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UNITED STATES DEPARTMENT OF COMMERCE
WASHINGTON, D.C.

PUBLIC HEARING RE: NORTHWESTERN HAWAIIAN ISLANDS
CORAL REEF RESERVE

TRANSCRIPT OF PROCEEDINGS

Taken on behalf of the United States Department of Commerce,
National Oceanic and Atmospheric Administration at Wailuku
Community Center, 395 Waena Street, Wailuku, Maui, Hawaii,
commencing at 6:10 pm, on Thursday, December 14, 2000,
pursuant to Notice.

BEFORE: SANDRA J. GRAN, CSR NO. 424
Registered Professional Reporter
Notary Public, State of Hawaii

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PROCEEDINGS

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MODERATOR ADLER: Good evening, everybody.

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Aloha. My name is Peter Adler. I and my colleague Karen

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Aka, who is here with me tonight, are going to be serving as

5

the moderators and hearings officers for this evening's

6

meeting.

7

This public hearing is one of six that is

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being held around the state this week and it regards

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President Clinton's December 4, 2000 executive order which

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establishes the Northwestern Hawaiian Island Coral Reef

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Ecosystem Reserve. These hearings are being conducted on

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behalf of President Clinton, who has requested comments on

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the conservation measures for the reserve and on his proposal

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to make the Reserve Preservation Areas permanent. We'll say

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a little bit more about that in just a few minutes.

16

What happens is the Department of -- the

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Department of Commerce will be pulling together all of the

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comments from all of the islands and taking those comments

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which are coming in both here at these meetings in testimony,

20 written testimony, e-mail, fax and there's many different
21 ways to submit this, and they will be transmitting those to
22 the executive office of the president. And the White House
23 will then review them and make decisions on further action.
24 So that's the sequence. And, again, later in the evening
25 we'll say a little bit more about it.

4

1 Now, before I go much further, I would like
2 to ask Uncle Charlie if you would begin for us by making a
3 pulai for us so we make the meeting right and do it formal.

4 UNCLE CHARLIE: Kui luna, would you please
5 rise.

6 Our Heavenly Father, we ask and pray that as
7 we come before this panel this evening that through our
8 testimony and our insight we may come up with strategy that
9 will protect the Northwestern Hawaiian Islands for the future
10 generation of our people. We ask this in your name.

11 (Hawaiian statement.) Amen.

12 MODERATOR ADLER: Thank you.

13 We have with us a number of people tonight
14 from the Department of Commerce and from the Department of
15 the Interior. And I'm going to ask them to just identify
16 themselves. Why don't we start up here.

17 MR. WEISS: Aloha. My name is Michael Weiss.

18 I am with National Oceanic and Atmospheric Administration
19 within the Department of Commerce. And I am the NOAA agency
20 representative to the White House Council on Environmental
21 Quality.

22 MR. SMITH: I'm Robert Smith. And I'm the
23 acting reserve coordinator for President Clinton's new
24 Northwestern Hawaiian Islands Coral Reef Reserve.

25 MODERATOR ADLER: Thank you. You're going to

5

1 be hearing from them in just a few minutes, a little bit from
2 them.

3 Could I ask, Jim, you and your colleagues
4 also introduce yourselves, too. I don't know if this will
5 quite reach over.

6 MR. MARADOS: I'm Jim Marados. I'm a coral
7 reef biologist with the US Fish and Wildlife Service.

8 This is Jerry Winekey, the head of coral reef
9 refuges.

10 And Barbara Maxville, head of our public
11 affairs. Both in the Fish and Wildlife Service.

12 MODERATOR ADLER: Thank you.

13 And we also have at the registration desk
14 Michael Murphy, who is helping us tonight, and he's with the
15 Department of Commerce as well.

16 Now I would like to just explain a little bit

17 about our procedures this evening. If you have specific
18 written testimony that you would like to submit, we're happy
19 to accept that tonight. And this is going to be the place to
20 put it, right here, or at the table out there. We prefer it
21 up here so it doesn't float out the door or get lost.

22 We're happy to take your written comments,
23 also, if you didn't come with prepared comments. And there
24 are comment forms in the back. So we're delighted to take
25 those comments and all those will be sent forward to the

6

1 White House as these hearings -- at the conclusion of it.

2 We have the web site address and Mr. Roger
3 Griffis's address and it's posted here and it's also on the
4 materials that you would have received at the front door.
5 And you're free to also send your comments and testimony to
6 him directly if you prefer. So you have many different
7 mechanisms for submitting your comments.

8 With us tonight -- One more thing, it's very
9 important that those comments be received no later than
10 January 8th, 2001 if they are to be considered. So there is
11 a deadline January 8th.

12 We have Sandra Gran here tonight, who is our
13 court reporter with Ralph Rosenberg Court Reporter Service.
14 And she's going to be taking a record of everything that's

15 said during your testimonies tonight, during your comments.
16 So please remember that you are on the record. And we're
17 going to ask people to -- We have asked people to sign in for
18 that. We are going to be taking folks in the order that you
19 signed in.

20 Now, I'm going to -- We have -- I don't know
21 how many we actually have signed up there. And, Karen, maybe
22 you can go -- We've got the sheet. These are the sign-ups.
23 So we have about 25 folks. On the other islands the people
24 have been asked to stick with three minutes. I think we'll
25 stretch it a little bit. If you can keep it to three

7

1 minutes, that's fine. We'll ask you to go no longer than
2 five minutes in the order. And then at the end we'll do a
3 second round if there's more that you want to say. Some
4 people really have more comments they want to make and I
5 promise you we will stay here until everybody who has signed
6 up has a chance to testify. That's my commitment to you, and
7 that's Robert and Michael's commitment. We'll be here until
8 we are done.

9 So we are going to take you in the order of
10 the testimony. We encourage you to stick to three minutes,
11 five minutes is the absolute outside. And I just want to
12 apologize in advance if I have to cut you off. That is part

13 of my job. And I ask you not to stretch it and let's really
14 try to play by the rules and honor those rules tonight.
15 They're not too complicated and I'll ask everybody to do
16 that. And I would like to say that everybody has been real
17 respectful of that at all the other meetings on the other
18 islands.

19 When you speak tonight, we encourage you to
20 kind of go directly to the heart of the things that the
21 president has really requested comments on, which are the
22 conservation measures and the Reserve Preservation Areas and
23 making those permanent. And you're free, of course, to say
24 whatever you want. Those are the two areas where comments
25 are really being solicited and your comments would be most

8

1 helpful.

2 Now, I know all of us have been -- I actually
3 sort of feel like I'm in a class reunion because we have a
4 lot of people who have been to many, many meetings, many who
5 were at the public visioning sessions we did some months ago.
6 So when we come to these meetings, we come with strong views
7 about many things.

8 Some of you come with strong environmental
9 views. Some of you come with commercial interests and
10 fishing interests at heart. Some of you come with Hawaiian

11 cultural interests. And some of you come with all three. So
12 the one thing I'm going to ask you to do is to be respectful
13 tonight and be civil tonight.

14 We want to hear all the comments and so I
15 just ask you to do a little bit of aloha. Your views are
16 welcomed, they're really encouraged, but if there is one
17 thing we know how to do in Hawaii, it's maybe to do these
18 kinds of hard things with a little bit more aloha than might
19 happen in another place.

20 So three minutes is the time limit, five
21 minutes at the max. We'll do more and we'll do it with
22 aloha.

23 Now, let me give you a little background and
24 then I'm going to ask Michael also to sort of talk with more
25 specificity about it and orient us on the map as well. This

9

1 executive order was issued by President Clinton on December
2 4th and it established this Northwestern Hawaiian Island
3 Coral Reef Ecosystem Reserve or the reserve.

4 The executive order was in response to a
5 directive that he had issued in May to the Departments of
6 Commerce and Interior to develop a plan in coordination with
7 the State of Hawaii in consultation with the Western Pacific
8 Regional Fisheries Management Council, Wespac. And the goal

9 there was to provide strong and lasting protections for the
10 coral reef ecosystems of the Northwestern Hawaiian Islands.

11 That process, as you may remember, began with
12 a series of visioning sessions on all the islands. We had
13 one here on Maui. And there was a lot of other input that
14 came into that process. There are many things that preceded
15 those visioning sessions and many things that have happened
16 subsequent to them.

17 There was an ocean conference held in
18 Monterey in 1998 that reemphasized the commitment to coral
19 reefs of the President. And the President used the
20 opportunity to issue the Coral Reef Executive Order which
21 established the Coral Reef Task Force. So there has been a
22 long chain of activities that sort of led to this particular
23 moment.

24 The reserve encompasses an area extending
25 about 1200 nautical miles long and 100 nautical miles wide.

10

1 The reserve is adjacent to the Hawaiian state waters and
2 Midway Atoll National Wildlife Refuge and includes the
3 Hawaiian Islands National Wildlife Refuge.

4 The management principles and implementation
5 strategy of the departments are found in the executive order.
6 And I hope you have had a chance to take a look at some of

7 that.

8 The President has taken these actions
9 pursuant to the authority that was provided to him in the
10 National Sanctuaries Amendments Act of 2000. That act gave
11 the President authority to designate any Northwestern
12 Hawaiian Island coral reef ecosystem as a Coral Reef Reserve
13 to be managed by the Secretary of Commerce. That same act
14 states that any closures shall not become permanent without
15 adequate review and comments, which is one of the reasons
16 we're having these public hearings.

17 And with that I'm going to ask Michael if he
18 would say a little bit more about the two pieces that are
19 under consideration tonight.

20 MR. WEISS: Actually, can we wheel that map
21 over to the extent it can reach for the cord. We're going
22 high tech here.

23 (Arranging Graphics.)

24 MR. WEISS: Okay. The principal -- the two
25 principal areas that the President requested comments on, as

11

1 Peter said, are the conservation measures for the reserve and
2 the Reserve Preservation Areas and whether they should be
3 permanent. I'll quickly summarize what those two areas are.

4 As Peter said, the reserve extends

5 essentially 1200 nautical miles long and 100 nautical miles
6 wide and from Nihoa Island to Kure Island. And the reserve
7 consists for -- on this map of the blue area and these purple
8 areas. That includes the reserve. The orange areas, for
9 those who can see the color from here, those are the state
10 borders for the Midway Atoll National Water Life Refuge,
11 which are not included in the reserve. But, again, the
12 reserve goes around these areas, but includes all the blue,
13 all the purple areas.

14 The conservation measures for the reserve are
15 a series of restrictions in the executive order that apply
16 throughout the entire reserve. And they're -- the purpose of
17 these is to protect the resources of the reserve throughout,
18 again, the entire length of the reserve.

19 Those conservation measures -- they include a
20 prohibition against oil, gas and mineral development or
21 exploration. No anchoring on coral anywhere in the reserve.
22 No drilling, dredging or altering the seabed of the reserve.
23 No discharging into the reserve. And no taking or damaging
24 reserve marine resources. Recreational and commercial
25 fishing is allowed to continue at current levels throughout

12

1 the reserve in the blue area.

2 Those are the conservation measures for the

3 reserve in summary. More detail you'll find in the executive
4 order itself as well as in the background materials supplied.

5 These purple areas are the Reserve
6 Preservation Areas and there are 15 that extend throughout
7 the chain. These are areas that are more protective to
8 protect kind of the near shore resources and the bank areas
9 and the shallower areas.

10 Within the Reserve Preservation Areas all
11 extractive uses are prohibited. And those include no
12 anchoring at all if there's a mooring available or if there's
13 an anchoring area designated in one of these areas. No
14 touching or taking of any coral. And no discharging at all
15 except for cooling water and engine exhaust. And no fishing
16 in the Reserve Preservation Areas.

17 The exception to that is that in eight of the
18 Reserve Preservation Areas existing bottom fishing is allowed
19 to continue. And these areas are Nihoa Island, Necker
20 Island, St. Rogatien Bank, Gardner Pinnacles, Maro Reef,
21 Laysan Island, Pioneer Bank, Lisianski Island. In those
22 eight Reserve Preservation Areas existing levels of bottom
23 fishing are allowed to continue. These areas extend around
24 the islands out to 100 fathoms and around the banks to 12
25 nautical miles from the center point of the banks.

13

1 And that pretty much sums up those -- and,

2 again, those are the two areas that the President
3 specifically asked for your comment on.

4 Thank you.

5 MODERATOR ADLER: Okay. Could you -- Yeah,
6 if you would.

7 Again, you have the materials on the back
8 which talk about what Michael -- they cover what Michael has
9 just described in some detail, so you may want to refer to
10 that from time to time.

11 Now, here's what we're going to do: We're
12 going to go ahead and open it up for your public comments.
13 We'll take folks in the order in which you signed in. We
14 have 26 people signed up. And, again, if others want to sign
15 up, we'll keep the sign-up sheet in the back of the room and
16 do an additional round if that's a useful thing to do later
17 on.

18 I'm going to ask people to come up. When I
19 call your name, come up, I'll hand you the mike, and you're
20 free to either stand here and talk to Michael and Robert, or
21 you're free to kind of look at everybody. It's a little bit
22 of an awkward situation, but I'll let you handle it the way
23 you like. We're pleased to listen to you tonight and get
24 your comments and also make sure that we get the record
25 right.

1 I'm also going to call the second person to
2 tell you whose up next. So, for example, Kelii Taua is up
3 first and Rob Wilder is second. So I'm going to ask Rob to
4 be up here while Kelii begins his testimony.

5 So that's the procedure. And let's go ahead
6 and do it. And we'll begin. So Kelii Taua.

7 MR. WEISS: When folks come up if they could
8 spell their name for the court reporter when they first come
9 up.

10 MODERATOR ADLER: Or write it on a little
11 piece of paper and hand it to her. The reason for that is to
12 make sure she gets the spelling right. So you're free to do
13 that, too.

14 Okay. Kelii.

15 MR. KELIII TAUA: As mentioned, my name is
16 Kelii Taua. I have a composed something after watching and
17 reading all of the newspaper articles. And my presentation,
18 it says, Nana I Ke Kumu. Our kupuna, our elders, taught us
19 to look for the source, Nana i ke kumu, in making decisions.
20 In the spirit of honoring my kupuna as well as my haumana, my
21 students, I come to support bottom fisherman by presenting
22 two sacred chants significant in preventing the demise of a
23 few and already depleted amount of bottom fisherman.

