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 Mitchell Pauole Center, 90 Ainoa Street, Kaunakakai, Hawaii, commencing at 6:10 pm, on Friday, December 15, 2000, pursuant to Notice.

BEFORE: SANDRA J. GRAN, CSR NO. 424

Registered Professional Reporter

Notary Public, State of Hawaii
INDEX

Speaker | Page
---|---
Moderator David Frenzel | 3
Michael Weiss | 8 and 41
Melvin Perrells | 11 and 32
Isaac Harp | 14
Richard Nakanishi | 20
Mehealani Davis | 22 and 36
Bill Puleloa | 27
Kelii Poi Kaheamawae | 29
Lisa Vorse | 32
Walter Ritte | 35
Russell Phifer | 37
Jama Kaholoaa | 38
Paul Bartram | 40
Samuel L. Kaholla, Jr. | 42
PROCEDINGS

MODERATOR: I would like to welcome everybody to the Molokai public hearing. This is one of six being held in Hawaii this week regarding President Clinton's December 4th, 2000 Executive Order establishing the Northwestern Hawaiian Island Coral Reef Ecosystem Reserve.

These hearings are being conducted on behalf of the President, who has requested comments on the conservation measures for the reserve and on his proposal to make certain reserve areas permanent.

The Department of Commerce will pull together all the comments received by -- actually, post marked by January 8, 2001 from the hearings, e-mail and fax and mail, and will transmit them to the Executive Office of the President. The White House will then review them and make a decision on any further action.

This meeting has been organized by the National Oceanic and Atmospheric Administration, which is part of the US Department of Commerce. My name is David Frenzel and I have been asked to moderate the hearing and serve as independent hearing officer.

We have present a number of representatives from the Department of Commerce, the Department of Interior, and I'd now like to identify our Department of Commerce representatives, have them introduce themselves.
MR. MICHAEL WEISS: Good evening. My name is Michael Weiss. I'm with National Oceanic and Atmospheric Administration within the Department of Commerce. And I am the NOAA agency representative to the White House Council on Environmental Quality.

MR. ROBERT SMITH: I'm Robert Smith, and I'm the acting reserve coordinator for the President's new coral reef reserve in the leeward islands. I'm a resident of Hawaii and lived on the Big Island for ten years.

MODERATOR: From the Interior.

MR. DAVID JOHNSTON: My name is David Johnston. I'm the refuge manager for the Hawaiian Islands National Refuge, which is between Quai and Midway.

MR. BENTON PANG: I'm Benton Pang with the US Fish and Wildlife Service.

MS. BARBARA MAXFIELD: I'm Barbara Maxfield out of Honolulu.

MODERATOR: Okay. In a few minutes I'll be reading you key portions of the Federal Register announcement that bring us here tonight and then ask Michael Weiss to comment on the two topics on tonight's agenda.

First I would like to explain the procedures. If you have specific written testimony that you would like to submit tonight, I'll be happy to accept it and forward it to DOC after the meeting. There are comment forms on the table
and also other handouts for those of you who came in a little later and maybe didn't see them.

If you would like to send a comment form by yourself for yourself, you can. Send it to Mr. Roger Griffis. The information for Mr. Griffis is right up here and also the particular e-mail address.

Comments are to be post marked no later than January 8th, 2001.

As you can see, we have a court reporter with us which is why I'm reading more from a script. Her name is Ms. Sandra Gran. If you would like to offer public comments, then we'd like to have you sign up. I think some of you have. When you walked in the room, you should have seen the sheet. If you didn't, it's right here.

Everybody that's here tonight who wants to speak is going to have a chance to speak. We're going to at first ask people to keep their remarks to about five minutes or so just to make sure that if any other people come in, we can get through everybody. Then what we'll do is we'll just keep going and people can go again and again if you would like so we have an opportunity to get everybody.

When we call your name off the sheet, come on up, you can sit here. And the reason for this is so that the reporter will be able to read your lips as you go. And state your name, please, and spell your last name for the court
reporter so we're sure that she gets it.

When you speak, we ask that you go to the heart of your comments. We do ask that you as much as possible touch on these two topics that the President has asked us to get your comments on; the conservation measures and making the Reserve Preservation Areas permanent.

As I said before, if you need more time, we'll just keep going. So at first we would like to keep it to five minutes.

I know many of you have been at public hearings where things may not have worked exactly as you would have liked. Some people dominated, some people never got a chance to express their ideas. We know some of you are concerned about environmental matters, about Hawaiian culture issues and some about all of these. Because of that we would like you to abide by the following protocols: Everybody's views are welcome. Nobody gets disputed.

We know differences are inevitable, especially when you talk about sensitive issues, but please listen hard and abide by the time limit and don't clap or boo. That is a way of shutting other people down.

In Hawaii one thing we seem to be able to do better than other places is handle our differences with aloha, and we would like to try to do that tonight.

Now with that I would like to summarize a few
parts of the announcement about the meeting that appeared in
the Federal Register and get some comments from our
representatives from DOC and then begin testimony.

On December 4th, 2000 President Clinton

issued Executive Order 13178 establishing the Northwestern
Hawaiian Island Coral Reef Ecosystem Reserve. This executive
order was in response to the directive of the issue made that
the Departments of Commerce and Interior develop a plan in
coordination with the State of Hawaii and in consultation
with the Washington Pacific Regional Fisheries Management
Council to provide strong and lasting protection for the
Northwestern Hawaii Islands Coral Reef Ecosystem.

