main islands to replenish. There is not a whole
9 lot of fish around here, so they really are very
10 sensitive. If you take all the big fish away, you
11 are not going to have a lot of juveniles coming in
12 from the main islands.

13 Also, the target species, the bottomfish,
14 the lobsters, those fish and shellfish, they grow
15 very slowly. It takes many years to become
16 reproductive size. And when you fish those kind of
17 animals, it can be very, very dangerous if you take
18 too many. The problem in these areas is that you
19 really -- this kind of species, you can't just say,
20 well, there are so-many here, you can just take
21 so-many now and you'll be fine.

22 There is really not enough data, because
23 you don't know how much are out there. It is very
24 important that you protect them before it goes bad
25 like the Grand Banks. That's too late.

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1 I would just like to say that being able
2 to see the place at Midway really gives people a
3 chance to see what Hawaii used to be like, but also
4 how fragile it really is. So I support protecting
5 it more and also hope the State will enforce their
6 three-mile limits around the islands themselves,
7 because that's also very critical.

8 Thank you very much.

9 MR. LOWRY: Jerry Norris still here?

10 A VOICE: No.

11 MR. LOWRY: James Parish.

12 (No response.)

13 MR. LOWRY: Laurel Miller. And Laurel
14 will be followed by Bryan Ho.

15 MS. LAUREL MILLER: Hi. My name is
16 Laurel Miller, and I come to you tonight as an
17 educator.

18 I was proud to be a part of the education
19 team on the recent Northwestern Islands research
20 expedition. I'm a little nervous up here. As part
21 of that expedition I was able to spend a week on
22 Midway Atoll. And as part of that, I was there
23 some of the days when the researchers came, in the
24 scientists shared some of the new species that they
25 found.

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1 Now, what that means to me is that
2 there's a lot that we need to protect out there
3 that we don't even know exists, and so you can't
4 just protect one part of it. We need to protect
5 the whole. And sometimes it is hard to protect
6 what we don't know, but we still need to step up to
7 the plate.

8 When I was on Midway I also had the
9 opportunity to do some snorkeling, and there are
10 things up there that I never thought that I would
11 see. There were puffer fish the size of my head,
12 which is just an amazing thing to come up eye to
13 eye with a fish that big. I never thought I would
14 get to see that. I saw numerous monk seals hauled
15 out on the beaches sunning themselves.

16 And I also come to you tonight as a
17 mother, because I don't know if my five-year-old
18 daughter will ever have the opportunity to see one
19 of these great animals.

20 So I fully support President Clinton and
21 I hope that we do have the opportunity to have
22 these areas protected.

23 Thank you.

24 MR. BRYAN HO: All right you guys, wake
25 up. It's late. We are going to get through this.

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1 I'm the newest member of the Western
2 Pacific Region Fisheries Management Council, and I
3 think one mistake that is being repeated here
4 throughout the course of the evening is the WESPAC
5 Council is your enemy. Well, we're not.

6 I think if you look at the Council, it is
7 composed of a Coast Guard representative, a State
8 DLNR representative, representatives Saipan, Guam
9 and American Samoa. It's representative of the
10 industry and other governmental agencies that have
11 nothing to do with fishing.

12 If you look at the President's order,
13 right on the front page it talks about President
14 Clinton confirms that the quality of the reefs
15 around the Northwest Hawaiian Islands are in
16 immaculate condition.

17 I went to a press conference last
18 Tuesday, I talked to Commander McCain, who put on
19 the record that the President felt that the current
20 management by the National Marine Fisheries Service
21 and the WESPAC Council is excellent, that they are
22 doing their job and through the good efforts of
23 these two agencies, the reefs have been preserved
24 even though commercial fishing has gone on for
25 20 years.

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1 My message to you tonight is balance.

2 Every problem that comes to a good solution has
3 balance. There is too much we need to protect and
4 not a lot of fishing. That is not going to work.
5 We need to work and strive for a balance.

6 I think the other thing that I would like
7 to encourage people to do is participate in the
8 current system that is at hand. I look around this
9 room having attended four days of meetings with the
10 Council two weeks ago. When the room was full I
11 would say I recognized maybe 5 percent of the
12 group.