24 First, the prophetic chant entitled "Au'a
25 lu."

1 Here is the chant. (Hawaiian chant.)

2 I will be presenting this hard copy so you
3 can have that chant, but in short the chant is addressing the
4 kama, the youth, of the moku, of the land, warning them that
5 as they face the turning tide or the huli nu'u that they need
6 to hold fast to au'a 'ia, hold tight. For truly if we, the
7 (Hawaiian), the people of this land, do not do that,
8 everything will be lost.

9 (Hawaiian.) Kanaloa, the god of the ocean,
10 who manages the ocean faces the death of bottom fishermen
11 caused by ill-informed kanaka, meaning persons.

12 Surely the capping of the amount of fishes by
13 a limited amount of active bottom fisherman, and that is the
14 number four to six, is one of the acts referred to in this
15 chant. Already the limited amount of licenses, which is 15
16 to 17, held by fishermen of which a quarter are active surely
17 will not put a dent into the vast amount of bottom fish in
18 the NWHI area.

19 The other grave fact that will destroy the
20 NWHI and central Hawaii bottom fishing is the idea of closure
21 to some of the fishing banks in the designated area. Our
22 kupuna, our elders, followed a strict conservation practice
23 of placing kapu, which is restrictions, on certain fish for a

24 period of time. They understood the importance of
25 conservation practices and followed these rules religiously.

16

1 By closing important fishing banks in the
2 NWHI, it will cause the fish out of these banks that will
3 remain open. In summary of this matter it behooves those who
4 do not fish these waters to listen attentively with an open
5 ear and read with an understanding that the remaining active
6 bottom fishermen with permits in the NWHI will eventually
7 dwindle to zero once these new laws are put into effect.

8 The second chant shares go to ni'ihau, go to
9 these other places, with aloha. And that's what everybody
10 who has come here after us guys -- us guys, (Hawaiian), those
11 of the land, and have aloha, share aloha, but the aloha is
12 taking all that President Clinton wants to take.

13 And I am for conservation, as I did mention,
14 but to be losing everything is just like we lost our land and
15 now the last frontier is being lost because somebody with a
16 pen is striking everything saying it's lost. Please
17 reconsider the capping and the closure of these areas.

18 I return with aloha -- And I'm running out of
19 time, so I won't share the other chant. I'll leave it here.
20 But I hope you all give a listen to this idea. Mahalo.

21 MODERATOR ADLER: Thank you so much.

22 Rob Wilder. And then it will be Teresa Tico.

23 MR. ROB WILDER: Aloha. Like the previous
24 speaker, I love these waters, this ocean, and what it gives.

25 My name is Dr. Rob Wilder. I'm conservation

17

1 director of the Pacific Whale Foundation. We're the largest
2 and oldest conservation organization on Maui. Previously I
3 was on the faculty of the University of California where I
4 did marine research. I have written book articles on MPAs.
5 I am an expert in this field.

6 Pacific Whale Foundation strongly supports
7 the creation of no-take Marine Protected Areas or MPAs in at
8 least 50 percent of the Northwestern Hawaiian Islands
9 Reserve. It's based on the strong scientific case for MPAs,
10 the conservationist intent of this new reserve. We also
11 support a shared management between the Department of the
12 Interior and the Department of Commerce in the reserve.

13 Now, I have studied and participated in the
14 MPA processes in many locations. I sat on the Working Group
15 of the Channel Island Sanctuary SAC. And what I've found is
16 that solutions that provide for no-take MPAs are quickly
17 gaining scientific consensus, scientific support, and they
18 are being created with much success. Take a look at the
19 recently created reserve in Tortugas, an ecological reserve
20 that is part of the Florida Keys National Marine Sanctuary.

21 The Tortugas Reserve should be a blueprint
22 for us here in Hawaii but with changes that reflect our own
23 unique circumstance here in the Hawaiian Islands. For
24 example, given the remoteness and the importance as a key
25 source of marine biodiversity for us in the main Hawaiian

18

1 Islands, fish in the main Hawaiian Islands, given that fact,
2 we need to protect at least 50 percent. As I have mentioned,
3 at least half of the reserve, a much larger percentage than
4 proposed, given the importance of these Northwestern Hawaiian
5 Islands for us all throughout the Hawaiian Islands.

6 Remember, if we only set aside one half of
7 this area, that still leaves over 40 million acres for
8 fishing. It leaves over 40 million acres for fishing.

9 For examples of what could happen here if we
10 fail, and failures have been seen around the world in marine
11 nations. Consider the terrible losses of cod, haddock and
12 flounder off New England. The economic devastation it has
13 caused communities there. I have lived there and I can tell
14 you it has been a terrible hardship.

15 How about California? We depleted the white
16 abalone, even rockfishes, picacia off California. Abalones
17 are facing extinction within a national marine sanctuary in
18 the channel islands. That's not right. Once that white

19 abalone is gone, it's pau for future generations that could
20 have been fishing that resource. So here in Hawaii again
21 we're already seeing the rapid growth in taking of precious
22 corals, and that's a direct taking from essential fish
23 habitat.

24 The Northwestern Hawaiian Islands Coral Reef
25 Ecosystem Reserve has created some needed protections, but

1 they're temporary. It establishes temporary, but needed
2 protections for coral reefs, monk seal habitat and sources of
3 food, ensures that Kanaka Maoli, Native Hawaiians, have
4 access to traditionally important areas. It ensures Kanaka
5 Maoli have access to traditionally important areas. It
6 allows continuation of commercial and recreational fishing,
7 but it caps it so we don't see the same mistakes here that
8 have devastated communities elsewhere. And it's continuing
9 all the time. I just saw a news item about devastation off
10 Northern Europe.

11 The Northwestern Hawaiian Islands here are
12 very important to us all. They're like Yosemite Valley.
13 They are an area that has to be preserved, you know,
14 long-lasting, permanent preservation.

15 As you know, permanent protections need to be
16 equally extended in state waters, which extend 0 to 3 miles
17 offshore. So we call on the State to see this new reserve
18 regulation as a floor beneath which its own state regulations
19 must not fall.

20 Mandatory VMS should be required. It is too
21 large an area to truly adequately enforce without vessel
22 monitoring systems. We need VMS on the boats to make
23 enforcement a practical reality.

24 No-take protections need to extend out to at
25 least 30 fathoms. How are you going to avoid grounding

1 boats? It should extend out to at least 30 fathoms.

2 All harvesting of corals clearly should be
3 prohibited in the reserve. This is a marine reserve
4 ecological reserve. It is not a place to take corals.

5 But perhaps the greatest importance is a true
6 no-take marine protected areas is called for by leading
7 science should now be established. They are solutions that
8 work and should be at least half of this Northwestern
9 Hawaiian Islands Marine Ecosystem Reserve.

10 We need to ensure fishing as a way of life
11 for future generations for Kanaka Maoli, for all Hawaiian
12 people, for all the people that live here in Hawaii. We need
13 also insurance. We need MPAs as insurance for those of us in
14 the Hawaiian Islands that there is insurance for strong
15 recruitment of a fishing future.

16 So mahola nua loa. Thank you very much.

17 MODERATOR ADLER: Sorry to cut you off.

18 Teresa Tico and then Greg Kaufman.

19 MS. TERESA TICO: Thank you.

20 Good evening and thank you for allowing this
21 hearing to take place on what we believe is the most

22 significant event in history for marine protection --
23 President Clinton's executive order establishing this coral
24 reef reserve.

25 My name is Teresa Tico. I've been an

21

1 attorney here in Hawaii for 25 years. I also have the honor
2 and privilege of serving as the president of Save Our Seas, a
3 Hawaii nonprofit organization. We have been doing many coral
4 reef monitoring programs over the years and particularly
5 we've been working with the middle school children in coral
6 reef monitoring.

7 Save Our Seas fully supports the designation
8 of this coral reef reserve ultimately as a National Marine
9 Sanctuary with maximum conservation measures. As you know,
10 this is the largest area of conservation in US history and
11 will be the second largest marine protected area on earth
12 next to the Great Barrier Reef in Australia.

13 The Northwest Hawaiian Islands and
14 surrounding oceans are a national and global treasure and it
15 is our social and moral responsibility to the world and to
16 all future generations to ensure their viability.

17 Now more than ever we know that our coral
18 reefs are facing possible extinction in our lifetime unless

19 current trends of degradation and global warming are not
20 reversed. This is why Save Our Seas supports maximum
21 conservation measures very similar to Dr. Wilder just before
22 I spoke.

23 Number one, we support the expansion of the
24 Reserve Preservation Areas from 5 percent to 50 percent.
25 Fishermen will be the first to benefit from these protected

22

1 areas. In fact, they may be the ones to benefit the most.

2 In Mobassa, Africa a number of years ago
3 coral reefs and fisheries were on the verge of collapse. The
4 chiefs, despite the outcry of local fishermen and villagers,
5 created a protected zone completely off limits to fishing.
6 Unfortunately, many villagers did have to leave or face
7 starvation, but within several years the fisheries rebounded
8 and they came back in such great numbers that there was a
9 spillover effect. In other words, fish multiplied and
10 spilled outside of the protected zone, which allowed the
11 villagers and fishermen to come back to their homes and
12 continue fishing.

13 Number two, Save Our Seas also supports a
14 vigorous vessel monitoring program for vessels in the reserve
15 boundaries. Unless the rules and regulations of the reserve
16 are enforced, the reserve is completely meaningless.

17 Some of you may have watched the
18 award-winning BBC video documentary, The Secret Life of Sea

19 Horses, which is a film that Save Our Seas brought to Maui
20 several years ago. This film was about a village in the
21 Philippines that harvested sea horses for a living. The sea
22 horses were on the verge of collapse until the villagers,
23 only as a last resort, implemented a conservation program and
24 set aside a no-take zone where sea horses could not be
25 harvested. The sea horses thrived and multiplied.

23

1 Unfortunately, poachers and neighboring
2 villagers would come in at night and steal the sea horses.
3 As a result, the villagers set up a community-based,
4 24-hour-a-day monitoring program to ensure that no one would
5 steal sea horses from the protected zone, which ensured their
6 livelihood.

7 And last but not least, number three, Save
8 Our Seas also supports a ban on all harvesting of coral
9 within the reserve. You just don't set up a protected area
10 and allow the killing of the things being protected. It
11 would be like sometimes allowing a whale to be killed in the
12 Hawaiian Islands Humpback Whale Sanctuary, which would be
13 unthinkable.

14 Over 100 years ago John Muir, who is known
15 today as the father of our national parks, created a
16 blueprint for the preservation of special places in the
17 United States. And as a result of his vision, today we have

18 places such as Grand Canyon, Yosemite, Sequoia, Petrified
19 Forest and other protected places preserved for present and
20 future generations.

21 Dr. Sylvia Earle, who wrote Sea Change, says
22 it's time that we do the same thing for our oceans. And Save
23 Our Seas could not agree more. If we don't start setting
24 aside huge tracks of open ocean and coral reef areas as
25 sanctuary, we will not have any coral reefs left for our

24

1 children and their children.

2 And so on behalf of Save Our Seas I urge you
3 to take the greatest conservation measures possible for this
4 important historic reserve. Future generations will thank
5 us.

6 Thank you.

7 MODERATOR ADLER: Thank you, Teresa. If she
8 could have a copy of your testimony, that will be real
9 helpful.

10 (Rearranging podium.)

11 MODERATOR ADLER: Okay. We have Greg Kaufman
12 and Clayton Carvalho will be next.

13 MR. GREG KAUFMAN: Nice to see you again,
14 Mike and Robert. It's a little warmer here than it is in DC.

15 Aloha. My name is Greg Kaufman. I'm
16 president of the Pacific Whale Foundation. I've come here
17 tonight to speak on behalf of 125,000 local, national and
18 international supporters.

19 Last week I had the honor of traveling to
20 Washington, D.C. to witness President Clinton issue the
21 executive order establishing the 84-million-acre Northwest
22 Hawaiian Islands Coral Ecosystem Reserve.

23 There are those who felt disenfranchised by the
24 executive order process, threatened by the impact it would
25 have on fishing and local businesses. I will grant you this:

25

1 The order is less than perfect. Not because it is
2 detrimental to any one sector, but rather in its
3 incompleteness in affording comprehensive and lasting
4 protection of the coral reef ecosystem.

5 The reserve protection areas are
6 insufficient. They only afford some temporary form of
7 protection to about 5 percent of the reserve. We would
8 prefer to see this number increased ten fold to 50 percent,
9 with these protection areas being established as permanent,
10 no-take Marine Protected Areas.

11 Further, the order is too vague on who and
12 how the reserve will be managed with the role of the State of
13 Hawaii ill-defined. After all, it is in state waters where

14 the bulk of the resources to be protected lie. We suggest
15 management of the reserve follow the model created by the
16 Hawaiian Island Humpback Whale National Marine Sanctuary,
17 which is managed through a cooperative federal-state
18 partnership.

19 We also recommend that the reserve council
20 advise both state and federal agencies, and that only
21 nongovernmental members of the reserve council be allowed to
22 vote, with the remaining federal and state agency serving as
23 advisory members.

24 Finally, we recommend the order to include a
25 provision to provide the State of Hawaii \$1.5 million from

26

1 funds allocated under the US Coral Reef Initiative to
2 undertake a comprehensive resource assessment of state waters
3 adjacent to the reserve.

4 You know, after the ceremony last Monday with
5 the President I had a chance to walk around the Washington
6 Mall and view the various presidential war memorials and
7 monuments. Almost 200 years ago President Jefferson proposed
8 the Louisiana Purchase. This purchase was not well received
9 by all, not unlike this reserve.

10 Jefferson held fast and this purchase forever

11 changed our nation. Of the purchase Jefferson said, quote,
12 the fertility of the country, its climate and extent,
13 promises in due season important aids to our treasury, ample
14 provision for our posterity, and a wide spread of blessings
15 of freedom and good laws.

16 Sixty-nine years later Jefferson's vision
17 continued to unfold as small portion of the Louisiana
18 Purchase became Yellowstone National Park.