This process began with visioning sessions
which were open hearings for public comment on the future of
the NWHI Coral Reef Ecosystem. Additional input was gathered
from other sources such as extensive public input and
research conducted by the Western Pacific Regional Fisheries
Management Council in development of their Coral Reef
Ecosystem Fishery Management Plan.

The President has a long history of taking
steps to provide additional protection to the nation's coral
reefs and other ocean resources dating back to the mid 1990s.
The ocean conference held in Monterey, California in 1998
reemphasized his commitment to coral reefs as the President
used the opportunity to issue the Coral Reef Executive Order
which established the Coral Reef Task Force. This executive order is the culmination of the President's vision for protection of these very valuable coral reef resources.

The reserve encompasses an area extending approximately 1200 nautical miles long and 100 miles wide. The reserve is adjacent to Hawaii State waters and the Midway Atoll National Wildlife Refuge and includes the Hawaiian Islands National Wildlife Refuge. The management principals and implementation strategy requirements for the reserve are found in the executive order.

The President took these actions pursuant to the authority that was provided to him in the National Sanctuaries Amendments Act of 2000. This gave the President the authority to designate any Northwestern Hawaiian Islands coral reef ecosystem as a coral reef reserve to be managed by the Secretary of Commerce.

This same act states that any closures shall not become permanent without adequate review and comment, which is why the President is having these public hearings.

I would like to now ask Mike Weiss of the DOC to comment on these two topics.

MR. MICHAEL WEISS: Good evening. I would like to briefly just kind of go over the two main topics that the President has asked for comments on. And I'll use this map.
This area, the blue area, and this purple area is the reserve that was established in the -- by the President in the executive order. That, again, it extends about 1200 nautical miles long and about 100 nautical miles wide. And it does not include Hawaii State waters which are these kind of orangish areas, nor does it include the Midway atoll National Wildlife Refuge.

Again, with this map, the blue area and these purple areas, that is the reserve established by the President. Throughout the entire reserve the President -- the executive order describes certain conservation measures. And these are restrictions that apply throughout the entire reserve. And these restrictions include no oil, gas or mineral drilling or exploration. No anchoring on coral. No drilling or dredging or altering the seabed of the reserve. No discharging inside the reserve. No taking or damaging any of the marine resources of the reserve. And commercial and recreational fishing is allowed to continue in the blue areas at current levels.

Those are the conservation measures for the reserve and that's one of the areas the President is asking for your comment on.

The other issue are the Reserve Preservation Areas. And these are 15 areas that go from the eastern to the western part of the chain, a small area in here as well.
And these are areas that are more protective to protect the shallower areas and the coral areas and near shore areas. Again, there are 15 of them. Around the islands they go out to 100 fathoms and around the six banks they go out 12 nautical miles from the approximate center point of the bank. For example, on Pioneer Bank.

In these 15 areas all extractive activities are prohibited. So, for example, there's no touching of coral or no taking of coral. There's no discharging at all except cooling water and engine exhaust. There's no anchoring. If you can use a mooring buoy or a designated anchoring area, then you need to use that designated anchoring area. And then there is no fishing in these areas except that existing bottom fishing is allowed in eight of these areas.

So in eight of the 15 existing levels of bottom fishing is allowed to continue. These areas where bottom fishing is allowed to continue are Nihoa Island, Necker Island, St. Rogatian Bank, Gardner Pinnacles, Maro Reef, Laysan Island, Pioneer Bank, and Lisianski Island. In those areas bottom fishing at existing levels is allowed to continue.

The President is asking for your comment on these areas as well and whether to make them permanent. So, again, the two areas of conservation measures and the reserve
preservation areas are what we're -- what we would appreciate you to comment on this evening.

Thank you.

MORATOR: Okay. What we would like to try to do because we have the court reporter here is to ask those of you who would like to comment, come up front and sit, and direct your comments at the table and the court reporter so that way she'll be able to understand what you're trying to say.

Melvin.

MR. MELVIN PERRELLS: I have a question. You say that we cannot anchor over there. Are you guys going to put mooring buoys out for all the fishing?

MR. MICHAEL WEISS: There is a clarification. During the process to develop this, NOAA will have in their plan a plan to put in mooring buoys. But if there are no mooring buoys, then you can anchor. If there's a mooring buoy and it's available, then you'll need to use it. If we haven't put the mooring buoys in yet, then you can anchor in there until we do so. Of course, you can't anchor on the coral.

MR. MELVIN PERRELLS: Yeah. You know, you put a buoy in one section, fishing is not there, like to move to another, there's no buoy there, then what? You going to be littered with buoys out there?

MR. MICHAEL WEISS: Okay. Well, that's the
kind of comment we need to hear tonight.

Yeah. If you could restate that for the comment, for the record, that's exactly the type of comments that we need to hear this evening.

MR. MELVIN PERRELLS: Well, you know, fish don't stay in one spot. They move with the bait. So if you put a mooring buoy on -- oh, let's say on the south end of Nihoa, but there's no fish there, but there's no other buoys around, and as we going along we find the fish a quarter mile down the reef, no buoy, but no anchoring. It's kind of defeating the purpose of fishing, I would think.

