



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

PUBLIC HEARING  
NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF RESERVE

HELD AT  
COOPERATIVE EXTENSION SERVICE  
875 KOMOHANA STREET  
CONFERENCE ROOM A  
HILO, HAWAII 96720

ON DECEMBER 12, 2000  
6:10 P.M.

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

1 MODERATORS :

2                   LOUIS CHANG

3                   KENNETH FUKUNAGA

4

5 REPRESENTATIVES FROM DEPARTMENT OF COMMERCE :

6                   MICHAEL WEISS

7                   ROBERT SMITH

8                   MICHAEL MURPHY

9

10 REPRESENTATIVES FROM DEPARTMENT OF INTERIOR :

11                   BARBARA A. MAXFIELD

12                   ROBERT J. SHALLENBERGER

13                   BENTON PANG

14

15

16

17

18

19

20

21

22

23

24

25

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

|    | INDEX   |        |
|----|---|--------|
|    |   | PAGE : |
| 1  |   |        |
| 2  |   |        |
| 3  | INTRODUCTION BY MR. CHANG                         | 5      |
| 4  | BACKGROUND AND SUMMARY BY MR. FUKUNAGA            | 12     |
| 5  | DESCRIPTION OF COMMENTS BEING SOUGHT BY MR. WEISS | 15     |
| 6  | COMMENTS PRESENTED BY:                            |        |
| 7  | JIM BLAKEY  | 30     |
| 8  | SHELLEY STEPHENS                                  | 32     |
| 9  | EDWARD CLARK                                      | 37     |
| 10 | FRANK SEVERANCE                                   | 38     |
| 11 | BILL GILMARTIN                                    | 42     |
| 12 | RICK WARSHAUER                                    | 45     |
| 13 | JIM ALBERTINI                                     | 46     |
| 14 | CARL SHIOJI                                       | 48     |
| 15 | PATRICIA TUMMONS                                  | 50     |
| 16 | MOANIKEALA AKAKA                                  | 53     |
| 17 | DAVID FRANKEL                                     | 55     |
| 18 | NELSON HO   | 58     |
| 19 | STEVEN HURT                                       | 59     |
| 20 | JON OLSON   | 60     |
| 21 | JOSEPH DALRYMPLE                                  | 61     |
| 22 | KARLA McDERMID                                    | 64     |
| 23 | RENE SIRACUSA                                     | 66     |
| 24 | RICHARD FESSENDEN                                 | 68     |
| 25 | LINDA LYERLY                                      | 71     |

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

| 1  | COMMENTS PRESENTED BY: | PAGE : |
|----|------------------------|--------|
| 2  | KAREN BLUE             | 73     |
| 3  | LOUIS FUKA             | 76     |
| 4  | GARY FRANCISCO         | 80     |
| 5  | HENRY HORTON           | 83     |
| 6  | RICHARD FESSENDEN      | 87     |
| 7  | SHELLEY STEVENS        | 90     |
| 8  | KAREN BLUE             | 95     |
| 9  | MOANIKEALA AKAKA       | 96     |
| 10 | LISA KING              | 99     |
| 11 | SARAH MOON             | 100    |
| 12 | RICHARD FESSENDEN      | 101    |
| 13 | KAREN BLUE             | 103    |
| 14 | RICK WARSHAUER         | 104    |
| 15 | SHELLEY STEPHENS       | 105    |
| 16 | LOUIS FUKA             | 107    |
| 17 | RENE SIRACUSA          | 108    |
| 18 | MOANIKEALA AKAKA       | 108    |
| 19 | LOUIS FUKA             | 109    |
| 20 | KAREN BLUE             | 110    |
| 21 | LINDA LYERLY           | 111    |
| 22 | SHELLEY STEPHENS       | 112    |
| 23 | MOANIKEALA AKAKA       | 112    |
| 24 | KAREN BLUE             | 113    |
| 25 | SHELLEY STEPHENS       | 114    |



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

1 MR. CHANG: Welcome. Aloha.

2 I want to introduce, first of all, my  
3 colleague, Ken Fukunaga, and myself, Lou Chang. We  
4 are Hearings Officers designated for this hearing.  
5 We are going to primarily serve the function of  
6 moderating this discussion.