19 Standing in the Jefferson Memorial I suddenly
20 realized the enormity and gravity of what I had witnessed.
21 We had just established the Yellowstone of the sea, only it's
22 60 percent larger than its land counterpart.

23 We have a rare opportunity before us to
24 strengthen the legacy of conservation that has made this
25 nation great. Together let's seize this moment and make a

27

1 lasting mark on history as a community with a vision to
2 protect one of the world's biologically diverse marine
3 ecosystems. Let's work together to create a true and
4 effective reserve, one that will provide food, jobs, and
5 ensure biological diversity that can be enjoyed by our sons
6 and daughters for generations to come.

7 Thank you very much.

8 MODERATOR ADLER: Thank you very much, Greg.

9 Next is Clayton Carvalho and then Charles

10 Maxwell.

11 MR. CLAYTON CARVALHO: Hi. I'm Maui boy, a
12 commercial bottom fisherman here. I fish the islands around
13 Maui.

14 And in regard -- I would like to make a
15 comment in regards to this plan. And I am in favor and my
16 family and my friends here that have talked to you about
17 making this reserve conservation area. And we are all for
18 that and we think it's needed and we support that.

19 The problem I have is with the -- and this is
20 what I want to make my comments to regarding the measures or
21 the rules that they're going to come up with now are drafts
22 regarding the bottom fishing. Some of the things that I see
23 happening, envision happening right now, is when they start
24 restricting this area regarding the fishermen, the bottom
25 fishermen.

28

1 And try to get to, you know, if you can, talk
2 to the people that actually go there today and fish, and find
3 out exactly what it is that they do and how they do it so you
4 can see the equipment they use, understand the people that
5 are going there. Find out what kind of -- you know, ask
6 them, "How much money do you make? How much does the fish

7 cost?" And actually get a good idea of what's really
8 happening regarding the bottom fishing industry in the
9 Northwest Hawaiian Islands before you make a decision.

10 It's so easy to recruit people in the
11 community that don't understand or have never been exposed to
12 any of these conditions, fishing conditions or what exactly
13 is happening out there.

14 And my comments to this is that I have seen
15 what's happening in areas here on Maui regarding the whale
16 reserve area out here in Maui County. There was tax and all
17 of the rules came in and everything. And it was so funny
18 because in all my life, and I've fished all my life from when
19 I was a little boy, I've never seen any local people hurt
20 whales. But all of a sudden you have all these preservation
21 and rules that come in, and the only people that are hurting
22 whales is the guys that are taking people out there with
23 boats. They're from this preservation or this area.

24 Anyway, the local people, you know, we go on
25 the beach, we see the whale. We have seen them all our

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1 lives. There was no problems. Today go down to Ma'alaea,
2 especially Ma'alaea, I'm there every day, and see how that --

3 the rules that they have put here regarding the whales, how
4 it has affected the rest of the community, the native part of
5 it.

6 You know, they bring in all this -- And this
7 is what they're doing. This is what I'm afraid is going to
8 happen up here. They're going to start saying, "Okay. We've
9 got to protect it." I'm all for that, got to protect this
10 for the future, but who's going to go out there after this?
11 They're going to start ecotours up there. They're going to
12 take boatloads of people up there and charge them big
13 dollars. You know, we're -- These are the people that are
14 going to impact those coral reefs and impact those islands.

15 By the way, very little of that is islands.
16 If you ever been up there, it's just rocks sticking out of
17 the water and that's the reefs. The bottom fishermen, if you
18 understand and know how to fish the type of fishing you do in
19 this area, they stay well outside in deeper waters.

20 The fish that is brought to Honolulu and is
21 sold at auction block that is distributed throughout all the
22 islands, ask any restaurant, any wholesaler here, where they
23 get their fresh local fish from, the pakapaka, the haku, the
24 uku. The majority comes from this area out here.

25 These trips take 15, 20, 25 days to go up

30

1 there and fish. If we start restricting this area now,

2 what's going to happen is this: These people that I know
3 personally, the families that are affected by the living that
4 they make up there or their spouses or husbands go up there
5 and fish, these guys aren't going to quit fishing. That's
6 their chosen career. You're not going to all of a sudden
7 quit your job because somebody doesn't want you to go out
8 there. You're going to go somewhere else. And these people
9 are going to come here and fish around the main Hawaiian
10 Islands, around Maui County.

11 When they come with those boats and highly
12 skilled people, they have learned how to fish the pakapaka,
13 they're going to come here and fish our waters.

14 And the impact there will be -- it will be
15 great because it won't take one of these guys or a couple of
16 these boats, three or four guys coming over here trying to
17 earn a living and really hurt our fishery here.

18 The boats that fish here now are smaller
19 boats, two, three days max they go out and bottom fish. They
20 come in, 300 pounds, it goes to the distributors and they get
21 out to the restaurants. That's the local fish that you eat,
22 pakapaka, which is a big salary in Hawaii as far as everyone
23 who comes to here to eat, they love fish.

24 Restricting and creating more rules and
25 making more problems for these guys out there, this is hard

1 enough for these guys to fish out there. If you read the

2 fishery report, there's a lot of permits out there, but
3 there's three or four boats that actually go up there, you
4 know, on a monthly basis to fish because it's such a hostile
5 environment for the fishermen to go up there.

6 Anyway, so I would like to say that don't
7 make it such a burden for these people that they're going to
8 stop fishing up there and come over here.

9 MODERATOR ADLER: Thank you. I know that's
10 hard with the time limits, but I really appreciate your help
11 so we can get through a round of everybody.

12 Uncle Charlie and then Bert Oliveira.

13 MR. CHARLES KAULUWEHI MAXWELL, SR.: Aloha.

14 I wish Kelii would have stuck around and explained that chant
15 was real beautiful called Au'a la. That chant was performed
16 as Captain Cook came around Ka'alakua Bay in 1778 and it
17 spoke how the culture would slip through and we would be
18 losing all our culture. And it also spoke about fishermen.

19 But bear in mind that that chant was written
20 and was meant for different times and different values.
21 Hawaiians at that time did not sell fish for their
22 livelihood. The fish that they caught all around the island
23 and in the Northwestern Islands was for sustenance. The
24 problem is when people came in, nonHawaiians, and started to
25 see how profitable the fish were and the coolers and freezing

1 units. And they started to catch an abundance of fish.

2 I have been on the Western Regional Fisheries
3 Council as a Native Hawaiian Advisory Council for the last
4 five years. And it was a very frustrating, very frustrating
5 tenure because the managers and even the chair of the Westpac
6 Regional Fisheries Council, who has six votes and who go down
7 in the Northwestern Islands, who fin sharks and who catch
8 fish in this area, and he's the chairman and he was the
9 chairman. He was the one who was setting restriction.

10 So they failed poorly in taking care of this
11 area. We on numerous occasions asked him to put restrictions
12 on turtles, endangered species, monk seals, lobsters,
13 everything. They never listen. It went on deaf ears. So
14 now we have a federal entity that came down and they're going
15 to make this into a sanctuary.

16 Believe it or not, my point that I want to
17 make here, and I'm coming from the Hawaiian prospective, tell
18 me, tell me who -- what Hawaiian eats fish from this area
19 that can afford 18, 20 dollars a pound? We cannot even eat
20 the fish that is caught from there because it's sold all in
21 the markets.

22 But this is big business, you talking. We're
23 not talking about Clayton catching fish all his life here in
24 the Hawaiian Islands. This is big business. That's why you
25 got an esteemed Senator Ano and Kitty Simons and all these

1 people that are really holding tight because it's economy.
2 It brings in money. The drive is not need anymore. It's not
3 sustenance. It is how much money you can get out of this
4 research.

5 Enough already. We have to close this place.
6 I testified last year or several months ago to close it
7 completely. Close it completely. We have had restrictions
8 as kapuna, as our kakoi kapuna, the people of old, and the
9 penalty was death. That's why we had a lot of fish in
10 ancient times. But we don't have restrictions like that.

11 I worry as to who will enforce these rules
12 once it's culminated. That's what I worry about. I mean, I
13 feel for the fishermen and I feel for them, like Clayton
14 said, about the whale watchers. Yeah. They pollute all the
15 ocean by diving with suntan oil and all. And, you know, we
16 watch them and this is true, you know. I mean, is that going
17 to be another place? I have a concern, too. And that's why
18 I wanted it to close up completely.

19 It is open for ecotourism. What is
20 ecotourism? People diving off the boats to see the fish.
21 That's not fair. If we cannot catch them, then why open it
22 up? Close it completely and let them replenish themselves,
23 the resources for our future and the future of our children.

24 Thank you.

25 MODERATOR ADLER: Thank you.

1 Bert Oliveira and then Steve Sipman.

2 MR. BERT OLIVEIRA: Hi. My name is Bert
3 Oliveira and I am a commercial fisherman.

4 And I don't really see the big interaction
5 between the reefs and the fish -- and the bottom fishing done
6 up there because they're down real deep. They don't use
7 nets. Most of the stuff killing the reef is pollution and
8 nets.

9 And we can't compare that -- that area with
10 like California and stuff like that. The reason California
11 don't have fish is pollution. They have got major problems
12 with pollution, you know, runoff. They have got pollution
13 that killed their fish. It's not overfished.

14 And over here, you know, we got a big problem
15 with too much stuff being protected. The turtles are
16 protected. I bought a jet ski. I drive the reefs with my
17 jet ski and there's no fish on the reefs, only turtles. So
18 we're protecting things that get overprotected and then bust
19 up our resources.

20 And you got to remember that we are an ocean
21 state. We're not like Idaho where I got a thousand acres I
22 can grow potatoes. I've fished all my life. I went to

23 Vietnam, served over there for freedom and stuff. When I get
24 back, all I see is you need a permit to do this, a license to
25 do this. I can break the law if I pay \$25 for this permit.

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1 You know, we got fireworks coming up. It's against the law
2 to break them, but for 25 bucks you can forget the law. It's
3 like a bribe. It's ridiculous.

4 We've too many rules here, too many
5 regulations. You're killing our livelihood. And, you know,
6 this is an honest living these people do up here. It's real
7 hard, very hard, and it's an honest living. You got to give
8 them credit for going up there.

9 And we should protect the reefs, but there's
10 got to be interaction and figure out what's really destroying
11 the reefs. Because the last mapping they did up there on the
12 news, they looked at the reefs, the reefs were beautiful.
13 It's found bays of lobster, you know, like beautiful kind.

14 I don't see like, you know, big pollution.
15 The pollution comes from Taiwan drift nets. Drift nets
16 coming off the shore and stuff like that. We can't net in
17 Hawaii. We can't use nets here. We can't bottom fish with
18 nets, so it's not our nets that are killing the reefs. You
19 got to look in the international waters.

20 But I just -- you know, I just feel like
21 we're being pushed in a corner every time. They always look
22 at the fishermen like we're out there drinking maitais and
23 the fish are jumping on the boat. It's a hard living.
24 You're out there risking your life every time you go out
25 there. It's not easy. It's really not easy.

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1 And these islands -- you know, I've never
2 been out there personally and I don't think anybody in this
3 room has but a couple people. And it is a beautiful place,
4 it should be preserved, but who's going to enjoy it with all
5 the regulations and stipulations we've got? Nobody can go up
6 there to enjoy it. I can't take my family up there.

7 They closed Molokini. They said you got to
8 have a permit to go on Molokini. You didn't need a permit to
9 go on there. There's only so many commercial boats, anyway.
10 By issuing a permit to go on there, that means I can't take
11 my family in there, you know. It's just a way of closing
12 everybody out.

13 So I don't know. I just think you got to
14 work with the fishermen a little more and try to -- the
15 people who fish up there and try to preserve their way of
16 life. Because we're not farmers. We can't -- You know, the
17 federal government has too much corn on the market, they pay
18 this farmer \$20,000 a year not to plant corn. Well, we got

19 fishermen -- Pay him \$200,000 a year, he'll stay home. He'd
20 be happy to stay home. You know, it's a federal program.
21 We're farmers of the sea, that's what we do. We don't own a
22 thousand acres of land.

23 And my onion market ain't that great. I
24 don't know how to do that. So I've been a fisherman for 20
25 years and plan on doing it as long as I can, you know. And

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1 as far as going out and collecting five fish, you know, and
2 stuff like that, I mean, greedy. It's not greedy. You got
3 expenses to pay, a lot of expenses, a lot of overhead, taxes
4 and stuff, you know. You got a lot to pay out there.

5 The farmers, they don't got one cow. They
6 got a whole herd. They got expenses. We're not greedy. I
7 fished one area out there for 18 years and there's still
8 plenty of fish out there because I don't overfish it. I know
9 when to go home. You know, you just don't say there and
10 pound, pound, pound. I'm not going to cut my own throat, you
11 know.

12 So I think there's an abundance of fish out
13 there, an abundance. So we should work with the fishermen
14 and try to help each other.

15 Thank you.

16 MODERATOR ADLER: Thanks.

17 Steve Sipman and then David Johnston.

18 MR. SIPMAN: Hi. My name is Steve Sipman.

19 I did a little wildlife research on the
20 Hawaiian Islands inspection in 1976, '77 with Dr. Lou Herman
21 on the Townsend Cromwell and we recorded the behavior of the
22 various marine mammals up there, the whales and dolphins.
23 Actually, we didn't see any whales.

24 I've also done a little bit -- just a little
25 bit of commercial fishing up there on a 45-foot boat off

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1 Nihoa. We fished -- we anchored at about the 100-fathom
2 line. And my friends who do commercial fishing and used to
3 up there out of Palieva say that the fishery is not what it
4 used to be. And it seems to me maybe it fell off pretty
5 quickly in the last 20 years.

6 I think that what we have to concern
7 ourselves with is that as technology makes fishing more and
8 more easier with GPS and so forth, that fishermen can return
9 to the exact same spot until it's fished out, find another
10 one, get right back there and fish that one until it's fished
11 out. So there is a danger and I think the fisheries becoming
12 stressed.

13 Another thing that I recall is that in Japan

14 where the fishermen and the boat sizes and the technology
15 increased around Kiki Island, the fishermen eventually
16 depleted the fishery and then turned against the dolphins,
17 thought the dolphins were their competition and slaughtered
18 them by the thousands.