MR. MICHAEL WEISS: Yeah.

MODERATOR: That's what these guys need to hear your thoughts on, exactly that.

MR. MELVIN PERRELLS: Well, as far as anchoring goes, most of the fishermen that I know of go on the sea anchor. Okay? But if they find a spot with a lot of fish, they would like to drop their hook. But if you guys are putting buoys out there and the fish isn't there, you know, it's kind of stupid.

MODERATOR: Okay.

MR. ROBERT SMITH: Dave, could I just kind of say that this sort of testimony is exactly what we need to hear?

And did the reporter get the gentleman's
name?

THE REPORTER: Melvin?

MR. MELVIN PERRELLS: Perrells,

P-E-R-R-E-L-L-S.

MODERATOR: You had some written testimony, did you?

MR. MELVIN PERRELLS: No. Wait on that. I'm more concerned about this.

Now, this reserve area, you know, that you said in the closer to the islands, what guarantee are you going to give us that a foreign ship is not going to come in there and sneak in, take our fish? In other words, you guys be stopping the Americans, but the Japanese have been known to fish that waters.

MODERATOR: In some of the other meetings what has come up is people have stated that they believe there needed to be enforcement as part of this. Is that one of the things you're saying, you believe in enforcement?

MR. MELVIN PERRELLS: Yes. And you cannot expect the fishermen to enforce it.

MODERATOR: Okay.

MR. ROBERT SMITH: Thank you.

MODERATOR: Isaac.

When you do come up, if you could just spell your last name for the record we'd really appreciate it so
the court reporter will have your full name.

MR. ISAAC HARP: Isaac Harp, H-A-R-P.

Hello, everybody. I came over from Maui this afternoon to present some testimony. And a lot of misinformation has been spread around in the media, a lot of stuff on the news and in the newspapers and stuff. I just wanted to touch on a couple of those subjects and give you more of the truth about really what's happening.

There's been some talk about the bottom fishery up there. That's not the case. The existing bottom fishermen are being grandfathered into the picture up there.

And there's been a cap proposed to be established for the fishery at past levels. And I just got through with the fishermen and with some of the environmental groups and they seem to have agreement on capping it at the past three years, and not just the past year. They have some agreement on that.

And there's been some talk about the bottom fishes prices are going to rise because of this. It's not going to rise because the fishermen are going to continue fishing up there. The local fishermen around the main islands are going to continue fishing. So nothing is really going to change. The only thing that would change the price is if the imports rise or fall. That will probably dictate the price range wise, yeah.
And there's been saying that the restaurants are going to go out of business. That's not true. The same amount of fish is going to be coming in, that's all. There's not going to be any difference to the restaurant. If the fish drops, the catch drops, they're just going to be buying more imports. Just about the only things we're going to have.

And there's been talk about shut down the lobster fishery. The lobster fishery has already been shut down by a court action because of mismanagement of the fisheries. Back in the '80s they could catch about three and a half lobsters per trap in the Northern Hawaiian Islands off the fishery. During the past few years we've had a hard time catching one lobster with three traps. And that includes the egg-bearing females and the undersized lobsters that they have allowed to be taken in that area since 1996.

And they say it's going to be bad for the state economy if the reserve is put in place. I think it's actually going to be good for the reserve area because it's going to be providing more protection for the turtles and stuff. And a lot of turtles -- to limit the turtles in the breeding grounds and the turtles out there.

And it's going to provide potential replenishment of our main Hawaiian resources. We have a large population over here. We have 25 hundred licensed
commercial fisherman in the Main Hawaiian Islands that fish here. As we deplete the resources, we have an opportunity to get some replenishment from those areas, some of the fish come down here and get caught down here.

There's been a lot of talk about there's been insufficient public input. There was a visioning session, a meeting held on five different islands here. And there were over 11 hundred written comments submitted on the visioning session. 430 people attended those visioning sessions which were pretty much like this, meetings on each island.

And in Honolulu in July there was a workshop put together by a Hawaiian environmental alliance, a new environmental group. They have -- the members are cultural practitioners, we've got fishermen, just about everybody, any kind of interest in the Hawaiian community, put on a workshop in Honolulu in July.

And we developed a document over there recommendations for this reserve and to date we have over 3 million supporters for that document. And a large majority of -- not a majority, but a large of portion of those is from Hawaii. A lot of the mainland organizations are also supporting that.

And some other comments. Oh, gee. The area up there is ceded land and as such the federal government and the state government is mandated to manage that area for the
best interests of the public.

And I personally would like to see those islands put under the type of designation that Kaho'olawe is, held in trust for the future Hawaiian government if we ever get our sovereignty reestablished.

And I'm concerned about the military activities up there. As written, the reserve allows military activity and I don't want there to be any bombing up there. We had enough of that with Kaho'olawe. And I don't want to see any landing craft going up on the islands damaging the islands and habitats for the animals that live there.

I'm really concerned about ecotourism getting established up in that area. Ecotourism is a very loosely used word, yeah. It's not always ecologically friendly, just a term that has been used to get the tourists out in nature, call it ecotourism. And I'm really about the cruise ships going up there. I heard some discussion the cruise ships are landing people up in Midway and I'm concerned about that. Some of these ships carry over a thousand people and I don't think the islands up there can handle traffic of a thousand people or more at a time.