13 Rather than criticize and try and tear
14 down what we have in place, which the President
15 admits is a successful operation, I encourage you
16 all to get involved. Come to the Council meetings,
17 attend, join the plan teams, participate in the
18 process. Write your legislators, write your
19 Congressional delegates, get involved.

20 I think that that will lead to a more
21 healthy and complete understanding of the two
22 sides, and I think that that leads to a better
23 opportunity for us to come to a mutual
24 understanding and hopefully a solution that is more
25 palatable for all parties.

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1 Thank you.

2 MR. LOWRY: Thank you, Bryan.

3 Gary Bower here?

4 (No response.)

5 Steve Montgomery.

6 MR. STEVE MONTGOMERY: I'm Steve

7 Montgomery, a biologist and volunteer chair of the
8 Conservation Council for Hawaii. We are affiliated
9 with the National Wildlife Federation and have
10 3,000 members around the country. Mostly, of
11 course, in Hawaii.

12 The recent World Coral Reef Conference
13 held in Bali showed that reefs are in serious
14 decline worldwide. In fact, only in Hawaii has
15 coral die-off called bleaching not yet been seen.
16 So it will be especially valuable to obtain as a
17 baseline or a control a sample of these reefs in
18 Hawaii to understand the global warning so-called
19 experiment that the society is conducting
20 throughout the world because of the burning of
21 fossil fuels.

22 The main island's bottomfish stocks,
23 everyone seems to agree, are now depleted. The
24 fish are smaller, they are not as abundant as just
25 decades ago. They cost buyers twice as much.

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1 But the stocks in the Northwestern Island
2 are healthy and large. The market needs a steady
3 stream of fish, but to do that, the fish need wise
4 management for regional sustainability.

5 It is probable that the local bottomfish
6 stocks are depleted because less than one percent
7 of the 400,000 acres of reef ecosystems in the
8 islands are now within any kind of Marine Life
9 Conservation District or National Area Reserve.

10 If our government will place a third of
11 the Northwest Islands in a sanctuary, it should
12 give fish a chance to avoid the kind of collapse
13 that lobsters have seen, and we are pleased to join
14 in supporting President Clinton's efforts to
15 approve present programs for the long-term benefit
16 of all citizens and all species in the area.

17 We were pleased to testify at the
18 Conservation Council meeting that went to the
19 statewide hearings, and I personally went to the
20 one in Hilo. They were on all the major islands
21 and there were 400 people strongly supported the
22 kind of initiative that we are doing here.
23 However, I would say the predominant preponderance
24 of the witnesses favored more control for the
25 Interior Department and for the original monument

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1 plan.

2 The USA has exclusive control of a big
3 sector of the Pacific and as a strong and wealthy
4 nation we can have no excuse for mismanagement. We
5 ask President Clinton and the Executive Branch to
6 lead society to a better protecting of this unique
7 place for all the people and for our neighboring
8 Pacific nations.

9 Thank you.

10 MR. LOWRY: Thank you, Steve.

11 MR. ADLER: Okay. Is Alan Hong here and
12 Peter Rappa?

13 MR. ALAN HONG: Aloha, and thank you for
14 bearing through this long evening to stick it out
15 to the end.

16 My name is Alan Hong. I am a long-time
17 spear fisherman, former commercial aquarium fish
18 collector. I have been a scuba instructor for
19 almost 27 years now. I have been the manager of
20 Hanauma Bay Nature Preserve for the last ten years.

21 Tonight I am speaking as a private
22 concerned citizen, and my opinion in no way
23 reflects the position of the Parks Department or
24 the City and County of Honolulu.

25 Some of you may remember that in 1989

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1 Hanauma Bay had over three million visitors visit
2 this six-area parcel of beach. In response to the
3 impact that such massive numbers of visitors might
4 be having, restrictions were proposed. Not wanting
5 to restrict the residents of Hawaii or the
6 independent traveler, these restrictions were
7 addressed towards the commercial operators, of
8 which there were over 80 operators that used
9 Hanauma Bay as a dropoff point.

10 Of course, these proposals over ten years
11 ago were met with opposition. Almost all of the
12 opposition was based on the negative economic
13 ramifications.