19 I know that in 1976 on the Big Island the
20 county councilmen thought it would be good idea to harvest
21 dolphins here in Hawaii because they were depleting the local
22 fishery resources. So I think one of my concerns and the
23 reason that I think I would be in favor of passing this
24 executive order is I'm interested in protecting marine
25 mammals up there. But I also it is important to protect the

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1 fishermen and you can't do that unless you protect the fish.

2 Thank you.

3 MODERATOR ADLER: Thank you very much. Thank
4 you, Steve.

5 David Johnston and then Dottie Buck.

6 MR. DAVID JOHNSTON: I just want to say that
7 I support this protection of the Northwest Hawaiian Islands.
8 And it is really true that a lot of the pollution that could
9 entail in the future would be through ecotourists and through
10 people taking -- getting rich on money to take people up
11 there. And we don't need a lot of boats going up there and,
12 you know, polluting it and anchoring down and stuff like

13 that.

14 One thing that I just noticed in this paper
15 in here on the second page, the number 5, it says, "Removing,
16 taking, harvesting or damaging any living or nonliving
17 preserve resource except as described above in preservation
18 areas and for Native Hawaiian noncommercial subsistence
19 cultural religious uses as described below."

20 My question is: What is defined as Native
21 Hawaiian? Who's defining this?

22 According to the Rice Cayetano case we need
23 to allow for the true indigenous people to define who is
24 indigenous. This definition of Native Hawaiian has
25 unfortunately been changed and its law to not be of exclusive

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1 meaning to indigenous people of Hawaii but to include those
2 come to Hawaii most recently within the last couple hundred
3 years. According to what I heard, kanaka maoli is an
4 appropriate term for people who have been here precontact,
5 meaning pre Captain Cook, and I think that would be more
6 appropriate to use.

7 Another question I have: Why is this being
8 called a reserve? As I understand it, in Northern Alaska
9 there's another reserve that they want to -- is on indigenous
10 lands up there that wants to be drilled for oil. And my

11 question is why? What is this being reserved for? For
12 another time to exploit our resources, people to come in and
13 exploit it?

14 It's being reserved for later, like in some
15 of the other reserves or parks in America where loggers can
16 come in and cut down the trees. Even though it's called a
17 reserve, it's being reserved for a certain time when people
18 can cut it down, you know, the trees. So I think a sanctuary
19 or another appropriate word would be better used.

20 Another question is: Why is the NOAA under
21 the Department of Commerce that's going to be protecting
22 this? I mean, this is kind of off the subject, but I'm
23 really wondering. And I talked to people in Washington about
24 this. The Department of Commerce deals with trade and things
25 at an international level and within America and that's a

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1 business thing. And it doesn't really apply to protecting
2 ecosystems. I think this part about protecting this
3 ecosystem needs to be put under a different department or
4 something like that. I'm sure there's a way to negotiate.

5 And that's about it, what I have to say.
6 Thanks.

7 MODERATOR ADLER: Thank you very much, David.

8 Thank you.

9 Dottie Buck and then Jasmine Rodriguez.

10 MS. DOTTIE BUCK: Hi. I'm not a scientist.

11 I'm just a student and a person who lives here in Hawaii. I
12 have been here about 35 years.

13 And looking at the plan and reading the
14 newspaper articles and just my own interaction with the ocean
15 and my study and my love of it, it seems that to really
16 preserve this area if we can make it a totally preserved area
17 and, as someone else said, a sanctuary without fishing,
18 without ecotourists and bans on fishing and ecotours should
19 be precluded. That's my own opinion.

20 And as for enjoying the area, I think the
21 fish and marine animals there can enjoy the area themselves
22 and live in peace.

23 Thank you.

24 MODERATOR ALDER: Thank you, Dottie.

25 Jasmine Rodriguez and Isaac Harp.

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1 MS. JASMINE RODRIGUEZ: I'm a student at Maui
2 Community College. And I just recently completed a marine
3 biology class. And when I was on one of the excursions that
4 we go on to observe the coral reef and so on, I had noticed
5 that there were a couple visitors to the islands and they
6 had -- they were feeding the fish. And I said how can --

7 what does that do to the fish when you feed them fish food?

8 And my teacher replied and she said actually
9 what it does is that it takes the fish away from their
10 natural feeding habits and they don't feed on the coral. And
11 so then what happens is they get aggressive and they kill
12 each other off.

13 So that has -- that's my idea on conservation
14 as far as the ecotourism. In my opinion they should have
15 made Maui a natural preserve as well just you can see all the
16 destruction to the coral and the pesticides and so on that go
17 into the ocean.

18 I also noticed that since they did make
19 Molokini a preserve, I just recently bought a calender and I
20 noticed that there was like nine to 12 vessels in this little
21 area. I said why? That's kind of interesting to have that
22 many vessels in this preserve and all those people that are
23 on the vessels all jumping into the water kind of disturbing
24 the area.

25 So with all respect I do give to the

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1 fishermen, I understand that's cultural, that's how back in
2 the old days people lived, and I disagree with the commercial
3 vessels because in my opinion it seems like they just do this
4 to make money and to, you know, have some nice things in

5 their house, maybe a mansion. I don't know. You ask me or
6 ask you.

7 So, you know, I do want to mention that I am
8 against the ecotourism so, you know, if you can -- with all
9 respect, if you can bring that back to the headquarters and
10 let them know that it's not just the fishermen, it's also the
11 people that do tourism.

12 So aloha.

13 MODERATOR ADLER: Thank you, Jasmine. Thank
14 you.

15 Isaac Harp and then Tammy Harp.

16 MR. ISAAC HARP: Aloha. Isaac Harp, Lahaina,
17 Maui.

18 I guess you're probably been reading a lot in
19 the media and seeing things on the television about a lot of
20 the propaganda that has been going around. And I would like
21 to shed a little light on what really is the case over there.

22 It's complained that the bottom fishermen will
23 be shut down by this. That's not true. Bottom fishing is
24 going to be continued to be allowed at the current level.

25 And I'm sort of like the middleman. I'm a

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1 fisherman myself and I work with some of the environmental
2 people, too. And I would like to see the cap established at

3 this region here at least go back the last three years and
4 take the average over the past three years. There were more
5 fisherman fishing during the past three years. And if we
6 examined fishing over the last three years and I think,
7 again, that will give a little bit additional existing
8 fisherman in the fishery.

9 And they say the bottom fish prices will
10 rise. And I don't believe that's the case. When the main
11 Hawaiian fishes got depleted, the prices did not rise. And
12 the reason for that is because we have a lot of imports
13 coming into the islands, a lot of fish come in from the South
14 Pacific like Polynesia and stuff. And the problem is that
15 there's no law on proper labeling of where the fish come
16 from. A lot of people eating fish in the restaurant think
17 they're eating fish from Hawaii, but they're eating imported
18 fish.

19 Some fishermen have been trying for several
20 years now to try and get true labeling on imports. And the
21 legislature has failed to pass the bills to true labeling.
22 And the main fight against that was from the restaurant
23 industry. So, again, you get true labeling on the imports
24 will give the local fish will get better prices and the
25 fisherman will be having bottom fish here.

1 And like the restaurants are going to go out
2 of business because they've got to import. You're still
3 going to have fish no matter what even if they shut down all
4 the fisheries here because you'll always have imports.

5 And they're saying it's going to shut down
6 the lobster fishery. The lobster fishery has already been
7 shut down by court action because of mismanagement by Western
8 Pacific Council. In the 1980s you could catch an average of
9 about three and a half lobsters per trap. And during the
10 past few years you've had difficulty getting one lobster with
11 three traps. And that includes egg-bearing females and
12 immature lobsters that have been allowed to be taken since
13 1996.

14 And they're saying this will be bad for the
15 economy. I think it will be good for the economy by keeping
16 control over this area as far as extraction of bottom fish,
17 it will help to ensure potential replenishing of the main
18 Hawaiian Islands for the local bottom fishermen in the main
19 islands. We have over 2500 licensed bottom fishermen here in
20 the main islands. That does not include the subsistence
21 fishery or recreational fishery.

22 There's a lot of talk going around that there
23 has been inadequate input into this process. We had a
24 visioning session just a few months ago and there were 1100
25 written comments sent in, over 430 people attended the public

1 visioning session and there was a workshop put together in
2 Honolulu by the environment group the Hawaii Environment
3 Alliance. And they put together lots of recommendations and
4 worked out -- just about every interest group you can imagine
5 was represented there. And the documented recommendation
6 gained support from over 3 million people both locally and
7 nationally.

8 And this area is ceded land, land of the
9 ceded lands, ceded out to the territorial water boundary of
10 12 miles. And the government is already mandated to manage
11 these areas for the best interests of the public.

12 And there's a lot of concern about military
13 activities, bombing and stuff, and we don't want any landing
14 vehicles running up on the beaches and stuff there.

15 One of our biggest concerns is ecotourism and
16 cruise ships and things accessing that area that it doesn't
17 damage it. I'm sure everybody will agree on that one.

18 Okay. I'm running out of time.

19 The state waters is not included in this
20 reserve. So right now the state waters is open to the bottom
21 fishery. There's no restriction from zero to three miles.
22 So as far as that goes, I feel very little of the area will
23 be shut down to the fishermen.

24 And I want to try to work with the fishermen

25 and the environmental community to try and do something as

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1 far as bottom fishing goes. The environmentalists want
2 50,000 fathoms and shallower shut down. And I hope everybody
3 can agree on some neutral area like 30,000 and things like
4 that.

5 Mahalo.

6 MODERATOR ADLER: Thank you, Isaac. Thank
7 you.

8 Tammy Harp and then Sharone Gomes.

9 (Arranging podium.)

10 MS. TAMMY HARP: (Hawaiian statement.)

11 I stand up for the protection of the
12 Northwestern Hawaiian Islands because of these reasons: At
13 the first Native Indigenous Advisory Council meeting in April
14 '97 William Ilaw cautioned the other Pacific Islanders,
15 "Don't make the same mistakes as we did."

16 In a report by KHML co-chairman Jim Cooks
17 stated, "The diet of the monk seals consisted of 10 percent
18 lobster and that they ate 190 animals besides the lobsters."
19 Perhaps he meant 10 percent of the lobster stock is left in
20 the fishery.

21 They include -- in conclusive results of prey
22 species in the monk seal diet found out of 60 plus species

23 that were tested out of 200, 25 percent of that was --
24 consisted of lobster in the Hawaiian monk seal's diet.

25 Also, too, he had said something like --

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1 about the Brazilian lobster kills. The tourist does not need
2 to be told they're eating Brazilian lobsters. He's saying
3 that they should be told that they're eating that, but I am
4 saying no because we have live Maine lobsters from Kona at
5 Nihoa.

6 Also, too, in the council summary of the
7 lobster fishery observer reports from area 4 in 1999, which
8 is like part of French village Shoals and other islands in
9 there, that the baseball size and larger pieces of coral were
10 in traps and lines from some hulls.

11 What I remember it was, the size was like
12 basketballs. So it wasn't the size of baseballs.

13 Also, too, the contamination from their
14 informational sheet from the monk seals, contamination from
15 fecal matter material from high densities of seabirds and
16 seals is suspected.

17 That kind of thing to me is dysentery. It's
18 not salmonella. In the salmonella context it was a food
19 poisoning characterized by abdominal pain, fever, nausea,
20 vomiting and diarrhea.

21 Excuse me. Sorry.

22 Bio prospective. Remember, now, 0 to 3 miles
23 is not included. Bio prospecting, extracting corals for
24 medical -- or medicines which would be synthesized in the
25 laboratory and who would benefit from the packing and receive

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1 its royalties? Many of you might remember the Sickatera test
2 kits.

3 While this kind of bio prospecting has
4 happened in May in the south and I feel it should happen from
5 there since they already had started it. And I don't think
6 it needs to come up there.

7 Ecotourism tourism, the host culture has been
8 negatively impacted by this industry for generations. It has
9 caused degradation, destruction, desecration, exploitation of
10 its land resources, its marine resources including its
11 creatures, its culture and more.

12 The State has a practice of always
13 accommodating the tourist industry and nothing much is done
14 for the host culture and the rest of the residents. Higher
15 property taxes, higher cost of living and more.

16 In an news article in Hawaii scientists
17 believe reef hawking tours are destroying the corals. Cruise
18 ship and yacht passage, these are alien species and bacteria

19 carriers. Their ballast tanks store these disasters and the
20 Northwestern Hawaiian Islands would be in great danger.

21 Military activities. The only military
22 activity that should be conducted up there is the cleaning up
23 of its opala, the trash and the landing that was left behind
24 and has resulted in the contamination of our true state
25 marine mammal, the endangered endemic Hawaiian monk seal.

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1 There's even that in this SSC report.

2 But, anyway, the moray eel also is
3 contaminated with PCBs and that's one of the foods of the
4 monk seal. So I wonder how many more prey species in the
5 monk seal diet is toxic. Right up here since 1994 in our Tri
6 Isle waters lies a 25 square foot -- excuse me, 25 square
7 mile submarine tracking system, HATS, just waiting to be
8 replaced in the summer of next year by 60 square mile
9 tracking system termed pis water.

10 This area is part of the Humpback Whale
11 Sanctuary. There is similar training tracking systems in the
12 Channel Islands, Olympic Hosts, which are all national marine
13 sanctuaries. There is talk about eight miles off Hawaii the
14 boom box. The national marine sanctuary has one, too.

15 Then there is the LFAs that was conducted on
16 the Big Island the front of it sticking kind of close to the

17 designated Humpback Whale Center.

18 Yeah. I'm getting there.

19 The release of CO2 in the waters off Kona.

20 In a multination field experiment 44 to 60 metric tons are
21 scheduled to be released from a boat approximately 1.6 miles
22 offshore within the National Energy Research Corridor in the
23 area called The Rounds.

24 Three reasons for choosing Hawaii: The
25 islands are isolated. The islands are not near any densely

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1 populated area. And perfect weather conditions to do the
2 experiment. Now, this is all within state jurisdiction
3 waters.