And I think we need to keep a limit on the amount of fishing that's going up there so that we can ensure the potential replenishment of fish to the Main Hawaiian Islands where the main population depends. We've got over 25
hundred commercial guys here and that does not include the
subsistence to fish to feed the family and the recreational
guys who do this for fun. The only reason to go out and
enjoy himself, just go out and have some form, just a form of
relaxation for a lot of guys.

And I'm really concerned that the reserve
starts at the three mile boundary and goes outwards to 50
miles. It does not include the state waters, which is zero
to three miles. And this is the shallower and probably more
sensitive area. I think there needs to be afforded some kind
of protection and hopefully the state and federal government
can work together and bring more protection to the shallow
waters that the state has.

And as far as enforcement, that's a big issue
up there. It's a huge area and really hard to import such a
huge area and I think there should be mandatory vessel
monitoring systems. Every boat will have a mechanism on the
boat that sends a signal to the satellite and the satellite
back to a computer in probably Honolulu or somewhere like
that. And it will show where the boat is at all times. So
if anybody is going in a closed area, anything like that,
they know right away.

And I think we need to have mandatory
observers on the boats that fish up there. We've been a lot
of impacts on Hawaiian monk seals, they're starving up there
and stuff, and some of them have been stealing fish off the bottom fishermen's line. And a lot of the bottom fishermen say the kahala and feed that to the monk seals that come around and the monk seals are getting sick and stuff. And they've been dying up there because of the lobster fishery that's been going up there.

In 1980 the lobster boats would catch thousands of pounds of octopus per trip. And the most recent data available 1997 to 1999 the fishery is taking just 100 animals not per vessel or per trip, but for the entire fleet for the entire season. They have just pretty much wiped out that area.

Like I told you, the lobster used to catch three and a half per trap get down to one lobster for three traps.

And last thing I would like to talk about is the problem with global warming. I guess everybody has heard about global warming, the ocean temperature rising and everything. In the past several years we lost about 27 percent of the coral reefs in the world. And with the prediction of global warming, about everywhere the coral reefs in the whole planet the temperature is predicted to increase. And at some point it's probably going to kill all the coral reefs in the world. The only area that is not going to increase is the Northern Hawaiian Islands. And this
tells me that the Northwestern Hawaiian Islands that we have might become the last coral reef in the world in the next 50 years or so. So we should try our best to try to protect this area. If some day we get a hold on the global warming problem, the Northwestern Hawaiian Islands might be able to reseed the rest of the coral reefs in the world and bring the reefs back for the rest of the world.

That's about all I have to say. Mahalo.

MODERATOR: Thank you, Isaac.

Richard.


I just wanted to know how much commercialization is going on in the Northwestern atoll? How many fishing boat is actually got licensed to go out there and rape our land? That's all I wanted to know. How many permits are out there? How many future permits are going to be given, you know, so to speak. That's what I wanted to know.

MR. ROBERT SMITH: All right. I will --

MODERATOR: Did you have any testimony you want to direct to them?

MR. RICHARD NAKANISHI: No. I was told there's already commercialization going on in the area. And are they going to -- How many are there? How many is going
to be given per year or is there going to be restricted from
getting new permits and so to speak? In that area.

MR. MICHAEL WEISS: Let me clarify that,
again, the fishing and activities of that are allowed to
continue in compliance with the conservation measures.

In terms of if you're talking about -- Are
you talking about fishing or --

MR. RICHARD NAKANISHI: Basically fishing.

MR. MICHAEL WEISS: Basically fishing.

Again, the executive order allows that to continue at current
levels. And then the Secretary of Commerce will have to work
with the community to determine what those current levels
are. And that will be a process that is further down the
road to determine how many permits are out there, what the
caps are going to be. So it's going to be part of a process.

MR. RICHARD NAKANISHI: Are they going to get
more fishermen out there? Prevent people from fishing out
there? Is there going to be controlled?

MR. MICHAEL WEISS: I thought I explained the
conservation measures with -- And I really don't want to get
into more of a discussion. We need to hear your comments on
this on the record. But, again, the executive order allows
levels of bottom fishing at current levels. There will be a
cap, a cap on those fishing levels. Again, there will be a
process to determine what that cap will be.
MODERATOR: So the opportunity here is for people to give testimony so that these folks will take it back and consider it. And those issues will be considered. That's the only purpose of this.

MR. RICHARD NAKANISHI: Well, without coming here today I didn't know what the area was, so that I really understand.

MR. MICHAEL WEISS: Okay. Well, please take the information and --

MR. RICHARD NAKANISHI: Thank you.

MODERATOR: And, once again, you can input written comments once you have had a chance to take a look at the information.

MR. RICHARD NAKANISHI: That's what I was going to do.

MODERATOR: Good.

MR. RICHARD NAKANISHI: Thank you very much.

MODERATOR: Okay. David, can I have the sheet so I can see who is next? Thanks.

Mahealani.


I'm not a great impromptu speaker so I wrote comments.

I would like to thank you for this
opportunity to comment in support of the Executive Order No. 13178 establishing the Northwest Hawaiian Islands Coral Reef Ecosystem Reserve. We thank President Clinton for this timely action to establish permanent protection for this area.