7 We will introduce the representatives from  
8 the Department of Commerce and Interior in a  
9 moment. I wanted to give you some general  
10 information first, aside from welcoming you all to  
11 this hearing.

12 The purpose of the hearing, as you  
13 probably all know, is to receive your comments with  
14 regard to President Clinton's recent December 4th  
15 Executive Order that establishes the Northwestern  
16 Hawaiian Islands Coral Reef Reserve area.

17 We have maps in the back and also in the  
18 front that give a little bit more detail, and  
19 hopefully we'll have a little more discussion about  
20 that as we go along, but you're more than welcome at  
21 any time to refer to those.

22 These hearings are being conducted on  
23 behalf of the President, who has requested that we  
24 obtain comments on the conservation measures that  
25 have been proposed or are contained in Executive

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

1 Order, and we are doing so on all the major  
2 islands. Yesterday we had sessions in Kona and in  
3 Honolulu; and the next 3 days we'll be covering the  
4 rest of the major islands.

5 The Department of Commerce will pull  
6 together all of the comments by January 8th, 2001.

7 I wanted to call your attention to some  
8 information on the wall. You can submit additional  
9 comments, other people can submit any other comments  
10 they wish, either by mailing, fax, or e-mail. The  
11 addresses are on the chart on the wall in case you  
12 want to take it down as a reference, if there's  
13 something you want to supplement what you've said  
14 tonight or you might know of others who might want  
15 to submit additional comments. All comments are  
16 welcome, and that's how you can do it. But please  
17 make note the deadline is the comments must be  
18 received by January the 8th.

19 MR. MURPHY: Postmarked.

20 MR. CHANG: Postmarked, okay, thank you  
21 for the clarification.

22 Michael Murphy is from --

23 MR. MURPHY: Department of Commerce.

24 MR. CHANG: One of the representatives  
25 from Department of Commerce. I wanted to let you

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

1 know who shared that comment.

2           This meeting has been organized by the  
3 National Oceanic and Atmospheric Administration,  
4 NOAA, which is part of the Department of Commerce of  
5 the United States.

6           We have present members from both the  
7 Department of Commerce and Department of Interior.  
8 I'd like now to ask them to identify themselves.

9           MR. WEISS: Good evening. My name is  
10 Michael Weiss. I'm with NOAA, within the Department  
11 of Commerce; and I'm the NOAA agency representative  
12 to the White House Council on Environmental  
13 Quality.

14           MR. SMITH: And I'm Robert Smith, also  
15 representing the Department of Commerce. I'm the  
16 Acting Reserve Coordinator for the President's new  
17 Marine Reserve in the Northwestern Hawaiian Islands.

18           MR. CHANG: We have other members from the  
19 Department of Commerce. One is Mike Murphy.

20           Are there others?

21           And from Interior, do we have --

22           MR. SHALLENBERGER: I'm Rob Shallenberger,  
23 Deputy Project Leader for Hawaiian and Pacific  
24 Refuges, Fish & Wildlife Service.

25           MR. PANG: I'm Benton Pang with U.S. Fish

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

1 & Wildlife Service, Ecological Services.

2 MR. CHANG: Are you able to hear?

3 MR. PANG: I'm Benton Pang. I'm with U.S.  
4 Fish & Wildlife Service, Ecological Services. I'm  
5 based out of the Honolulu office.

6 MR. CHANG: Please feel free to let us  
7 know if you're not hearing something.

8 MS. MAXFIELD: And I'm Barbara Maxfield  
9 with Fish & Wildlife Service out of Honolulu.

10 MR. CHANG: Okay. In just a short while,  
11 we're going to be ready to read to you certain key  
12 portions of the Federal Register.

13 You have, hopefully, collected copies,  
14 which have more details, but we wanted to make sure  
15 that we had at least a base of information, and we  
16 will cover that in just a moment.

17 Let me explain the procedures tonight.  
18 Tonight's main purpose is to receive your comments  
19 about the President's Executive Order.