14 Over the last ten years since these
15 restrictions have been in place we have reduced the
16 number of visitors to over three million a year
17 down to slightly more than a million a year.

18 Trash has been reduced by over 70 percent
19 in the park, and it is the public and the people of
20 Hawaii that benefitted from these restrictions that
21 now take place.

22 We still have critics that don't support
23 these preservation restrictions that we have in
24 Hanauma Bay. Some of them feel that it is their
25 right to conduct business whenever and however they

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1 please. However, it is my strong feeling that you
2 won't find anybody that wants to see us go back to
3 three million visitors a year.

4 So as successful as the Hanauma Bay
5 restrictions may appear, there is a weakness here
6 in that unfortunately the City waited kind of a
7 long time before initiating these restrictions.
8 They essentially waited until a lot of companies
9 came into existence that depended upon Hanauma Bay
10 for their livelihood and they yanked the carpet out
11 from under these people, and that's one of the
12 weaknesses in the plan, although it does have a lot
13 of benefits.

14 What I would like to see for the Council
15 to the Northwestern Islands is that restrictions
16 are put into place before it becomes obvious that
17 we have an overuse problem, and that's very
18 difficult to get people to accept that restrictions
19 are needed before we perceive a problem.

20 But if we wait until we have an obvious
21 overuse problem, now we are again yanking the
22 carpet out from all of these people who
23 understandably will be reluctant to relinquish
24 their privilege of using the area.

25 We are now, in a position where we can

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1 take a stand to protect one of the world's most
2 valuable resources, so I strongly support the
3 proposed reserve status.

4 Thank you.

5 MR. ADLER: Mr. Rappa.

6 Is Scott Villemot here? You are going to
7 be on next.

8 MR. PETER RAPPA: Good evening. My name
9 is Peter Rappa, and I am a long-time resident of
10 Hawaii. I'm also a member of the Conservation
11 Council For Hawaii, Oahu Chapter.

12 I support the establishment of the
13 President's proposal to make the Northwestern
14 Hawaiian Islands Reserve permanent.

15 Just this past year a group of scientists
16 from a number of agencies conducted an rapid
17 ecological survey of the area. What they found was
18 both interesting and exciting.

19 Among their findings that were released
20 earlier this month was the observation that:

21 One, with coral reefs around the world in
22 decline, it is extremely rare to be able to examine
23 a coral reef ecosystem that is relatively free of
24 human influence.

25 These remote reefs offer us a chance to

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1 protect the unique and irreplaceable ecosystem
2 found nowhere else in the world.

3 Two, coral scientists found that the
4 coral was in good condition across the chain. At
5 least 55 species of coral were identified in the
6 Northwest Hawaiian Islands. Forty-seven of those
7 species being stony coral. These are as many as
8 found in the main Hawaiian islands.

9 Three, the most important findings was
10 the abundance of the large apex predators, such as
11 sharks and jacks, compared to the main Hawaiian
12 Islands. This finding might change the way
13 scientists view the ecology of reef ecosystems.

14 For these reasons I believe that we need
15 to support the establishment of a reserve.

16 Thank you.

17 MR. LOWRY: Scott Villemot. Steve
18 Tierney is next.

19 MR. SCOTT VILLEMOT: Good evening. My
20 name is Scott Villemot, and I'm with the American
21 Marine Services Group here in Honolulu. We're a
22 company that is a basic marine contractor for
23 speciality marine operations in the Pacific Basin.

24 We started out in Hawaii. I was born and
25 raised here. We started from a scuba shop in

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1 Kewalo Basin and have grown to a company that
2 employs over 200 people. Our main offices are in
3 Honolulu Harbor and we've got offices in L.A.
4 Harbor and Anchorage as well.

5 Our business is in the Pacific Islands,
6 the Pacific Islands primarily. In the year 2000 we
7 had significant projects in Wake Island, Midway,
8 Turn, Palmyra, American Samoa and throughout the
9 main Hawaiian islands as well. So we are very
10 familiar with the outer Pacific Islands and what it
11 takes to work out there.

12 The type of work that we do is typically
13 heavy marine work in terms of salvage, pollution
14 abatement, hazardous waste, including most recently
15 the removal of nine fishing fleet ships off the
16 reef in American Samoa, which we just completed in
17 May of this year.