This executive order will in its present form protect some of the last truly wild natural coral reef ecosystems on the planet. It will also preserve monk seal habitat and sources of food.

Commercial fishing is allowed to continue at its current levels. Also Native Hawaiian access for noncommercial cultural purposes is guaranteed.

The recent multiagency research expedition to the Northwest Hawaiian Islands -- I think there's some copies of this on the table there -- for reef assessment and monitoring confirmed for those participants the need to provide increased protection and management of these treasured places. This executive order will allow us to protect a unique and irreplaceable ecosystem found nowhere else in the world.

The reefs they surveyed, those scientists, I think there were 50 of them that spent 57 days up there and looked at more than 2400 acres of ocean, miles of ocean, found those reefs to be healthier and more vigorous than they expected. Coral reefs have been called rain forests of the
sea because of their complexity and multitude of diverse life forms. At least five new species were found and at each island or atoll the scientists found twice as many species than was recorded by scientists in the 1980s.

There are now seven species of rare table corals known to exist in the Northwest Hawaiian Islands and 15 coral species were reported for the first time. Nearly one third of the earth's coral reefs have been destroyed in recent years due to global warming. It may well be that the Northwest Hawaiian Islands coral reefs located in cooler waters may become the last remaining ecosystem of its kind.

Scientists on that multiagency expedition lacked -- noted a lack of alien species of algae and marine invertebrates except at Midway Island where they have found -- where those have been introduced by shipping traffic at the port. Many unique species of sponges were found. Some probably unique to the Northwest Hawaiian Islands.

Research participants believe there are more species that exist there that are unknown to science at this time. Protection now will help assure their preservation and allow for their discovery and study within their natural habitat at some later time.

The scientific expedition report concludes by saying, quote, These areas should not only be set aside for their intrinsic value, but also for their value to enhance
fishing in adjacent areas and hedge against species collapse
especially those resulting from inadequate management of
fishery resources in the Main Hawaiian Islands.

Too often in the state of Hawaii management
of resources has left out the voice and wisdom of native
practitioners and others who benefit from firsthand
knowledge.

We thank the President for listening to our
people's comments from workshops which were held around the
state and including three Native Hawaiian members including
one kapuna, elder, on the reserve council. Also for
including three nonfederal science community representatives.
Also for including three nongovernment environmental
representatives. Also for including one nonfederal community
representative with experience in marine conservation
education and outreach. And one citizen at large.

We believe this proposed council makeup will
balance the commercial interests that have overrepresented
the so-called management of the Northwest Hawaiian Islands
for decades. Please preserve the makeup of the reserve
counsel as it is written.

The Northwest Hawaiian Islands serve as a
nursery for species of fish that will help ensure
replenishment of the marine resources for these Main Hawaiian
Islands. Protecting this puahunua for those species in the
long run helps to assure benefits to the greatest number of
users: Recreation, subsistence and commercial fishermen who
fish right here where we live.

We have seen the effects of overharvesting
everywhere, including the Northwest Hawaiian Islands lobster
population under Wespac management. Pressure on resources
throughout the state will only increase. Protection of the
Northwest Hawaiian Islands now will assure resource
replenishment for future generations.

I am hoping that some of those Hawaiians
involved here on Molokai in resource management will
seriously consider applying to sit on the reserve council.
We have real programs here which are models of sustainability
and conservation.

Understanding must come before management of
a place. I believe that developing knowledge, that
re-remembering of what our ancestors knew and learned and
lived would be a valuable addition to the management plan to
be developed.

My final comment is that I hope that it would
be considered to add language something like this: These
islands and submerged lands are ceded lands. The executive
order needs to contain a provision for the eventual return of
the reserve to the Native Hawaiian people upon restoration of
their independent government. Specific language must be
included which prohibits any transfer of these lands through administrative action or treaty or any other means to any other entity including foreign nations or, for instance, the Department of Defense.

And I thank you and mahalo for coming to hear us this evening.

That's the end of my testimony, but could you folks add to the information you have there the e-mail address for comments if people want to e-mail comments? Is it there?

MR. MICHAEL WEISS: On the comment form is the address, e-mail, fax number, name.

Thank you.

MODERATOR: Thank you.

There were a couple comments about the reserve council. This is being established to provide advice and recommendation to the National Oceanic and Atmospheric Administration on the Reserve Operations Plan. The council will play an important role in helping shape the initiatives to provide the protection of the marine resources of the reserve and sanctuary. Further information on the council and application forms should be available.

Bill -- Is it Puleloa?

MR. BILL PULELOA: My last name is P-U-L-E-L-O-A.
I am a State employee, but I'm speaking tonight as a private citizen, as a fisherman.

I want to -- It's very difficult to follow Mahealani. She did a very wonderful job. She was very germane to our concerns. I want to go on record endorsing whatever she said.

And with regards to these two measures that we have up there, I am in favor of both of those -- the proposed conservation measures. And, as a matter of fact, I would like to see them reinforced and enhanced to a point where perhaps commercial utilization extractive activities up in the northwest can be eliminated.

In my opinion, that fish caught up there, any fish caught up there is much more valuable to us as consumers in this lower reaches. It's much more valuable to us. None of us, I don't see anybody in here that has a boat that can reach up there. So most of us do our fishing in the lower eight, in the lower main islands. Any fish that's caught up there has a higher intrinsic value to us if it's left up there as brood stock rather than a piece of meet on some fancy plater in some fancy restaurant.