20 We'd like to ask you to focus your  
21 comments on two areas, if possible: One is your  
22 comments regarding making the reserve preservation  
23 areas permanent; and any comments you may have about  
24 conservation measures.

25 We have been following a procedure --



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

1 we've asked you all to sign in if you wanted to  
2 speak. If you didn't sign in wanting to speak but  
3 would like to, you're more than welcome to. Just  
4 let me know.

5 I have your names. I'm going to give the  
6 names -- I'm going to respect the order in which you  
7 signed up. So we'll be calling you in that order.

8 And as you are coming to present your  
9 comments, you'll note that we have Pat Miller, the  
10 court reporter, who will be making a transcript of  
11 these proceedings. And I'll give the card that you  
12 signed with your name so that she has the correct  
13 spelling of your name.

14 If you have written testimony and if you  
15 are able to, the court reporter would appreciate a  
16 copy of it so that she can use it to help make sure  
17 she gets your comments correctly; or if you want to  
18 add them to the record, you're also welcome to do  
19 that.

20 Okay. But we have so far one. If others  
21 have prepared written comments and have an extra  
22 copy and you'd like to leave it, we'd appreciate  
23 that.

24 Our plan is to encourage and invite all  
25 comment we can this evening. I think with this

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

1 crowd we should be able to. If there is time at the  
2 end, we may have time for comments and the like,  
3 depending on how it goes. But the primary purpose  
4 is to make sure we have comments from everyone who  
5 has come wanting to give comments. So we have  
6 decided to set a 3-minute limit on comments, and  
7 we'd like to ask your kokua in honoring that  
8 tonight. If you have more comments than that and if  
9 everybody else has had their chance to give their  
10 comments and there's additional time, we would  
11 welcome your desire to come back and supplement your  
12 comments. That would be okay.

13 Ken and I are going to have to be kind of  
14 strict on that honoring the 3-minute limit for  
15 comments, only to make sure that everybody who wants  
16 to have a chance to comment will have a chance to  
17 comment. Okay. But we don't mean to cut it off.  
18 If we have time, like I say, we will get comments  
19 beyond the 3 minutes. We'd like to ask you to  
20 please help us honor that.

21 I also would ask, if you hear comments and  
22 the like, if you would try not to either boo or  
23 clap, the purpose -- this is not necessarily a  
24 popularity thing that we're asking for. We want to  
25 know what you feel and think, and the problem with

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

1 people booing and clapping is that it might  
2 discourage others who might want to comment but may  
3 not because of that. So if you would try to hold  
4 back on that, we would appreciate that, too.

5           Some logistics: I mentioned the maps.  
6 The rest rooms are downstairs, right pretty much  
7 immediately below. The water fountain is pretty  
8 weak, but I understand there's a sink here in case  
9 anybody wants water. It might be better than the  
10 water fountains.

11           At this point, before I ask Ken to cover  
12 the key points, some key points from the Executive  
13 Order, I wanted to also ask your kokua with  
14 something else. On this subject, there are many  
15 views; and certainly, many views are passionate and  
16 intensely held. Hopefully, it is a mark of our  
17 community that we are able to hear out people with a  
18 sense of aloha and at least mutual hearing each  
19 other out. We'd like to have that as a common  
20 courtesy that we give each other tonight. So I  
21 don't think we'll have a problem, but I just wanted  
22 to ask you if you would help us out with that.

23           Ken, if I've missed anything, do you want  
24 to supplement?

25           MR. FUKUNAGA: The only other thing is

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

1 there are a lot of copies out there. If you want  
2 more to give away to your friends or take more home,  
3 please feel free to take as many as you want.  
4 They're on the table right outside the door.

5 MR. CHANG: Then, at this point, I guess  
6 we can go into portions of the Federal Register.

7 MR. FUKUNAGA: What I'm going to do for  
8 the next 5 minutes or so is read to you a portion of  
9 the Notice from the Federal Register, which  
10 summarizes the Executive Order, and then turn over a  
11 specific part of the discussion to Mike Weiss, who  
12 will cover in more specific detail a part of the  
13 Executive Order, and then it will come back to me,  
14 and I will finish it up. Okay?