18 Our primary client is the Federal
19 Government, and we work for the United States Coast
20 Guard, NOAA, Fish and Wildlife and the United
21 States Navy, Army Corps of Engineers. So our
22 background is obviously not fishing over the years.
23 However, in the last four years we have gotten
24 involved with the fishing process and that is
25 through a start-up company that we have introduced

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1 to the Hawaiian Islands called the American Deep
2 Water Engineering.

3 American Deep Water Engineering is the
4 only company that is currently active with regards
5 to the selective harvesting of precious corals in
6 the Pacific.

7 We originally viewed the harvesting of
8 precious corals as an ocean resource project, and
9 through the research and effort that we put in,
10 obviously, the resource is controlled as a fishery
11 and we became involved with the State and Federal
12 process for the management of that fishery in our
13 efforts to understand and develop this as a
14 business.

15 There has been a lot of talk tonight
16 about money and jobs, and I don't think that either
17 of those things are negatives, since that's what it
18 takes to live in this day and age. It is obviously
19 what has taken to live in any age is having an
20 honest living and an honest wage. And aside from
21 the people who are out there on the fishing boats
22 working as hard as they are, I will tell you that
23 we have ten people that are working in this
24 industry, but there is probably 400 people that are
25 employed in the precious coral industry in Hawaii.

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1 To speed it up, I will tell you that the
2 process that we have been involved with over four
3 years has been heavily involved with interaction
4 with the State and the Federal Governments at all
5 levels, primarily through the WESPAC and the
6 support of WESPAC.

7 I do not support President Clinton's
8 initiative only because of the fact that I believe
9 it has basically undermined the four years of
10 effort that we have taken to work with the State
11 and Federal Government to ensure that we have an
12 environmentally friendly effort and selective
13 harvesting of this resource.

14 MR. LOWRY: Thanks very much.

15 MR. VILLEMOT: Just in closing, I will
16 tell you that I believe --

17 MR. LOWRY: You are way over.

18 MR. VILLEMOT: -- I believe WESPAC -- I
19 believe that WESPAC has done an excellent job in
20 managing the resource.

21 Thank you.

22 MR. LOWRY: Steve Tierney followed by
23 Linda Paul.

24 Linda, okay. And then Edwin Cansana.

25 MS. LINDA PAUL: Good evening. My name

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1 is Linda Paul. I'm the Executive Director for
2 Aquatics, Hawaii Audubon Society. I have a
3 Master's in zoology and my research specialty was
4 in the lobster fishery. I've live in Kailua, Oahu
5 for almost 30 years, and I have been up to the
6 Northwest Hawaiian Islands several times.

7 I'm testifying in support of President
8 Clinton's plan, although my personal preference
9 would be a nice healthy seaward boundary around the
10 existing Northwest Hawaiian Islands Natural
11 Wildlife Refuge, preferably about a 12-mile
12 boundary, because that is boundary that is supposed
13 to be enforced by the United States Coast Guard.

14 There seems to be a lot of confusion
15 about what the Executive Order does. Restaurant,
16 tourism and the newspapers are worried about the
17 supply of fish, while fishermen are worried they
18 may be put out of business. In fact, this plan
19 will not impact either one of those groups in any
20 significant way.

21 As had been pointed out, only 4 percent
22 of the total bottom fishing area will be reduced by
23 the preservation areas. And around Nihoa and
24 Necker Islands there is not going to be any
25 reduction at all. And why is that? The reason is

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1 is because those boundaries, the 20 fathom boundary
2 and the 10 fathom boundary around Necker and Nihoa,
3 respectively, are the existing no-fish zones.

4 Furthermore, this new reserve does not
5 include any State water and has been pointed out,
6 28 of the 32 banks are also not included and
7 continue to be open for fishing.

8 And, finally, some 50 to 90 percent of
9 all bottom fishing occurs in waters deeper than
10 50 fathoms. There is only one other commercial
11 fisher up there. It is the lobster fishery. And
12 that lobster fishery has been shut down by National
13 Marine Fisheries Service due to WESPAC
14 mismanagement.

15 So why are we all here tonight? We are
16 here because the Western Pacific Fishery Management
17 Council wants to open up the Northwest Hawaiian
18 Islands to further commercial exploitation.