There's a caveat to what I want to say, too. As thankful as I am for this reserve, this -- I am very hesitant about someone halfway across the world declaring something that should be our responsibility to manage. I am
not very comfortable about that. I think this reserve should
have been something that was generated from local
authorities. But, nevertheless, it is here and we have got
to deal with it and I am in favor of it.

I think that's all I have.

MODERATOR: Thank you very much.

MR. BILL PULELOA: You're welcome.

MODERATOR: We do have a sign-up sheet here.

I know some people came in in the last few minutes. If
you're interested in signing up to provide some testimony,
please do so.

I am having trouble reading this. I think
it's Keli Pio.

MR. RICHARD NAKANISHI: He don't want to.

Too young.

MR. KELII PIO KAHEAMAWAE: My name is

I was invited today to this meeting talking
about the Northwest and everything, but I'm a fisherman
myself. I love to fish. But I don't know when I going up
there.

But I looking at the fishermen in the state
of Hawaii, our local fishermen and our Native Hawaiian
fishermen. Everybody like preserve this, preserve that,
preserve everything. It's kind of hard for the fishermen to
survive when you get all these preserved stuff, you know. We
got to feed our family. We got to make money somehow.

And I believe for myself, I've never been out
there yet, for our local fishermen to make something, you
know, make money, put food on the table, whatever. And I
have been talking to Senator Ino really about this and I hope
the fishermen in the state of Hawaii don't do too much
preserve everything like this.

I just heard on news they gave 15 areas, but
then they preserve the 15 areas, the fishermen get no chance
to go out there to catch the fish. So I think they should
leave them the same way it is and go fish, but only thing we
just got to make law conservation, you know, preserve.
Because otherwise they're going to start making all over the
place with this kind of stuff.

Everybody worry about the coral reef. They
get out there for check them out, you know. I love the coral
reef, but you got to catch the guy who damage the coral reef,
you see?

But the fishermen, no, they got to survive,
they got to put food on the table. I do that all my life. I
think it is a hard life. I don't believe anybody been
through this hard life when I went.

But you guys coming from the USA, Washington,
D.C., I just came from there. Oh, yeah. That's why I told
Akaka, I told Ino, I told the big guys up there, I say, hey, leave the fish for the Native Hawaiian and the fishermen, you know what I mean, the fishermen, the local fishermen. That's what I looking at.

And I had one invitation today, that's why I still here today. So I'm the mayor over here, so I like to help the fishermen. That's it.

And if you guys let me know all kind laws stuff like this unnecessary, but conservation very important. If you guys can make conservation, make law for that.

You know, I'm a Hawaiian. I believe you got to put food on the table and we got to make money. I don't know about the USA guys. They come from there. They don't know about over here, you see.

The big boats coming here, sometimes you got to watch, destroy the fish up there, destroy the coral. But the guys like us, the local fishermen, I don't think so. You got to get in and out guys for what the area.

So I don't want to talk all night. I think I had enough, but thank you.

MODERATOR: Thank you.

MR. MICHAEL WEISS: Thank you.

MODERATOR: That was the last name we had signed up to testify. Is anybody else interested in coming up?
MS. LISA VORSE:  Sure. Lisa Vorse.

What I wanted to share with you guys is I've been a fisherman for 12 years and I've been out on the long-range boats that go up there. You guys already have a pretty good system going to monitor what the guys are doing. And for somebody halfway across the world that's not even exposed to what's going on, you know, they're totally removed from what we're -- you know, our lifestyle and what's going on.

I think that before you could even make any kind of judgment you have to put an observer, get people to go out there themselves, see what the boys go through. The weather itself is a big, what would you say, conservation measure, you know. And so that they wouldn't even be fair until you gave it more research, yeah.

That's about it.

MODERATOR:  Thank you.

Anybody else want to make any remarks?

The Secretary of Commerce is also beginning designation of the reserve as a new National Marine Sanctuary. And that process is separate from this, but that is going to start next year.

MR. MELVIN PERRELLS:  I have a question.

This is where everybody gets confused. The federal government wants to make those islands a preserve dealing our
30 percent fishing island. What's happening?

MODERATOR: You want to come back up here so the court reporter can hear you?

MR. MELVIN PERRELLS: My main concern is that the federal government is closing X amount of fishing area. What about the areas that's already closed around the state of Hawaii? You know, if you start to think that 70 percent closure, we're going to get 40 percent left.

Now, not every spot in the ocean is a good fishing spot. Especially in the middle of the channels, there's nothing. But if you guys keep closing, closing, closing, we're not going to have a place to fish. You got to get together.

Because I know the federal government. They closed off Penguin Banks. Supposed to be for three years, but now it's extended to five. You guys are closing up there, closing down here, and eventually we're not going to have a place to go fish. You guys give me an answer.

MODERATOR: I think the point -- you telling them that, what they do with that then is they take that information back with them and they feed it into the process and make sure people know that your position is that you're concerned that the areas to fish are becoming smaller and smaller.

MR. MELVIN PERRELLS: That's right.
MODERATOR: And I think they hear that and that's part of the process they're trying to input. That's why you're here making your comments.