15 Okay. On December 4, 2000, President  
16 Clinton issued Executive Order 13178 establishing  
17 the Northwestern Hawaiian Islands Coral Reef  
18 Ecosystem Reserve. This Executive Order was in  
19 response to the directive that he issued in May to  
20 the Departments of Commerce and Interior to develop  
21 a plan to provide strong and lasting protection for  
22 the coral reef ecosystem. Specifically, the  
23 Secretaries of the Interior and Commerce, in  
24 coordination with the State of Hawaii and in  
25 consultation with the Western Pacific Regional



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

1 Fisheries Management Council, initiated a process to  
2 cooperatively develop recommendations for a new,  
3 coordinated management to increase protection of the  
4 coral reef ecosystem and provide for  
5 sustainability. This process began with visioning  
6 sessions, which were open hearings for public  
7 comment on the future of the coral reef ecosystem.  
8 These public visioning sessions provided extensive  
9 input from a wide variety of groups that helped  
10 shape the final recommendations. Additional input  
11 on the future of the Northwestern Hawaiian Islands  
12 was gathered from other sources, such as the  
13 extensive public input and research conducted by the  
14 Western Pacific Regional Fisheries Management  
15 Council in development of their draft Coral Reef  
16 Ecosystem Fishery Management Plan.

17           The reserve encompasses an area of the  
18 marine waters and submerged lands of the  
19 Northwestern Hawaiian Islands extending  
20 approximately 1,200 nautical miles long and  
21 100 nautical miles wide. The reserve is adjacent to  
22 and seaward of the boundary of Hawaii State waters  
23 and submerged lands and the Midway Atoll National  
24 Wildlife Refuge, and includes the Hawaiian Islands  
25 National Wildlife Refuge to the extent it extends

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

1 beyond Hawaii State waters and submerged lands. The  
2 reserve will be managed by the Secretary of  
3 Commerce, or his or her designee under the National  
4 Marine Sanctuaries Act and the Executive Order. The  
5 Secretary will also initiate the process to  
6 designate the reserve as a National Marine  
7 Sanctuary. The management principles and  
8 implementation strategy and requirements for the  
9 reserve are found in the Executive Order.

10           The President has initiated a 30-day  
11 period during which the public may submit written  
12 comments on his proposal to make the reserve  
13 preservation areas permanent. The President is also  
14 requesting public comment on the conservation  
15 measures for the reserve. The President has  
16 directed the Secretary of Commerce to receive such  
17 comments and to hold, on the President's behalf,  
18 seven public hearings to accept written and oral  
19 comments on the proposal.

20           Comments will be considered if postmarked  
21 no later than January 8, 2001. Comments may be  
22 submitted by mail, fax, or electronically, in  
23 addition to what is recorded here today.

24           And again, the poster over there shows you  
25 where you submit your comments by mail, fax, or

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

1 electronically.

2           Today's hearing is seeking comments on  
3 behalf of the President on two main topics, and I  
4 will turn this over to Mike to describe the two main  
5 topics.

6           MR. WEISS: The two main topics that the  
7 President has asked for comments on are the reserve  
8 preservation areas and whether to make them  
9 permanent and the conservation measures for the  
10 reserve. And I will briefly describe those for  
11 everyone.

12           This is the reserve established by the  
13 Executive Order, and it includes all the blue area  
14 and the purple area. The orange area are the state  
15 waters or here the Midway Atoll National Wildlife  
16 Refuge, which are not included in the reserve.

17           Throughout all the blue and purple area,  
18 there are certain conservation measures that apply  
19 that are listed in the Executive Order. And these  
20 are essentially restrictions that apply throughout  
21 the entire reserve. And those restrictions include  
22 a prohibition against oil, gas, and mineral  
23 extraction; no anchoring on coral; no drilling,  
24 dredging, or otherwise altering the seabed; no  
25 discharging inside the reserve; and no taking,

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

1 damaging or -- no taking or damaging any reserve  
2 resources.

3           Now, existing levels of commercial and  
4 recreational fishing are allowed to continue in the  
5 blue areas of the reserve. They're allowed at  
6 current levels, and the Executive Order describes  
7 how those current levels will be determined by the  
8 Secretary of Commerce later on.