4 I cannot take one more thought, so I think I
5 will wait until maybe I have a second chance.

6 Mahalo.

7 MODERATOR ADLER: Thank you.

8 I know that's hard. I feel bad interrupting
9 you when you don't get to say all the things you wanted. And
10 we'll try and come back at it again.

11 Okay. Sharone and then Bob Gomes. And after
12 that we're going to take a two-minute break for our court
13 reporter whose fingers are wearing down.

14 MS. SHARONE GOMES: Aloha. My name is

15 Sharone Gomes.

16 My husband and I own and operate a 45-foot
17 vessel in the Northwest Hawaiian Islands. We are bottom
18 fishermen. Now, we have a permit and one of the people who
19 have the limited entry permit that fish there. And one thing
20 that unsettles me because many have said and even when I was
21 on Oahu attending a meeting that it's about the money and
22 it's economics.

23 And because we have our -- in front of bottom
24 fishing, the word "commercial," it kind of lends itself to
25 how people feel like, well, it's big business. But we are

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1 self-employed, no 401K plan, no health benefits. Fishing is
2 not a job. Fishing is a way of life. My husband has been
3 doing it for 25 years and will continue to do so, I'm sure.

4 Our concern is that there is an air of belief
5 that we as bottom fishermen are raping the Northwest Hawaiian
6 Islands. And that is not true. That is a lie. And the
7 reason I can tell you that is because we depend on that very
8 resource to feed our family.

9 Now, there is a word that we throw out and
10 talk about and it's called cultural subsistence. Now, we are
11 Native Hawaiians and we have cultural subsistence. Back then
12 would mean that you get the fish, you go and you feed the

13 family, you feed the village. Yeah?

14 Today, today that equals to the exact same
15 thing, but today we need kala because our banker is not going
16 to take opakapaka and ranaga as a trade for our mortgage, is
17 not going to take the fish we have -- we can't take it to the
18 supermarket to buy food with. We need exchange and today's
19 rate. And today that's what that's about. That's you need
20 the greens. You need money to do it.

21 We're not making a lot of money. I wouldn't
22 say we're making money. We're subsisting. Because I
23 wouldn't be working if we were making tons of money. I would
24 be home with my girl and a full-time mom. But I can't. But
25 I support my husband's way of life because it is our way of

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1 life. It's been our way of life as long as he's been doing
2 it, as long as generations before us has done it, and we will
3 continue to do so, no doubt.

4 What I want people to understand is this:
5 Bottom fishing is the most environmentally friendly fishing
6 that you can have in the Northwest Hawaiian Islands. We do
7 not go near reefs. We do not want to go near reefs. We
8 support the reserve as it's not -- not as it stands, but we
9 support the reserve as a coral reef ecosystem. However,
10 there were points made about closures, closures around

11 certain banks.

12 Now, how many of you have been to the
13 Northwest Hawaiian Islands? Raise your hand.

14 Okay. Maybe ten, ten people. I want you to
15 know what you're preserving because it is pristine. It is
16 beautiful. And when you talk about reserve and you talk
17 about sanctuaries and monuments, that means, in part, that
18 something is already in danger, that the coral reefs are in
19 danger. When, in fact, the coral reefs in the Northwest
20 Hawaiian Islands are the most healthiest, have been because
21 mother nature has been protecting them for years.

22 In fact, mother nature is the strongest
23 protector of the Northwest Hawaiian Islands. They do not
24 have mountainous regions. They do not have people living
25 there. And it is people now, it is people that damage the

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1 reefs. It is -- In fact, in the President's order it leaves
2 it open for tourism. Okay? Tourism. Now, tourism will
3 create people touching the reef, diving on the reef,
4 accidentally touching something, falling down, hurting the
5 reef, hurting the coral reef ecosystem.

6 Bottom fishing is far away from that.

7 So I'm running down on time. So in that I
8 want to say that, you know, we're not -- we're for the reef
9 reserve, but we want you to rethink closure because closures

10 do put impact on other open areas.

11 Mahalo.

12 MODERATOR ADLER: Thank you. Thank you,
13 Sharone.

14 MR. BOB GOMES: Thank you, Dave.

15 Aloha. My name is Bobbie Gomes. I am one of
16 the permit holders and fishermen out there. One of the few.
17 Everybody talks about 17 permits, all these boats,
18 misinformation, guys have five boats. You want to know,
19 there's three boats fishing up there. The other two boats do
20 the minimum trips, three trips a year because they don't want
21 to go up there that much, but they want to keep their permit
22 just to keep their lifestyle.

23 Three boats, people, fishing 1200 miles. You
24 guys talk about look how much reefs -- 1200 miles. You can't
25 fish in that light blue area, people. The light blue area is

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1 you're talking 1,000 fathoms, 2,000 fathoms. There's no
2 bottom fishing out there.

3 The bottom fishing is all around that dark
4 blue, dark purple area. And we fish right around those
5 reefs, not on the reefs. I can barely even see the reefs
6 breaking when we fish. It's danger. You want to stay away

7 from the reefs.

8 As far as the seals, hey, I respect the
9 seals. I don't bother the seals. We have nothing to do with
10 them. You know, they talk about every time the seals and the
11 fishermen and this and the fishermen and we're the guys
12 creating all the problems. You guys want the monk seals come
13 back to French Frigate, get all the scientists off that
14 island. I hear them talking. Hey, I pass that island and I
15 hear the people talking on the radio. Oh, I'm on Bird
16 Island, Whale 1. There's four or five whale watchers running
17 all over that island.

18 They throw nets over the seals, put brand and
19 tags. I see the seals when they swim by my boat, big cold
20 brands in their bodies, tags in all the fins. Who you think
21 giving them trauma? Why you think they don't like to come
22 back to that island. Maybe the scientists are the very ones.
23 A lot of people graduating with varying biology degrees. All
24 this has got to stop. How are they going to exercise that?
25 They're going to go in all the remote areas and harass the

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1 seals and the birds and blame the fishermen for stay out.

2 I have never, ever stepped foot on any one of
3 those reefs. I don't know why they talk about the fishermen
4 as the guy. Midway Island, I don't hear nothing about the

5 place there, because it's gone. Phoenix Corporation gutted
6 it. They fly jets in there, they get tourists ecotrips going
7 in. They don't talk about Midway. Yeah?

8 What about the Kauka and the Opala? And even
9 the scientists on French Frigate? Where does that go? Right
10 into the ocean, people. Fishermen, two, three people on one
11 boat fishing, we don't bother the environment. Okay?

12 We need these grounds that you guys trying to
13 close to survive. That's why there's only three boats left.
14 You know why? Because it's a brutal environment to fish. If
15 we're going to survive up there, the last few, when you take
16 away these grounds, you're going to force us to concentrate
17 our effort on the last grounds left. Now you're going to put
18 more pressure on those grounds.

19 The reason we lasted this long is because we
20 practiced fishing of picking little bit and little bit from
21 one bank. The guys that didn't practice that no longer make
22 it up there. Because they go up here, they fish too many
23 times in one place, pretty soon they can't catch fish. And
24 if you don't catch fish -- It costs me \$5,000 to go up there
25 and fish it. I don't catch fish, people, I'm out of

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1 business.

2 You cut off these grounds from me, you assure

3 me to go out of business. I will have to come back here to
4 fish. And, they say, yeah, they don't want us coming back
5 here. Because I have devoted 25 years of my life to learn
6 how to find bottom fish. And I know how to find bottom fish.
7 I'm not like this guy who wants to buy a boat, goes up there,
8 can't find fish, there's no fish. They send all these
9 scientists up there doing exploratory fishing trips. Oh, we
10 can't find bottom fish.

11 Maybe if you spent as many years as I have,
12 you can find them. I can find fish out here, people. I can
13 go out here right now and catch 3, 4 thousand pounds. Why?
14 Because I know these islands better than anybody else when it
15 comes to bottom fishing. I spent 20 years bottom fishing and
16 seven years up there working my way up.

17 Now, if you take away these grounds, getting
18 back to what I'm worried about, is the cap. I only fished
19 eight trips last year. I had breakdowns, I had one thing or
20 another. I don't fish to get rich. I love staying home with
21 my family, my daughter, my wife. Twenty days I'm away from
22 home. I miss Christmas. I miss birthdays. I miss New
23 Year's.

24 I'm home for this meeting because I have to
25 let you guys hear. And you guys only get three minutes from

1 a guy that lives 225 days a year up there fishing. That's
2 not fair. All these laws have been passed without input from
3 the people up there working to feed the family.

4 Like my wife said, if I could trade my opaka
5 for my mortgage, believe me, I would. But the white man has
6 brought this way of life. We have got to sell it, get money,
7 pay the mortgage, pay the school bills, buy clothes. It's
8 subsistence fishing, people. That's how we survive.

9 Three boats, remember that. That's all.
10 Fortuna, Kinikai, Kalailai, that's my boat. And we're all
11 good, skilled fishermen. You know, these people were taught
12 it and we will die out sooner or later and you'll have that
13 place to yourself. Let us finish out our career. You take
14 away these grounds, you assure certain death to us. I
15 guarantee you we won't be able to make it because we will
16 overfish the last few grounds.

17 Three and a half percent of that whole area
18 is reefs. Okay? You taking 5 percent. It's going to
19 guarantee we can't make it.

20 Aloha.

21 MODERATOR ADLER: Thank you.

22 (Applause.)

23 MODERATOR ADLER: We're going to take a 4.7
24 minute break. We're going to give our court reporter a
25 chance to take a stretch, you take a stretch. We're about

1 halfway through the testimony. See you in a few minutes.

2 (Pause in Proceedings: 7:29-7:39)

3 MODERATOR AKA: My name is Karen Aka. I also
4 work with Peter Adler and I'm going to be calling up people
5 for the testimony the second half of this evening's hearing.

6 I would like to call on the next two people.
7 We have James Mattos and Rhonda Mattos.

8 MR. JAMES MATTOS: I'm not much of a speaker,
9 but I fish the Northwest Hawaiian Islands with Bobbie Gomes.
10 And I guess what Bobbie says says it all. That's how we make
11 our living up there, we fish in those islands. And like from
12 how Bobbie was saying, the seals and the French Frigate Shoal
13 area and how we hear the scientists talk and what we hear.

14 I just feel the reef systems should be
15 protected. And that's one of the things that's going on in
16 the French Frigate Shoal area with those people running
17 around with these boats. They're the ones that damaging any
18 of the major reefs. We don't go near no reefs and all we do
19 is pull on bottom fish, you know.

20 My dream has been bottom fishing down in
21 northwest. I been doing this for two years now, and it's
22 like, you know, these rules you guys are putting out there
23 will kind of like crush my dreams. And, you know, that's my
24 future for my family, how I feed and support my family. And
25 I am proud to bring fish home to feed the Hawaiian Islands,

1 you know what I mean.

2 Like Uncle Charlie was saying on these
3 prices, you know, Hawaiians can't pay for the fish. They
4 don't pay us that kind of money for the hard work we do out
5 there. We get \$3 a pound for the fish. The market is
6 another thing. That's not our business, you know.

7 We work hard at what we do. Not to mention
8 we fight all the odds of mother nature, which is 30-plus feet
9 seas, 40-knot winds, you know what I mean, and 20 days out
10 there away from our families. And, you know, we can't have
11 all this -- all our grounds to be lost like this.

12 Also, a lot of the grounds that you guys are
13 closing is some places we can kind of hide for safety at
14 times, you know, for a little shallow water for protection.
15 Not that shallow, but, you know, 40 fathoms or so where we
16 can get protection from the rough seas of mother nature,
17 everything, you know.

18 But, like I said, I'm not a good talker, so I
19 just -- you know. I feel good about protecting the reefs,
20 but not with you guys doing the closing of the Northwest
21 Hawaiian Islands.

22 MODERATOR AKA: Thank you.

23 Rhonda Mattos. And after Rhonda we will have

24 Jonathan Starr.

25 MS. RHONDA MATTOS: Yes, hi. I'm Rhonda

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1 Mattos and my husband is James. He's been a fisherman for 15
2 years. And for the past year and a half he has been fishing
3 the Northwest with Bobbie Gomes. And for the past year and a
4 half we have been planning to invest our future in commercial
5 bottom fishing.

6 And, you know, there's only a few chosen
7 fishermen that can actually go out there. You know, it's way
8 out there to fish. Because you need the ability, you need
9 the experience, you know, you need the skills and motivation.
10 Not to mention, you know, you need the heart and soul to go
11 fish.

12 And, you know, I know that most of the
13 fisherman have great respect for the coral reef. My husband
14 does. And so, you know, I support the local fishermen
15 because it's their livelihood, it's their chosen way of
16 living and it's their chosen way.

17 And I think that in the long run balance and
18 education would benefit both sides than the restrictions.
19 And just God bless every person here tonight and the outcome
20 of, you know, these meetings for the sake of the people, for
21 the sake of fisherman and for the sake of the environment.

22 Thank you.

23 MODERATOR AKA: Thank you. Jonathan Starr

24 and then we have Paul Keahi.

25 MR. JONATHAN STARR: I'm Jonathan Starr. I'm

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1 a small boat owner, also sometimes a fisherman for the last
2 20 years or so. And I'm speaking in favor of the program. I
3 think that it's a good, balanced approach. And I would
4 really like to be thankful that it's been put forward and
5 moved forward, that it is moving ahead.

6 And also would like to express some
7 appreciation for the process of opening it up to the people
8 at these hearings and in the processes that have been
9 ongoing. And I do think there has been quite a lot of
10 opportunity for the public and the people who are involved in
11 the fishery and also the environment to state their piece.

12 I do feel it's very important to protect this
13 for our future. I think that this is an incredibly valuable
14 resource and it's wonderful that it does have a possibility
15 of being able to be preserved for the long term. The reefs
16 and also the bottom fish stocks and other creatures such as
17 the lobsters and so on really do need to be protected.

18 Over the last 20 years we have seen the
19 bottom fish here in the main Hawaiian Islands almost

20 disappear. Twenty years ago when you go to any of the places
21 that were selling fish or, you know, go down to the docks and
22 watch the boats come in, even the restaurants, you would see
23 tubs and tubs of onaga and opakapaka two, three feet long and
24 it was just plentiful. And now, you know, they're not coming
25 in from the local waters. They're almost all gone. You go

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1 to restaurants and you'll see baby onaga being served, 12
2 inches long and stuff. It really makes me sad.