MR. MELVIN PERRELLS: Another thing with the media's blowout, they said all the fishing up there is going to be closed. And my concern was that all the long boat or long-distance boats are not going to be coming down to around the eight main islands. You already have 70 percent this area closed off. I mean, you're going to reek havoc on the reef and its population. You understand?

So my concern is, yeah, conservation is good, we need that, but, on the other hand, we cannot be so concerned about seals and turtles that the cost of the human race. I mean, the people over here at least 50 to 60 percent of their diet is fish. We start closing off the fishing areas, got to bring it in someplace else. You know, I don't mind eating hamburgers once in a while, but I rather have my fish.

But, again, looking at the whole, the total picture, with all the areas that's closed, when are we going to -- We're going to have boats just to go out riding. We won't be able to fish because all of the closed areas. Like I said, Penguin Banks, a lot of it is closed. There's an area by ship wreck on Lanai, that's closed. Around Kaho'olawe, that's closed. On the west end.
I mean, you see more closures in areas and eventually with more boats coming down or not being able to go up there, you going to jam it all around these islands. So what is the damage that's going to do to our reef down here? That's going -- you saving one reef, you destroying the other one. So there's got to be a balance someplace.

MODERATOR: Thank you.

MR. MICHAEL WEISS: Thank you.

MODERATOR: Mike, would you like to take a minute to sum up the next steps?

MR. MICHAEL WEISS: Okay. Is that -- If there aren't any further comments, nobody wants to come up. Do you have some comments you want to give?

MR. WALTER RITTE: Yeah.

MODERATOR: Okay. State your name for the court reporter, please.

MR. WALTER RITTE: Walter Ritte, R-I-T-T-E. I have never been up there except I've seen the place on TV and stuff. But on the lower half of that island chain is where we all operate. And the way we have operated all these years tells me that we need to do conservation measures. Basically we screwed up the whole bottom half.

So I am in favor of having conservation measures on the top half just -- even though I don't know
that top half, but just knowing what we have done to the
bottom half makes me want to say that I don't want to see
that happen to the top half.

I would like to see some kind of a compromise
with the fishermen. I think there's something in there that
about 5 percent or something where the fishermen can get in
there and keep whatever is going on now. So it's good that
there's something there for the fishermen, but I think
conservation should be supported in that area.

MODERATOR: Thank you.

MR. WEISS: Thank you.

One more comment.

MS. MAHEALANI DAVIS: I think some of the
comments we have heard in the community over the years from
the fishing community does have to do with a lack of
enforcement. There are willing people here to put
conservation measures into effect to help maloma take care of
fishing areas, but it does no good if long boats and foreign
vessels are allowed to continue as they do to come into our
waters, rape, pillage and plunder, and then leave.

It doesn't seem to do much good to call in a
report because the boat is long gone by the time anybody
responds, if they do at all. And we're not sure what
response there is, if any.

The federal government in order to make this
reserve work, if it is made permanent, needs to take a hard look at how they're going to enforce the restrictions by keeping foreign fishing boats out of the area.

I also have not seen in the executive order any specifics about where the funds are going to come from to do that enforcement. I have heard it suggested that there be some cooperative kind of enforcement and managements put together. And I assume that that's what the reserve council would work on, exactly how will this area be managed once it's put in -- designated, but that's a big question that the federal government needs to look at. Keeping foreign vessels out of our waters so we can take care of them and preserve them.

MODERATOR: Thank you.


Okay. We are a fishing co-op established back in '85 and we are fishermen. We support fishing. Fishing is a hard life. Whoever is fishermen over here, they know. You go out, it's hard work to get out there and catch the fish.

I in support -- we are in support for the industry, the fishing industry. We need fish to supply our economy. With all the regulations and everything else going down, we have already implement regulations already. Maybe
we need enforcement.

There's already established regulations, councils, Wespac and everything. They already doing the job. And I feel they're doing a good job with whatever is happening up the Northwestern Islands which is -- already has been polluted and disrupted already. That's why you see -- you seen a lot of jam ups that came down to this side.

They had a clean up and everything and within the last 15, 20 years maybe the thing has -- there's no problems up there in the sense of the fishing. That's what I see. Even over here. There's fishermen that got grounds that can fish.

You don't want to stop the economic value of the local fishermen here that are trying hard to catch the fish and bringing it home for our people and everybody else. So I feel we should take care of it in a sense, but let's try to take care of it the way we have been doing it so far, working together and trying to work it out together. Okay.

MODERATOR: Thank you.


I would like to say that I am for conservation, yeah, and I respect the fishermen, the commercial as well as subsistence fishermen. But I think the most important thing I am looking at is how it's going to be
monitored, how it's going to be protected and who's going to protect? It is our -- And who can we trust?

And I think I would like to see where we have, you know, each island, you know, have some form of organization that is involved with the department, whoever is going to be in control of Hawaiian enforcement or monitoring the program. Because you cannot have -- put all this kind of restriction on subsistence fishermen as well as commercial fishermen if we have the guys that's supposed to enforce the law is the one that breaking the law.

And, you know, we have a lot of that. It been happening and it hurts us, you know. It hurts every individual that's trying to protect the environment and yet we have law enforcements and all they have is just a slap on the wrist, you know. So I think if we have organizations within each island, each community, that help monitor and help enforce the law, I think we have a better organized program working with the federal government or whoever is going to be in charge.