9           The reserve preservation areas are these  
10 purple areas, and these are areas where all  
11 consumptive and extractive activities are  
12 prohibited. Specifically, there is no fishing in  
13 these areas; there's no anchoring if there's a  
14 mooring buoy or an available anchoring area  
15 designated; there is no discharging at all except  
16 for cooling water; and there is no touching or  
17 taking of coral.

18           In eight of the reserve preservation  
19 areas, existing levels of bottom fishing is allowed  
20 to continue; and those eight include Nihoa Island,  
21 Necker Island, St. Rogatien Bank -- and I apologize  
22 if I'm not pronouncing this correctly -- Gardner  
23 Pinnacles, Maro Reef, Layson Island, Pioneer Bank,  
24 and Lisanski Island. Those reserve preservation  
25 areas allow existing levels of bottom fishing.



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

1           So, again, so you have the conservation  
2 measures that apply throughout the reserve; and then  
3 you have the reserve preservation areas. And the  
4 President is asking for your comments on the  
5 conservation measures; and he is also asking for  
6 your comments on the reserve preservation areas and  
7 whether to make them permanent.

8           Thank you.

9           MR. FUKUNAGA: Okay, thanks, Mike.

10           The President took these actions pursuant  
11 to the authority that was provided to him in the  
12 National Sanctuary Amendments Act of 2000. This act  
13 gave the President the authority to designate any  
14 Northwestern Hawaiian Islands coral reef or coral  
15 reef ecosystem as a coral reef reserve to be managed  
16 by the Secretary of Commerce. This same act states  
17 that any closures shall not become permanent without  
18 adequate review and comment, which is why the  
19 President is having these public hearings such as  
20 the one tonight.

21           The act also directs the Secretary of  
22 Commerce to begin the designation of the reserve as  
23 a new National Marine Sanctuary. The sanctuary  
24 designation process will be separate from this  
25 effort and the public hearing held on behalf of the

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

1 President regarding the Executive Order. The  
2 sanctuary designation process will begin early next  
3 year and will provide additional public input in a  
4 variety of forums to help shape the sanctuary. The  
5 sanctuary will, however, have to use the protective  
6 measures established by the President as a baseline  
7 for its management efforts.

8           These hearings are occurring here, in  
9 Hilo, on each of the islands, and in Washington,  
10 D.C. There is more information at the entrance, as I  
11 mentioned, as to the dates and locations of all  
12 these hearings and other ways to submit comments.  
13 The Department of Commerce will pull together all  
14 these comments received or postmarked by January 8,  
15 2001, at these hearings, and through e-mail, fax,  
16 and mail and will transmit them to the President at  
17 the White House. The President will then review  
18 them and make a decision on what further action may  
19 be needed.

20           There is also a Reserve Council  
21 established by the Executive Order. And the council  
22 will play an important role in helping shape these  
23 initiatives.

24           What I'd like to do now is, using the  
25 sequence of sign-ins, I'm going to call each of you

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

1 by name and ask you to come up here, face the court  
2 reporter so she can see what you're saying. It is  
3 very important that you talk to her, so all your  
4 comments get in the record and then get typed up,  
5 and they'll be then submitted to the Department of  
6 Commerce and then through the Department to the  
7 President.

8 MS. AKAKA: Can we ask a question of the  
9 gentleman that just spoke?

10 MR. FUKUNAGA: Yes.

11 MS. AKAKA: You're saying that that purple  
12 area is a reserve area and you cannot fish in that  
13 area; is that right?

14 MR. WEISS: The reserve preservation  
15 areas, the 15 reserve preservation areas where all  
16 extractive and consumptive activities are not  
17 allowed, that includes no fishing, except for 8 of  
18 the areas where existing levels of bottom fishing --

19 MS. AKAKA: Are you pointing at the purple  
20 or are you pointing at --

21 MR. WEISS: The purple, just the purple.

22 MS. AKAKA: That's purple?

23 MR. WEISS: Yes, that's purple.

24 The blue area, these are --

25 UNIDENTIFIED SPEAKER: Fuchsia.

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

1                   MR. WEISS: Fuchsia, purple. But these  
2 are the areas where all consumptive activities are  
3 not allowed except, as I said, 8 of them, where  
4 bottom fishing is allowed to continue.