19 Two years ago WESPAC invited an East
20 Coast shark fisherman to come up to the Northwest
21 Hawaiian Islands, and those areas which he
22 long-lined, he pretty much took the whole MSY of
23 sharks in those areas.

24 Next they opened up the Northwest
25 Hawaiian Islands to coral reef precious coral reef

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1 mining by an Australian company. And most
2 recently, they indicated an interest to open up the
3 Northwestern Hawaiian Islands to mainland-based
4 cosmetic and pharmaceutical industries to do a
5 little bio prospecting up there.

6 Why is it that WESPAC promotes this kind
7 of development. The reason it does this is because
8 that is what it is mandated by the Magnuson-Stevens
9 Fishery Conservation and Management Act to do. It
10 is supposed to develop fisheries. That's its
11 mandate.

12 WESPAC is a Federal agency. Its
13 Executive Director, Ms. Kitty Simmonds, is a
14 Federal employee. If the reserve becomes a
15 reality, the amount of watery turf that the Council
16 and the Executive Director will manage will be
17 considerably diminished, and that is what this
18 controversy is all about. It's a turf battle.

19 Why should we care whether WESPAC manages
20 us? It has been pointed out in the Executive
21 Order. It has been pointed out by the other
22 speakers here. But, in fact, just one most
23 important point, WESPAC makes a great deal of PR
24 about its Coral Reef Ecosystem Management Plan,
25 and, in fact, WESPAC's own planning team for the

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1 Coral Reef Ecosystem Management Plan, most of its
2 recommendations are not included in this plan, and,
3 in fact, the planning team itself is muzzled and
4 you have only heard from one planning team member
5 here tonight.

6 Thank you.

7 MR. LOWRY: Thank you, Linda.

8 Edwin Cansana. Leroy Akamine. Abrugene
9 Lau.

10 (No response.)

11 Keoni Agard.

12 MR. KEONI AGARD: (Hawaiian word.) I'm
13 Keoni Kealoha Agard speaking on behalf of Hui Loa
14 Aina.

15 We speak in favor of President Clinton's
16 Executive Order which calls for strong, lasting
17 protections to the coral reef ecosystem of the
18 Northwest Hawaiian Islands. We support strong,
19 lasting protections of the Northwestern Hawaiian
20 Islands.

21 The previous speaker that just spoke
22 spoke the truth, and I will not repeat what she
23 just said. But it was eloquently presented.

24 In the interest of time, I'm going to
25 reserve my right to submit full written testimony

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1 by the specific deadline, and we'll leave it at
2 that.

3 (Hawaiian word.)

4 MR. LOWRY: We have reached the end of
5 all the people who signed up tonight, and I want to
6 say thank you to all of you for your great
7 patience, those of you stalwarts who stuck it out
8 to the end of this.

9 I also went to thank you for your
10 courtesies. We are dealing with matters of great
11 import here tonight and you people have been very,
12 very courteous tonight in not allowing expressions
13 by people who you might disagree with.

14 Thank you for sharing your ideas. I want
15 to say just two words about what happens next. The
16 Department of Commerce is going to put together all
17 the comments that are submitted or received and
18 after January 8th or by January 8th from the
19 hearings all the comments that come by e-mail or by
20 fax or by mail or the testimony that was given
21 tonight, and the White House really then has the
22 task of reviewing those and making a decision on
23 further actions.

24 As you have heard and as you know, there
25 is going to be a Reserve Council that will be

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1 established to provide advice and recommendations
2 to NOAA, other reserve operations planned and the
3 designation and management of the sanctuary.

4 The Council will play a critical role,
5 important role, in helping to shape these
6 initiatives which will provide lasting protection
7 to the marine resources and the reserve and
8 sanctuary.

9 And you can again find more information
10 on this both at the table on the way out and on the
11 web site.

12 And, finally, the Secretary of Commerce
13 is also beginning the designation of the reserve as
14 a new national marine sanctuary, and the sanctuary
15 designation process will be separate from this
16 effort. The sanctuary designation process will
17 begin early next year.

18 Once again, thank you, good night and
19 drive safely.

20 (The proceedings ended at 10:10 p.m.)

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