3 The fact that they are still up there gives
4 us hope that if we give them some help, possibly we may see
5 them back here one day. And also, you know, lobsters. It's
6 become a lot easier to catch lobsters. I live down in
7 Kauakaua 20 years ago and could go out on the rocks off where
8 I lived and bring back plenty of lobsters. Right now, just
9 two guys going out maybe two times a year go camping for two,
10 three days can fish out a whole big area with tanks.

11 And I really hope we can preserve that
12 further up north. So please keep up the good work you're
13 doing. And I would like to just speak in favor of it and
14 hope that as time goes by and see how it works possibly it
15 can be fine-tuned to give additional protections.

16 Thank you.

17 MODERATOR AKA: We have Paul Keahi and then
18 Diane Shepherd.

19 MR. PAUL KEAHI: I'm just wondering, can you
20 hear the voice clearly? It seems like in the back there
21 there is a little bit too much reverb so there's a feedback
22 somehow. But, anyway, when Tammy was talking I couldn't make
23 out the words she was saying, but if you can hear, well,
24 that's good enough for me as far as I'm concerned.

25 I'm from Lahaina. We grew up fishermen so we

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1 fish. Of course, we did lot of bottom fishing, too, like
2 nabeta. I don't know if you guys get that over here, but
3 there's a lot of nabeta in Lahaina. Of course muelua and
4 stuff like that. We used to put our nets from Kapala to
5 Lahaina and our nets were probably seen all the way to
6 Kaanapali, probably. We did surround nets, side nets, did
7 opilla fishing, did deepsea fishing. For many of us we grew
8 up supporting our families.

9 But what I'm getting at is that over the
10 years, yeah, I notice even the sea weed like the oguwe in
11 some areas you can't find them anymore. Maybe the extensive
12 Okanawa people that normally pick up oku fishing. So today
13 they limit you to one pound per family, one pound per catch
14 or something like that. In other words, they're saying that
15 it's not too much of that around anymore.

16 Okay. The other kind of seaweed or weed I'm
17 talking about is the liopapa. You hardly find those around
18 here anymore because it's been ransacked. And likewise in
19 Lahaina there's -- I can't find the limo we call chop-chop
20 limo. You can't find it any more because of the extensive
21 use.

22 Opilla fishing has stopped all together
23 because of the jet ski and the danger to jet ski in Lahaina.
24 We're outvoted by the court because they claim that opilla
25 fishing as far as the fishermen is concerned, we -- Let's put

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1 it the other way: The jet ski will bring in more revenues
2 than opilla fishing. We didn't realize that maybe what we
3 could have done was -- Because the thing went to court, but
4 they ruled in that fashion where because jet ski brought in
5 more revenue than fishing. But we forget to mention the fact
6 that that was our culture. But it's been sometime now that
7 we done opilla fishing, opilla fishing that we used to do
8 before with the net. Otherwise opilla fishing is kind of
9 depleted.

10 I am saying this in a small fashion. When
11 you talk about places like this, you get big-time fishermen
12 out there and the question is: How long would it take for
13 them to just wipe out the whole area? Dang, I swear, you

14 know, the fishing is -- so normally go shoreline fishing, at
15 sometimes would like to eat onaga sometimes or opakapaka and
16 you can't get them because they've just overfished that
17 place.

18 That's the reason why really I am talking
19 about this because if it can happen in a little place like
20 Maui villages in Lahaina, it can happen to that, too. You
21 get extensive fishing and people coming from probably all
22 over the world to fish here.

23 Right now Tammy and Isaac are really fighting
24 for is this 5 percent or 4 percent of the fishing ground to
25 reserve for fishing. The rest is still open for big-time

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1 fishing. But just imagine, you know, how long will it take
2 them to just wipe out fishing, wipe everything out that we
3 try to live by.

4 Just one last thing, though. I remember in
5 this book it says, the gangs complain that he who destroys
6 the makain shall himself be destroyed. So there is -- the
7 thing is we are going to self-destruct if you don't watch
8 out. So we got to watch the -- how wise (Hawaiian). We take
9 care of this so we can go back and harvest again. If you
10 take them all, then there's nothing to go back to.

11 Thank you.

12 MODERATOR AKA: After Diane Shepherd we have
13 Rick Wilson.

14 MS. DIANE SHEPHERD: Good evening and thank
15 you for the opportunity to speak. My name is Diane Shepherd.
16 I'm chairman of the Sierra Club, Maui Group, and I'm here to
17 speak in favor of conservation measures and to also ask that
18 these areas be made permanent.

19 How much better to preserve an ecosystem in
20 its healthy state rather than see how much damage it can
21 sustain before populations collapse. We all know that the
22 bottom fishing industry has been in trouble for years. I was
23 amazed to go in the market the other day and, my gosh, was an
24 anaga. I haven't seen one in ages. Whereas 25 years ago
25 when I was in New Age I went to Chinatown and there was red

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1 fish all over the place.

2 So this is something that, as Steve Sipman
3 said, to save the fishermen, you have to save the fish. The
4 argument that fish dinners may be a little more expensive,
5 you have to pay a little bit more and be able to eat it in
6 the future rather than pay a low price and not be able to eat
7 it in a few years. Worldwide we see fisheries overexploited
8 and the industries collapse.

9 I have a question about enforcement because a

10 lot of the South Pacific nations have found it necessary to
11 actually have gun boats to protect their fishery, fish areas.
12 The Taiwanese and the Russians are particularly loquacious
13 and I wonder if they would have a presence up here if we did
14 not have the proper security.

15 Poaching is always going to be a problem and
16 perhaps the vessel identification system will work, but there
17 may be poaching not just from individuals but from larger
18 entities.

19 And in closing we have a historic opportunity
20 here to create this preserve and we should take it. It's
21 wonderful to think that we can have the second largest ocean
22 preserve in the world. Let's do it.

23 MODERATOR AKA: After Rick Wilson we have
24 Marc Hodges.

25 MR. RICK WILSON: My name is Rick Wilson. I

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1 work as a park ranger here at Haleakala National Park. I
2 also work as a volunteer with the program where we try to put
3 more into reducing the damage caused from those who drop
4 anchor on coral reefs. That's a real bad problem.

5 I didn't really have time to write up
6 testimony, but I did write a few ideas down on things that I
7 would like to mention.

8 First of all, I am in full support of this

9 designation of protecting this area. You know, I don't
10 think -- I think part of how we failed when it comes to
11 looking at conservation, looking at protecting areas is we
12 somehow seem to think that we have to wait until things are
13 almost extinct or whole ecosystems are almost gone or
14 endangered before we should protect them. But this is really
15 progressive conservation. It's saying, look, you know, this
16 area is still fairly healthy. Let's protect it now before
17 it's decimated from whatever type of human impacts we cause.

18 I think I do appreciate the fact that there
19 is still going to be some limited fishing allowed. I think
20 many of our industrial fishing practices in modern times are
21 incredibly destructive, but I think a lot of these guys that
22 are here tonight are not those people.

23 And, you know, it was said earlier and I just
24 talked to a gentleman outside about this, that those of you
25 who are looking at this issue, look at those of us who do

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1 make our livelihood out there. And, you know, I just want to
2 say that I appreciate you guys coming here and talking about
3 it, because that's the best way that I get to know you folks
4 and what your views are.

5 I'm not a fisherman, but I have spent a

6 number of years of my life working on boats. I know what
7 it's like to get totally beaten up and worked over by mother
8 nature while you're out on ocean. It's very hard.

9 Just a few things that I think we should
10 also -- in addition to making some zones no-take for fishing,
11 I think if it's not already included, there should be
12 absolutely no aquarium collecting for anything in this entire
13 preserve.

14 I also am in favor of an absolute ban other
15 than what's taken place on Midway on ecotourism, on cruise
16 ships, on snorkel charters and dive charters. I have worked
17 in that industry for years here on Maui and there's a lot of
18 truth to the fact that in many respects ecotourism is
19 destroying nature.

20 And every single one of the boats that go out
21 of Ma'alaea and Lahaina at one point in time or another has
22 dropped an anchor and 60 feet of chain that breaks and
23 destroys coral reef. I have done it myself. I'll be the
24 first to admit that I have dropped an anchor, jumped in the
25 water and seen what's it done and it's terrible. And we do

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1 it in the name of ecotourism.

2 So although I'm really in support of people
3 going out and finding a way to connect with the outdoors,

4 whether it's by fishing or watching nature and enjoying it on
5 whatever level, that's fine. But the criticisms of
6 ecotourism are very true. And, you know, if we want to take
7 the cruise ships ecotourism, then I'm all in favor of keeping
8 those things out of there.

9 I also think if we are going to allow
10 continued fishing, one of the things that needs to be looked
11 at is we need to keep foreign fishing fleets out of these
12 areas. You know, I realize the ocean is very large place and
13 it's hard to control, but we do have the Coast Guard, we do
14 have the National Marine Fishery Service and we do have
15 agencies that are charged to protect this. So I hope that we
16 can keep those guys out of there, because that's just
17 certainly not fair to all of these local fishermen if we
18 can't keep those folks out of there.

19 I guess also what I'd also like to say is
20 that although this is hard for some to accept, I think it's
21 okay to say that there are certain places on this planet that
22 we're going to say, you know, we're going to keep hands off.
23 We're not going to take anything from this place. We're
24 going to let wild nature be wild nature. You know, nature as
25 having intrinsic value. Not value just because we as humans

1 place value on it.

2 That doesn't take away from the way we make
3 our livings. It just respects that, you know, we share this
4 planet with millions of other species. I wonder how many of
5 us think about that on a daily basis. Because we're losing a
6 lot of species.

7 I think that's about all I want to say, you
8 know. Just I am in support of this program and I hope that
9 everyone's views can continue to be included. And I
10 appreciate this opportunity.

11 Thank you.

12 MODERATOR AKA: Next is Marc Hodges and then
13 Aly Parker.

14 Is Marc Hodges here? Gone.

15 Aly Parker?

16 I'm going to have a little trouble with this
17 last name. James Fernandez? Is that correct?

18 AUDIENCE SPEAKER: Yeah. That's all right.

19 MODERATOR AKA: Okay. Uncle Les.

20 MR. LES KULOLOI'O: Aloha. My name is Leslie
21 Kuloloi'o. I'm a Maui resident.

22 I think I'd like to come forward with the
23 expertise here in Maui County waters. I'm a Native Hawaiian
24 family that has fought beach access to the beaches that have
25 been encroached by development, taken away certain native

1 rights or way of life here in Hawaii from many of us in the
2 past.

3 I have been involved in Native Hawaiian
4 cultural activist moves here in Hawaii promoting federal laws
5 to protect native rights such as Section E Hawaii Statutes
6 that relate to pastures rights here in Hawaii.

7 I have been part of the land use committee
8 and ocean studies and 22 years as a member of the Protect
9 Hawaii Ohana that has fought hard to protect the military use
10 in the engagement of ordnance and military use as a range for
11 over 40 to 50 years here on Maui. Though the efforts of
12 myself and many others in the community we have returned that
13 island to become what you call -- I think a western use of
14 the word called reserve. Since then the island has been
15 protected under what you call a County Reserve Commission.

16 When we reviewed the tasks of this commission
17 I am very afraid now of what the reserve term is all about.
18 Because when you opened up the use of reserve on Kaho, Mr.
19 Smith, Bob, and Michael Weiss, direct to the both of you, I
20 think what similarities I see that has happened on
21 Kaho'olawe. I think we're heading the right direction, but
22 not knowing we did clamp down. We did try to cap certain
23 boundaries from not being overfished or overkilled. We
24 thought it was okay. We still think it is okay.

25 We try to use the term Native Hawaiian

1 Subsistence, meaning if certain groups would go on the
2 islands, subsistence terms would be for island use. I am
3 afraid what I have read in the executive order and mostly
4 through your -- certain definitions in your NHI executive
5 order, it's already setting out what -- I think a plan or
6 something where I think the President and all of us here
7 tonight, recognizing all the speakers, what we need to do is
8 focus now on all the testimony given throughout the islands.

9 The next thing that Mr. Robert Smith, both
10 you and Mr. Weiss and staff and our federal supporters that
11 have witnessed the islands to really do an environmental
12 assessment again, to do a testimony assessment again, and to
13 really go forward and try to pick the best and brighter
14 council you can in everything. I think that's the focus.

15 The advisory council, I think -- and I'm one
16 of those that will be appointed because I think I qualify.
17 And I want to give my 40 and 50 years of service to the area
18 that I know best. I am not mulahina, tourist to the
19 Northwestern Islands. I have been to the Hawaiian Islands.

20 As a matter of fact, I went with the help of
21 your staff to return the bones of our (Hawaiian). I was the
22 safety officer. And, you know, going to the islands is a
23 dangerous attempt and we did it, my crew and I, including
24 your staff on it, and safety on and off.

1 advisory council should be the council to go over this with
2 you, Mr. Smith and Mr. Weiss. I think this council, if
3 we're -- they were really picked rightly will have to go
4 through the whole stuff that have read, stuff that deals with
5 the native Hawaiian noncommercial clause.

6 When we use Native Hawaiian Subsistence, I am
7 afraid that you're going to stop Native Hawaiians
8 noncommercial language in there to just be limited. And what
9 I am seeing --

10 Well, I would like to come back again because
11 I think my statement is very important because I think I'm
12 the most focused because I'm asking you both of you the point
13 questions that's going to cover all. But I would like to
14 come back real fast because it will give me a few more
15 minutes, if I may. Can I? Okay.

16 MODERATOR AKA: Thank you.

17 Jeff Bagshaw and then Pat Clausen.

18 MR. JEFF BAGSHAW: I almost forgot my show
19 and tell.

20 My name is Jeff Bagshaw. I work at Kalaupapa
21 National Park so, no, I'm not a fisherman. I have been on
22 the island 12 years. And I have not visited these -- this

23 area, but yesterday -- and I won't say where to protect the
24 animal -- I had the fortuitosity of a resident of that area
25 visiting me, a Hawaiian monk seal on my regular walk I got to

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1 see one yesterday. After 12 years that is a pretty special
2 event.