5                   THE REPORTER: Excuse me. Can you  
6 identify yourself, please.

7                   MS. AKAKA: Yes. My name is Moanikeala  
8 Akaka.

9                   MR. CHANG: Can we ask that comments and  
10 stuff be deferred? Because the primary purpose is  
11 for us to get everybody's comments.

12                   MS. AKAKA: We'd like clarification.

13                   MR. FUKA: My name is Louis Fuka. The  
14 question I have is in the definition "permanent."  
15 Once that becomes permanent, what does it take to  
16 make it "unpermanent"? An act of Congress? I know  
17 you're passing a law, but there must be some sort of  
18 avenue for it to become "nonpermanent."

19                   MR. WEISS: We actually are just focusing  
20 on what the law that authorized the President to  
21 create the reserve says, which is that closure areas  
22 of the reserve preservation areas can become  
23 permanent after this type of process. We haven't  
24 really looked at how they become unpermanent. I  
25 think once they're permanent, they're there.



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

1 MR. FUKA: What does "permanent" mean?

2 MS. AKAKA: A done deal.

3 MR. FUKA: I mean, is there no recourse  
4 for making it unpermanent?

5 MR. WEISS: Not once this process is  
6 complete and whether the President makes that  
7 decision; and if he does make them permanent, then  
8 they are permanent.

9 MR. FUKA: But it's a presidential and  
10 congressional decision. Can't the Congress and  
11 President undo it at some future date?

12 MR. WEISS: I think that the Congress has  
13 the option to do what it wants. I don't know --  
14 again, that's kind of -- I don't want to speculate  
15 on what can happen. All we're talking about is that  
16 we're just implementing this particular Executive  
17 Order under the law that the President was  
18 authorized to create the reserve.

19 MR. CHANG: A couple more people seem to  
20 have questions, clarification questions.

21 Your name, please?

22 MS. LYERLY: My name is Linda Lyerly. My  
23 understanding is that the ecosystem reserve, we're  
24 only talking like 5 percent of it that's going to be  
25 permanently protected. Is that right?

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

1                   MR. WEISS: The whole reserve -- the whole  
2 reserve is established. It's in place. And,  
3 again --

4                   MS. LYERLY: The protection part is like  
5 only about 5 percent --

6                   MR. WEISS: The reserve preservation areas  
7 encompass about 5 percent of the entire reserve.

8                   MS. LYERLY: I just . . .

9                   MR. CHANG: So, essentially, the purple  
10 area is about 5 percent of the entire blue area?

11                   MR. WEISS: That's right.

12                   MR. CHANG: Can we ask a logistical  
13 question? Would it be okay if we shut down the AC?  
14 I think it might be easier to hear. If it gets  
15 uncomfortable, please let us know. We can try to  
16 turn it on. For the moment, we'll try to do that.

17                   I'm told we may not be able to do it  
18 because it's on a timer.

19                   MR. SMITH: Linda, may I follow up,  
20 please, because I'm not sure we quite got you.

21                   On December 4, the Executive Order  
22 designated this reserve boundary, this broad reserve  
23 boundary as a marine reserve, so that's done.

24                   What we are seeking comment on is whether  
25 or not these reserve preservation areas, the areas

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

1 that match the color of my shirt, should be  
2 permanent.

3 MS. AKAKA: What about the pink parts?

4 MR. SMITH: Both the blue and the fuchsia  
5 areas have conservation measures in place now, but  
6 the President is asking for your comments on those  
7 conservation measures.

8 MS. LYERLY: Thank you.

9 MR. CHANG: There were --

10 MS. SIRACUSA: I apologize for coming in a  
11 little bit late.

12 THE REPORTER: Excuse me. Identify  
13 yourself, please.

14 MS. SIRACUSA: Rene Siracusa.

15 I was wondering about the designations in  
16 the gold color, Kure, Midway, Pearl and Hermes.  
17 What do those colors represent?