We don't want -- you know, we don't want you guys coming in and say, okay, we want to do this, we want to do that for us and in return you guys don't doing it for us. You guys doing it for yourself. And this cannot go on that way.

So that's what I like to propose and then
like we have (Hawaiian). That program been working pretty
good. It working real good. And I guess the community has
to get more involved. And I think every island should be
responsible of their own island. Okay? And we don't need
anybody to come and tell us how to take care of our resources
when this responsibility of each one of us. Every one of us
have to take that responsibility. And if we don't do it now,
we're not going to have anything left for our generation to
come.

Okay. That's all I got to say. Thank you.

MODERATOR: Thank you.

Anyone else?

MR. PAUL BARTRAM: My name is Paul Bartram, B-A-R-T-R-A-M.

I just have two comments. I really support
the last speaker's comments, which is it's our responsibility
for this fishery management resource management. I don't
really see it as the federal government's responsibility.

That's my first comment.

And the second comment is -- actually I have
three comments. My second comment is we're not quite sure
which way the fish goes in terms of which place feeds the
other place. It could be the other way around. If it's the
other way around, then we haven't been doing a good job here
of feeding the Northwestern Hawaiian Islands with new fish
recruits.

My third comment is I'm not quite sure who's going to have the keys to the Northwestern Hawaiian Islands and it kind of bothers me. I think Hawaiians should have the keys, myself.

Thank you.

MODERATOR: Thank you.

MR. MICHAEL WEISS: I would like to personally thank everybody who came out tonight and gave really thoughtful comments. I know it's a privilege for me and for Robert as well to hear these firsthand and get them on the record.

What's going to happen next is this is the last night of our public hearings, but the comment period on this is open until January 8th. So comments can be submitted up until January 8th. So if you have any additional comments, please put them in writing and send them to the addresses on the sheets or on the board or if you can e-mail them, e-mail them. That's great as well. We really do appreciate your comments.

The Department of Commerce will take these comments on behalf of the President, put them together and then transmit them to the Executive Office of the President, who will then make a determination on any further action based on the comments we have heard tonight and all week and
during the comment period.

So, again, I would like to thank you very much.

MODERATOR: One more person. You want to state something?

MR. SAMUEL KA HOLAA, JR.: My name is Samuel L. Kaholaa, Jr.

I would like to talk about the Native Hawaiian pacification passages in this executive order. It does nothing for the Native Hawaiians. It insults the Native Hawaiian that you would dare to even put the language Native Hawaiian for the spiritual and gathering that is over a thousand miles away. It insults the Native Hawaiian.

The other insult is I have to stand here and listen to this circus that's going on when the coordinator of this meeting should have been more akamai and should have made it down where the Native Hawaiian gathers without no dog and pony shows on the side of us. We could have had a good meeting here. Now I got to go beyond that music so that you understand where I'm coming from.

As a Native Hawaiian, what does this do for us? It does nothing. Mahalo to Clinton President for his executive order. Mahalo for the apology for overthrowing the government. But, please, Mr. President, Mr. America, don't do us any more favors. Hold up. Hold up on the favors.
Please.

And on your way out, don't let the door hit your okola.

Please, hold everything up.

Now, when we're talking about sovereignty, when our nation is recognized, we want that back. We want Kalapaka back. We want all these cans that the federal government in hold, we want it back. Because you have done nothing for us. You have stood on the side while the State of Hawaii has raped us over and over again. You have stood on the side the Department of Interior, the Department of Justice and the Department of Commerce. You have done nothing for us. Now we're supposed to have faith in you now.

Mr. President, America, please, hold up on your favors.

Thank you.

MR. MICHAEL WEISS: Thank you.

MR. BILL PULELOA: May I address a question to Dave?

MR. MICHAEL WEISS: If it's a clarification question, sure.

MR. BILL PULELOA: It is a clarification. Actually, after you pick up all your information and go back, in the event that Mr. Clinton does not authorize this thing, or some way it falls through the crack, what happens?
MR. MICHAEL WEISS: I'm sorry. Again, I apologize.

MR. BILL PULELOA: If this process falls through the cracks, where are we?

MR. MICHAEL WEISS: If you're asking if nothing -- if the President doesn't take any other action, where are we? The reserve was established. It's there now. The conservation measures and the preservation areas are in place now. But the President has wanted to continue the public process to get your input to see if what he did, if -- you know, to hear back on what he has done.

If he takes no action, then what you -- it's established.

MR. BILL PULELOA: It is established?

MR. MICHAEL WEISS: Yes.

MODERATOR: Thank you very much everybody for coming. We do appreciate it. Have a good holiday.

MR. SAMUEL KAHOLAA, JR.: Boo.

(Whereupon, the proceedings were adjourned at 7:05 pm)
I, Sandra J. Gran, Certified Shorthand Reporter for the State of Hawaii, hereby certify that I reported in stenotype all testimony adduced and all other oral proceedings had in the foregoing matter; that thereafter my notes were reduced to typewriting under my direction; and the foregoing transcript constitutes a full, true and correct record of such testimony adduced and oral proceedings had and of the whole thereof.

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

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

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SANDRA J. GRAN, RPR, OR CSR 90-0015, HI CSR 424 Notary Public for Hawaii
My Commission Expires: 5/14/04