3 I have only lived here a third of my life,
4 just 12 years. I have not had the fortuitosity of being born
5 and raised here. But what I can share are two examples from
6 the mainland of when people said, This has been our way of
7 life and we have to protect our way of life.

8 The first example is that my family comes
9 from a place called Cimarron County, Oklahoma. If you're not
10 familiar with mainland history, it is an area that in the
11 1930s because people farmed it and it's an area where it
12 shouldn't be farmed at all, that it created the Dust Bowl.
13 Those people lost their way of life because they abused the
14 land and said, This is always been our way of life.

15 My family now lives in Oregon. And this is
16 another example where people there said, Our grandfathers,
17 our great grandfathers have always cut trees and we have to
18 cut trees, too. And so they fought protection against areas
19 of clear-cutting and instead of changing with the times and
20 with the economy -- For instance, people in British Columbia

21 and people in Japan started finishing wood products. They
22 changed the mills from simply processing raw timber into
23 processing finished products. Instead of doing that, people
24 in Oregon and Washington kept saying, My mortgage is due.
25 This is the way of my grandfather and my great grandfather.

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1 Now those people are out of jobs.

2 There comes a time in any resource when you
3 have to look at the population -- And people in the Pacific
4 Northwest said, This has been my grandfather's way of life,
5 all three of my sons must be able to do the same work. And
6 if they have four sons each and if each of those four sons
7 has three sons, how long will the resource sustain a way of
8 life?

9 The resource is not for someone's way of
10 life. And I made a mistake just earlier when I stated that a
11 monk seal visited me. He wasn't down here to visit me. That
12 would be arrogant. And I believe the same is true of saying
13 a resource is here for humans. They are making a living,
14 too. That monk seal had a nice big fish in his mouth. That
15 is why he was here. I just happened to be lucky to be in the
16 water in the same area.

17 So I am in favor of this proposal. I am not
18 in favor of aquarium collection. There should be no

19 ecotourism there.

20 And I have a little show and tell with me.

21 My neighbors upstairs who have moved out recently from

22 Makawao where I live were fishermen and, shall we say,

23 children of the land. And when they moved out, I found this

24 piece of black coral -- And I want to give this to one of the

25 folks in education here so they can share it with others --

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1 in the pile of laundry lint and cigarette butts that they

2 swept out from the garage. So education is going to be the

3 key, no matter what race someone is.

4 And I hope there is also no military use of

5 this area. There's no mining. And biotechnology only if no

6 patents are granted. That's very important that no patents

7 be granted if -- and we will see more research in this area

8 if important products are discovered on the reef.

9 Thank you.

10 MODERATOR AKA: Pat Clausen and then Misane

11 Orrin. I'm sorry if I'm mispronouncing your name.

12 Pat Clausen.

13 AUDIENCE SPEAKER: She had to leave to go

14 back to work.

15 MODERATOR AKA: Okay. I am pronouncing this

16 Misane Orrin. I don't know if I'm mispronouncing that.

17 Dan Grantham.

18 MR. DAN GRANTHAM: Thank you.

19 Good evening. My name is Dan Grantham and I
20 think I'm the last person that signed up, so probably just --

21 MODERATOR AKA: Actually, you're not.

22 MR. DAN GRANTHAM: I'm not, sorry. You're
23 not free yet.

24 I want to express my appreciation for how
25 information from all sides is coming out here. I think it is

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1 vitally important that we hear from everyone concerned here.
2 And I would like to tell the fishermen I appreciate hearing
3 from them. I also would like to tell people speaking from an
4 environmental point of view that I appreciate hearing from
5 them. And I hope, in fact, I truly believe that we can find
6 a solution here that we all win in.

7 You know, actually, if I was a fisherman, I
8 think that I would consider this a real opportunity because I
9 have seen the collapse of a fishery. It doesn't happen
10 suddenly. You know, each year there is fewer fish, fewer
11 fish. Just before the collapse -- well, before the collapse
12 really gets going, people are doing pretty well. More and
13 more boats come in and everybody gets fewer and fewer fish.
14 But, you know, there's a lag time before people realize that
15 things are diminishing.

16 My understanding is that fishermen, existing
17 fishermen are being offered to continue to catch the amount
18 of fish they're catching. That's a wonderful deal. In the
19 world today fisheries are collapsing all over the world. I
20 just saw on the internet today that the European Union is
21 considering restricting the cod catch in the North Sea by as
22 much as 75 percent in some areas, 75 percent in some areas.

23 Now, yeah, I would love to have a deal where
24 I was guaranteed a continued catch from what I'm getting now.
25 I can understand that people who have a skill and a way of

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1 life they love would want to perhaps expand that and, you
2 know, that's a difficult issue. But I think the fact that
3 people are being offered a sustainable catch is not something
4 to be tossed aside.

5 And in thinking sustainable catch there was a
6 fisherman out here that described himself as a fish farmer.
7 Well, I would like to suggest that there are fish farmers,
8 but they are not wild fish takers. There's fish farmers who
9 are expanding on Molokai and that is, indeed, sustainable and
10 that is, indeed, based on the wisdom of the past, of the
11 culture of Hawaii before Westerners came here. And I think
12 that that's something that is of tremendous value and that we
13 should support.

14 I think we should support restoration of many
15 of the cultural ways of life from the past. I think, for
16 instance, restoring water to streams here on Maui and on
17 other islands would do -- go a long ways to restoring the
18 fish around the island here.

19 You are absolutely right in that there will
20 be pressure for more fishermen, but there's going to be
21 pressure no matter what happens here because fisheries are
22 collapsing all over the world because there has not been
23 protection. And this plan I believe offers fishermen in
24 Hawaii a real chance at sustainable fishing for the rest of
25 their life and for their children, too.

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1 That's basically what I wanted to say and I
2 think it's excellent that we're all listening to each other.
3 Thank you very much.

4 MODERATOR AKA: Bully Kapahulehua and then
5 Donna Brown.

6 MR. BULLY KAPAHULEHUA: Hello. My name is
7 Bully Kapahulehua. I'm a resident of the island of Maui.
8 Been here since 1972. Born and raised on the island of
9 Kauai. My dad is from the island of Lehua. My mom is from
10 the island of Kauai.

11 My grandfather's name is James Kimokai. He

12 was born in 1898. If he was still living today, he would be
13 102 years old. He had a vessel named Evalmuru. It was a
14 60-footer Santan that fished off these Northwestern Hawaiian
15 Islands coral reef.

16 In talking with my older uncle, who is on the
17 island of Kauai, my grandfather's ship brought back possibly
18 10,000 pounds. He brought back the same fish that people are
19 bringing back today. He brought back the same size that
20 they're carrying today and bringing back to the block.
21 Small, six pounds, average eight, ten, large 12 pounds.

22 The bottom fishing people that you talk about
23 that is down there today is not influenced by Ma'alaea
24 Harbor, not influenced by Lahaina Harbor, not influenced by
25 Kina boat ramp, not influenced by all the harbors that we

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1 have within the 120-mile radius. So the depletion of what
2 you're trying to compare with here near the shore compared to
3 1200 miles away is totally different.

4 You don't have the population of someone
5 driving up with a 2000 Ford truck and off-loading that many
6 weekend boat recreational boat people going out fishing.
7 They're not off-loading boats out there everyday. So please
8 don't compare the Maui, Kauai, Oahu to the Northwestern
9 Hawaiian Islands.

10 To get down there from Maui takes
11 approximately six days for you to get 980 miles out. The
12 average pound for these guys to take is about 1,000 a day.
13 The average work force is three to two guys. So if there's
14 three of you on the boat, you need to fish 300 pounds a day.

15 There were two people that came up here today
16 that said they went and they fished the Northwestern Hawaii
17 Islands and there are eight or ten other of you say that you
18 have been there. Well, if you look at these two people,
19 their waists cannot be more than 32, they cannot weigh about
20 185 or 250 pounds, because it tells you they work really,
21 really hard for what they do up there. Same like my family,
22 they have to work real hard.

23 I wanted to say that we have -- Several
24 points. I first want to tell you that I do support the
25 National Northwestern Hawaiian Coral Reef Ecosystem Reserve.

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1 I support that. I do not support its entirety. I do not
2 support its entirety. I have some questions in reserve and I
3 would like to come up later.

4 My time is up?

5 MODERATOR AKA: No.

6 MR. KAPAHULEHUA: I would like to tell you
7 that first thing that I do not support is that we putting a

8 cap on these fishermen. You were told earlier by these guys
9 that at one time a year ago some of you may know that we have
10 a summary of the bottom fishery. One year ago we had 63
11 permits. And this thing here, they're really managed and
12 really controlled one for two. Now we have only 17 permits
13 left because you either use it or lose it. So those guys
14 didn't use it, so they lost it.

15 There will be other people going to lose
16 their permits. There are separate permits made for the Maui
17 zone and separate permits made for Maui zone. When my
18 grandfather fished there weren't separate permits. He didn't
19 have all the instruments each one of you boaters have. He
20 found the fish through his spirit and he found the fish like
21 he was taught.

22 Not too many of you can go on the (Hawaiian)
23 right now after you -- more than half of you go on that side
24 every time you come out and find these fish. Even with
25 instrument. The weather condition my family went into was

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1 life-saving conditions. Either you knew what you were doing
2 out there or you were going to die.

3 Bottom fishing I told you tonight the same
4 thing my grandfather told his son and his son telling us,

5 when we go far outside in the fishing, stay away from the
6 reef, boys. Any of these guys, these guys, Bobbie Gomes, if
7 he is like a fool get close to this reef, he get hurt on the
8 reef with his boat. What would happen to this guy? He ain't
9 going to pull up one of the men and stop and ask them to
10 repair the boat. They're going to go down.

11 So the management of this thing is really set
12 the amount of permits. Also, you should know the permit is
13 not renewable. So the permits we have is going to be not
14 renewable, guys. So once these guys die, you going to have
15 all this. And if you take the average life of these guys
16 right now, in the next 50 years you're not going to have
17 them.

18 Since 1940 to now, 50 years ago, you still
19 going to have the same amount of fish there, maybe more.
20 Because my grandfather fished that long ago and these guys
21 are coming up with the same load. And because this place
22 that they fish is not five miles out or seven miles out to
23 Molokini, just jump on a boat and go there, you need to be
24 sure you have \$5,000 into a boat like they told you and get
25 the equipment.

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1 When my grandfather fished, he didn't carry
2 ice on there. They don't carry ice. They spend \$25,000 for
3 desalination tank. They have to take the salt water, make it

4 into fresh water, clean it --

5 Okay. I'm going to come back up and I have a
6 lot of things to share with you. I appreciate that you guys
7 are going to stay around so you can hear our final
8 conclusion.

9 (Applause.)

10 MODERATOR AKA: Okay. Donna Brown.

11 MS. DONNA BROWN: I'm going to make mine
12 short.

13 I support the designation of the Northwest
14 Hawaiian Islands for an eco reserve. With the worldwide
15 population of fisheries all over the world crashed, the
16 fishermen here in the islands are having a hard time catching
17 fish any more. We do need to set aside areas for the fish
18 replenishment to ensure the fish survive for the future.

19 Coral reefs are also in trouble worldwide.
20 And we have a great opportunity to preserve this area for the
21 future.

22 Thanks.

23 MODERATOR ADLER: Thank you. Okay. I want
24 to just thank all of you. I know that's really hard to stay
25 within those time limits and I appreciate both your

1 struggling and doing that and also with the civility and
2 aloha we have shown tonight to listen to different views.

3 How many of you have an additional couple of
4 minutes?

5 There are a few people. I'm going to start
6 with Uncle Les. And, Les, I'm going to ask you to please be
7 brief. Go right to the heart of what you have to say,
8 because it is late and people are tired. So take three
9 minutes, if you will, and go right to the guts of it. And
10 then we'll hear from everybody else who also wants to take
11 three minutes.

12 MR. LES KULOLOI'O: Yeah. I wanted to make
13 it real fast.

14 I think the -- I'd like to address this to
15 Robert Smith and Michael Weiss. You leave flexibility in
16 regards to the testimony here. The executive order, one
17 section I like to make sure that we don't get overkill in
18 Native Hawaiian rights also. We mentioned that part Native
19 Hawaiian Noncommercial Subsistence. I think Native Hawaiian
20 rights in an area like this should be open for commercial
21 because Kaho'olawe wasn't. It was a different scenario, but
22 I think native rights should go over there and support the
23 family for subsistence use to make a living. So if that
24 section is questionable.

25 I think another section is kamahina

1 fishermen. Kamahina fishermen I think refers -- in
2 definition I think should be included to members that we just
3 heard from Maui. So let us redefine definition kamahina,
4 those kamahina coming from the islands of Hawaii,
5 particularly Maui islands. They have ventured into the
6 challenges of the Pacific Ocean like the ancestors before
7 them, ventured into fishing into the waters of the NH islands
8 in dangerous, death-defying waters making it possible that
9 with the fish returned back to Maui, they will return the
10 stories to people like myself, Native Hawaiians, of what has
11 been happening up there. They can be my monitors as a Native
12 Hawaiian in our subsistence commercial fishermen to tell me
13 what's happening out there. I think that's so important
14 because the language is important.

15 The federal government doesn't want to do it
16 for us, neither does the State of Hawaii. I would rather
17 deal with my native fishermen who really is kamahina in
18 definition to fish those islands.

19 The other term I like to see, we need to make
20 and really cut clear the political bureaucracy. I think
21 there is a political bureaucracy going on. I think as we
22 went to Nihoa and Necker Islands, I questioned, Do we need to
23 do an assessment of what I just heard, the Phoenix Island, of
24 those individuals called Phoenix who is using Midway Island?

25 I really question that. Because if there's

1 going to be balance in use of a resource that I totally agree
2 with the President, I think we need to evaluate the uses or
3 users coming out from Phoenix island or Phoenix Company using
4 Midway for tourists and industry. We need to evaluate that.