18 MR. WEISS: Those are not parts of the  
19 reserve, the orangish colors. They are outside of  
20 the reserve, and they encompass state waters and  
21 here, the Midway Atoll National Wildlife Refuge,  
22 they are not part of the reserve. The reserve is  
23 the blue area and the fuchsia areas.

24 MS. SIRACUSA: But the blue area surrounds  
25 them.

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

1 MR. WEISS: Yes.

2 MS. SIRACUSA: I find that confusing.

3 MR. WEISS: The reserve is outside of  
4 state waters. This is why you have the --

5 MS. AKAKA: And so those orangish areas  
6 are considered state waters?

7 MR. WEISS: They're considered state  
8 waters or the refuge.

9 MR. CHANG: Excuse me. Since we have a  
10 record, we want to make sure we get everybody's  
11 comment in the right order and identified.

12 MS. SIRACUSA: I'm still trying to get  
13 clarification. Rene Siracusa.

14 I'm still trying to get clarification.  
15 That means that Midway and those, they're protected  
16 under a state designation then? Is that what you're  
17 saying? And not under the federal sanctuary?

18 MR. WEISS: They're not part of the  
19 reserve, that's correct.

20 MR. FRANKEL: They're not necessarily  
21 protected, either.

22 THE REPORTER: Excuse me. Please identify  
23 yourself.

24 MR. FRANKEL: David Frankel.

25 MR. SMITH: This is Robert Smith. If we



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

1 could kind of cap this one off. This is a federal  
2 action, so the President, in his capacity under  
3 Executive Order, has designated these areas, these  
4 federal areas as the marine reserves. He  
5 specifically did not designate sovereign state  
6 waters of the State of Hawaii, and they exist around  
7 all of the emergent lands of the Northwestern  
8 Hawaiian Islands. Everyplace there's a piece of  
9 land sticking up -- and interestingly enough, most  
10 of these lands are in the City and County of  
11 Honolulu -- so every time there's a piece of land  
12 sticking up, there's 3 miles of water around that  
13 that is sovereign State of Hawaii waters, they're  
14 not part of the reserve.

15           The other anomaly here is -- and perhaps  
16 someone from Fish & Wildlife would want to speak --  
17 but in 1996 the President designated Midway Atoll  
18 and the formal Naval Defensive Seas, as Midway, as a  
19 national wildlife refuge. Those lands and those --  
20 particularly, those marine waters within the refuge  
21 boundary were specifically excluded from this  
22 particular action that occurred on December 4.

23           MR. CHANG: Your question?

24           MR. FESSENDEN: Yes, I have a question and  
25 a comment after.

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

1                   MR. FUKUNAGA: The comments we'll take  
2 when I start to read off the names of the people who  
3 have signed up to give everybody a chance to speak  
4 at that time.

5                   If you have a clarifying question, I think  
6 we can take it still --

7                   MR. FESSENDEN: I do have a question.

8                   MR. FUKUNAGA: -- but we are running short  
9 of time on these questions.

10                  MR. FESSENDEN: My name is Dick Fessenden  
11 from Kona.

12                  You brought up a good question. The  
13 meeting was set for -- well, that comes in my  
14 comments. Okay. I'll bring that back later. It  
15 takes me a little bit to understand. Okay.

16                  The President's Executive Order, I  
17 understand that to be an order. Does he have to  
18 wait for these comments before it becomes a law?

19                  MR. WEISS: What the president has done  
20 under the authority of the National Marine  
21 Sanctuaries Amendments Act, that's the authority  
22 that gave him the authority essentially to create  
23 this reserve, he's exercised that authority, and  
24 he's created the reserve. The reserve is  
25 established as of December 4th, when he issued the

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

1 Executive Order. It's in place. The conservation  
2 measures are in place, and the reserve preservation  
3 areas are in place. But he specifically asked for  
4 your comments on the conservation measures and the  
5 reserve preservation areas.

6 MR. FESSENDEN: Then the comment would be  
7 the Executive Order came out on December 7th. You  
8 said 4th. But it's on the Executive Order as the  
9 7th, and then you called a meeting on the 11th.