5 Because if you weigh the balance of those
6 users versus what I have heard my local users, that uses is
7 completely for tourists. It's reserved for special
8 interests, not native to our Hawaiian Islands. The name
9 really is Phoenix and Midway is used by a bunch of people
10 that are going to have more money is supposed to be funded
11 for this kind of stuff rather than trying to keep an eyeball
12 of that 5,000 tourists using over there.

13 So our funds should be appropriated to
14 protect that area from number one target those users on
15 Midway Island. And I think it's a political bureaucracy
16 going on there. As a Native Hawaiian I think we are as --
17 should investigate what's on on that island because any law
18 executive order impacts us. We should go there and check
19 what's happening there so we get equal value in regards to
20 management, proper management. Native laws and check what
21 affairs of state or private industries are doing there. They
22 got the people.

23 Also around the zone. This zone should be
24 also protected by firing users to. We need to make an area

25 assessment and a plan of something coming down a starter and

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1 we have pukas, in other words, we have holes in this thing.
2 And so I think the individual group that need to help you,
3 Mr. Roberts and Mr. Weiss and staff, is the advisory council
4 carefully picked to become hard core fishermen that's in
5 there. Kapuna like myself that can see that what we went
6 through and be sure that we don't over kill ourselves on the
7 protective laws that sometimes some good, yet kills us on
8 some other levels of law. So we need to have eco balance.

9 In closing I thank President Clinton. I
10 thank Akaka who says let's keep on talking. And I hope that
11 we can -- with this council we can administer and implement a
12 good, cooperative council finding to really look into this
13 matter so all of us in Hawaii won't take a licking by those
14 Phoenix guys up there. Come on, the Phoenix guys are using
15 the place more than us and they have got boats over there
16 because I have seen on international eco tourism travel
17 bureaucracy where they get big boats.

18 The luring just continue to Hawaii. Can you
19 imagine the luring down there only short time? And probably
20 use the luring going on there, throwing the hooks over there,
21 3,000 hooks off the luring just to get an experience. I am

22 afraid. I am afraid.

23 Thank you.

24 So please give me a chance and I would like
25 to know how I can help you to sit on the council. Thank you.

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1 MODERATOR ADLER: Please be brief. Try.

2 MR. ROB WILDER: If not now, when for MPAs?
3 There's a lot of fishing present. And folks say there's too
4 many boats. We can't create an MPA, a preserve, because
5 there's too many boats. Here we've got the situation they
6 imply, there's very few boats, very few. If not now, when to
7 create a preserve?

8 Wespac's data shows that the average boat's
9 loosing 7827 dollars -- \$7,827 per vessel per year. It's
10 been said it's a marginal fishery. It is. Why would we want
11 to be increasing boats? Nobody here wants to stop the people
12 who are fishing now from doing that. What we're trying to do
13 is create no-take areas while leaving huge areas that are
14 still available for fishing.

15 Remember, even if we set aside half of these,
16 40 million, over 40 million acres for fishing in a marginal
17 fishery. They've got expenses to pay, yes. That's what
18 happened in other places I have been like New England,
19 they've got boat mortgages to pay. Natural fluctuation,
20 overfishing leads to depleted stocks, but people have boat

18 year, but the last three years. Maybe that is very
19 equitable. That's the sort of thing I think makes sense.
20 Allow more folks into this fishery if you look back two years
21 and three years and not just one. Absolutely a good idea.

22 Let us finish out our lives here, it's been
23 said. Absolutely. I think that's in the conservation
24 movement, we basically all agree with that. Yes, finish out,
25 continue fishing. We're not trying to stop you. We had the

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1 Kahaha event where people from all different walks of life,
2 many fishermen, and no one said we're trying to stop you from
3 fishing. What we're actually trying to do is preserve
4 fishing here in the Main Hawaiian Islands, out in the
5 Northwestern Hawaiian Islands. No one is trying to stop you.

6 Fisherman respect the reef has been said over
7 and over again. Absolutely. Yes, absolutely, we all agree
8 with that.

9 And I'll just repeat again: If not now,
10 when?

11 MODERATOR ADLER: Thank you.

12 Okay. If you don't mind, I'd kind of like to
13 go back to the beginning of the list and work our way back.
14 Thank you for being patient, Bully.

15 Again, please be brief.

16 MR. DAVID JOHNSTON: I just want to say quite

17 a few things.

18 MODERATOR ADLER: No, no. Just a few things.

19 MR. DAVID JOHNSTON: Okay. A few things.

20 First, these questions that I ask you, I
21 seriously ask you to consider just to include them in
22 discussions for establishing this coral reef ecosystem
23 reserve.

24 First, let's see -- first, these 25 -- this
25 reserve area, it's not big enough. The main reserve area is

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1 big enough, but as Les had said, this area right here, it's
2 for international boats that come in here and fish. If you
3 look to California, there has been, I've heard, a designation
4 of 25 miles off the coast that they cannot have cruise ships
5 coming in and dumping discharges.

6 So that leads to No. 4 on here where it says
7 discharging or depositing materials. Foreign vessels should
8 not be able to discharge any things 25 miles outside of that
9 reserve there that may drift into the reserve because -- And
10 that should be like a subzone of 25 miles.

11 And, let's see, also the US Army Corps of
12 Engineers should be banned from doing any projects within
13 this area in Midway Atoll or anywhere else.

14 The -- And also the army or navy, they should
15 be banned from doing any navigational or zonal research
16 within 25 miles of the Northwest Hawaiian Island Coral Reef
17 Ecosystem Reserve.

18 My question is regarding the permits: Will
19 future permits for fishing be allowed? Will permits be
20 allowed to be passed down within the family?

21 I would also like to know, and you can please
22 get back to me on this one, how many of -- I'm going to use
23 the kanaka maois for Native Hawaiian have permits. And --
24 right presently. And then how many nonHawaiian residents
25 have permits? And of these nonHawaiian residents, how many

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1 of those are foreign nationals?

2 Another thing, let's see, as someone
3 mentioned, it takes six days to get up there and in reference
4 to No. 5, it says Native Hawaiian noncommercial subsistence
5 and culture religious uses. Well, for Native Hawaiians I
6 agree they have the right to be able to go up there and fish
7 because it's so far and to sell that fish. It's not fair for
8 those who have permits, the few that have permits now and for
9 now they are able to sell the fish, but for nonHawaiians that
10 don't have permits and they want to do subsistence fishing in
11 those areas, how are they going to be able to get up there
12 subsistently without selling the fish? It's so expensive to

13 go up there and takes so long, they should be able to. The
14 subsistence should be included with being able to sell your
15 fish.

16 MODERATOR ADLER: Please conclude.

17 MR. DAVID JOHNSTON: Okay. In conclusion
18 that -- Let's see. So that's about it, then. Thank you.

19 MODERATOR ADLER: Thank you.

20 Okay. Oh, yes. Tammy, right? I'm going to
21 ask you to please be brief and go right to the point. It's
22 getting pretty late. And try to use this time to conclude
23 your comments and say the most important that needs to be
24 said.

25 MS. TAMMY HARP: Yeah, I got that. I did the

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1 hard part.

2 I'm a second-generation resident of Lahaina,
3 West Maui area four times. Twice on my mom, twice on my dad.
4 I'm also an eighth generation descendant of Canica Noha Una,
5 Maui.

6 One Hawaiian value, (Hawaiian), make use of
7 what we have got. Number two, we refer to the ocean as our
8 icebox. I look to those faraway islands as our freezer for
9 our children and descendants yet to come.

10 We need the VMS for enforcement, vessel

11 monitoring system. It is our eye in the sky. It is the
12 least costly and most effective means of enforcement. The
13 Coast Guard is actually really underfunded. They need more
14 funding.

15 Already 26 percent of the coral reefs around
16 the world have been destroyed. Less than 30 years from now,
17 which many of us are going to be dead and gone, those reefs
18 up there in Waikiki are the last in the whole world.

19 Wait. Excuse me.

20 I just wanted to say that I sincerely want
21 to -- I want to prevent the continuation of negative impacts
22 to the marine life and environment that we have undeniably
23 witnessed for generations here in the Main Hawaiian Islands.
24 Greater protection also for our endangered humpback whales --
25 I always do the humpback. The Hawaiian monk seals. I always

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1 did that. Including their foraging habitat in deep precious
2 coral beds.

3 Just a quick point I would like to share with
4 you folks on the Northwestern Hawaiian Islands. I had Gene
5 Argos on, but on this paper I don't have what he had said.
6 But I just want to share with you folks the Northwestern
7 Hawaiian Islands are home to some of the last truly wild

8 natural coral reef ecosystems on the planet, said Dave Coco,
9 co-principal investigator for the expedition and coral reef
10 biologist for the Hawaii Department of Land and Natural
11 Resources.

12 This expedition has provided each of us with
13 a privileged look at the state of these corals, algae and
14 marine life and has confirmed for us the need to provide
15 increased protection and management of these treasured
16 places.

17 And then there's another one: With coral
18 reefs around the world in decline, it's extremely rare to be
19 able to examine a coral reef ecosystem that is relatively
20 free of human influence. Because of the relative isolation,
21 the Northwestern Hawaiian Islands represent a large no-take
22 zone providing us with a unique opportunity to assess how
23 natural coral reef ecosystems function in the absence of
24 major human intervention, said Alan Friedlander, Fisheries
25 Ecologist of the Ocean Institute and expedition team member.

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1 These remote reefs offer us the chance to
2 protect a unique and irreplaceable ecosystem found no where
3 else in the world. Today is not only for today. Tomorrow is
4 actually a generation or two away and we need to protect
5 this. And I think it would be a disgrace to our -- and
6 dishonor to our ancestors if we do not stand up for some form

7 of protection for the generations to come.

8 Mahalo.

9 MODERATOR ADLER: Thank you.

10 Okay. Bully, you are going to be our last
11 speaker. And, again, I'll ask you to please be brief. Go to
12 your conclusions. Thank you.

13 MR. BULLY KAPAHULEHUA: Thank you very much.

14 I would like to conclude by saying that there
15 should be no gap.

16 I would like to conclude by saying that the
17 restricted areas that you see with the permittings that are
18 active out there, that we discuss with them on the restricted
19 area.

20 I want to say that in the future that we
21 definitely know that this is a protected area, that you have
22 special allowances of people going down there. Instead of
23 having a hundred marine biologists, have a limited time on
24 these people going down there and doing the work they should
25 do.

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1 I wanted to say that designation of Hawaiian
2 growth took years because of false statement and
3 dissemination of incorrect information. Lines were drawn
4 that made consensus impossible. In the end it took months of

5 hard work, tough discussions and compromises by all estate
6 voters. Today I believe our sanctuary works. It protects
7 the humpback whales while at the same time allowing for
8 sustainable uses. This should not -- they should be and must
9 be our goal.

10 I fear that with this slim window we are
11 destined to fail because the process will not allow for the
12 full and minimal dialogue between fishermen,
13 environmentalists, scientists, the general public,
14 governmental agencies and others critical to our success.
15 This statement by our Senator Dan Ino, on December 4th.
16 Yeah, December 4th.

17 Thank you. Mahalo.

18 MODERATOR ADLER: Thank you.

19 Okay. Isaac, one last very brief comment.

20 MR. ISAAC HARP: During the break I had
21 spoken with some of the fishermen and Indowai, one of the
22 fishermen, and as far as the cap goes, I have a concern now
23 that some of the fishermen have been fishing a minimum rate
24 just to be able to retain the permit. And if the cap is
25 allowed to be shared amongst all the boats that really put a

1 lot of effort into the fishery, they might be looking some of

2 the shares of these guys if they increase their effort in the
3 future. I think we need to put that into consideration in
4 there.

5 And for the fishing community, I would like
6 to have you guys keep in touch with me, try to be like the
7 middleman. I can talk to the environment community and I can
8 talk to the fishing community. I'm sure that somehow we can
9 reach some kind of common ground so everybody can be happy
10 with this thing.

11 Mahalo.

12 MODERATOR ADLER: Mahalo.

13 I want to tell you a little bit about what
14 happens next and then we'll bring ourselves to closure. The
15 Department of Commerce -- what happens is that, again, all of
16 the comments really need to be received, any additional
17 comments by January 8th, 2001. And the Department of
18 Commerce is going to be -- has the job of pulling all that
19 material together, all the things that came in from the court
20 reporters, all the things that came in by fax, all the things
21 that came in by E-mail, all the things that went to Roger
22 Griffis by mail. They're going to pull all that together,
23 transmit that to the White House and review it and make
24 decisions on further actions.

25 There is a reserve council, as you have heard

1 from Uncle Les and others that is being established, and that
2 reserve council's job is going to be to provide advice and
3 recommendations to NOAA on the reserve operations plan and
4 the designation and management of the sanctuary. So that
5 council will play a very important role in helping to shape
6 what the initiatives are going to be like and what will
7 encompass the lasting protections that people are seeking
8 here.

9 Finally, the Secretary of Commerce is also
10 beginning the designation of the reserve as a new national
11 marine sanctuary and that designation process will be
12 separate from this effort and will begin early next year.

13 So I want to thank all of you again for your
14 great courtesy, great patience in listen to each other. We
15 had great courtesy tonight and that's really important, lots
16 of aloha. And people have spoken their heart.

17 I wish you all happy holidays and may the
18 forces of evil get confused on the way to your house. See
19 you.

20 (Applause.)

21 (Whereupon, the proceedings were
22 adjourned at 8:45 pm)

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1 I, Sandra J. Gran, Certified Shorthand Reporter for the
2 State of Hawaii, hereby certify that I reported in stenotype
3 all testimony adduced and all other oral proceedings had in
4 the foregoing matter; that thereafter my notes were reduced
5 to typewriting under my direction; and the foregoing
6 transcript constitutes a full, true and correct record of
7 such testimony adduced and oral proceedings had and of the
8 whole thereof.

9 I further certify that I am not attorney for any of the
10 parties hereto, nor in any way concerned with the cause.

11 DATED this 26th day of December, 2000, in Maui, Hawaii.

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15 SANDRA J. GRAN, RPR, OR CSR 90-0015, HI CSR 424

16 Notary Public for Hawaii

17 My Commission Expires: 5/14/04

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