10 Did you folks read that Executive Order?  
11 Question one: Did anyone on the panel actually read  
12 the December 7th --

13 UNIDENTIFIED SPEAKER: That's the latest  
14 one.

15 MR. FESSENDEN: That's the latest one.  
16 That's how much time we had to read it, also.

17 MR. SMITH: I think you may be referring  
18 to the public notice requesting --

19 MR. FESSENDEN: It's called Executive  
20 Order. I have a copy of it right here if you'd like  
21 to see it. But it's a short order that's happening  
22 to us that we don't have time to comment on it.

23 MR. SMITH: If I confused you --

24 MR. FESSENDEN: That was my first  
25 question.

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

1                   MR. SMITH: The President actually signed  
2 it on the 4th, and it was made public on the 7th, so  
3 my apologies.

4                   MR. FESSENDEN: And you called these  
5 meetings starting on the 11th, in Kona. You called  
6 a 3-hour meeting and shut it off in an hour and a  
7 half. Okay. That's one.

8                   And now you -- I understand this is set in  
9 concrete. This is an order. Now we have a new  
10 administrative --

11                  MS. TUMMONS: Excuse me. Could we cut  
12 this off and just start with the public comments?

13                  A lot of us are on a short time frame,  
14 which is exactly the point that he's speaking to.

15                  My name is Patricia Tummons.

16                  This has gone into the commentary period,  
17 and I would rather that we all get a chance.

18                  MR. CHANG: That's an important point. We  
19 want to give everybody a chance to talk.

20                  MR. FESSENDEN: Okay. I will yield the  
21 floor.

22                  MR. CHANG: Thanks very much.

23                  Can I check then with the speakers. I  
24 have approximately 20 people who have given me cards  
25 indicating that they wish to give comments. If



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

1 that's the case, I think we can give everyone more  
2 time, and we're thinking of allowing 5 minutes for  
3 comments. Okay. But again, if I have not gotten a  
4 card from you and you'd like to submit some comments  
5 to the Department, please -- there's cards here and  
6 there's cards on the table, just fill one out and  
7 give it to me, please.

8 MR. FRANCISCO: My name is Gary  
9 Francisco. Why not just stay with the 3 minutes  
10 first; and then if time is leftover, other people  
11 can come back again.

12 MR. CHANG: Are people comfortable with  
13 that?

14 Okay. We'll do that then. All right.  
15 Let's do that then.

16 We'll start with it. I guess you got a  
17 sense, because we have a record, it is very  
18 important that we know who is speaking and that we  
19 give that person the clear time and attention to  
20 present their comments.

21 As I mentioned, I'm going to generally  
22 follow the sequence in which the speakers signed  
23 up. The last few might be a little bit out of  
24 order. I apologize for that. But we want to make  
25 sure everyone who wishes to give comments to the

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

1 Department and in response to the Executive Order  
2 will have a chance to do that.

3 The general process that we wanted to  
4 follow, we're going to invite you to step forward,  
5 perhaps here, as you deliver your comments to the  
6 department representatives, so that they can hear  
7 you better, the court reporter can hear you and get  
8 your comments completely for the record.

9 And as you're coming up, I will try  
10 generally to announce who the next speaker is, so  
11 that that person can be ready to start when the  
12 speaker preceding has concluded. All right? So  
13 that's kind of the general format we're going to  
14 follow.

15 Okay. Any questions before we start?

16 All right. The first comment was going to  
17 come from a Jim Blakey.

18 MR. BLAKEY: Yes. I would like to sit  
19 here.

20 MR. CHANG: That's fine. If you would  
21 speak up, please.

22

23 MR. BLAKEY: Yes. My name is Jim Blakey.

24 And I do support a coral ecosystem reserve.

25 My concerns are the lobbying, the

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

1 heavy-handed lobbying efforts of the Western Pacific  
2 Regional Fishery Management Council and the undue  
3 influence that I fear they have in this whole  
4 process. This seems to be watering down from a  
5 potential monument status to now a coral reef  
6 ecosystem reserve, and what may come with their  
7 influence, as I have heard the political leaders,  
8 the Governor, and Senator Inouye, to me, bow to  
9 these commercial interests in that they seem to  
10 think they own this resource and that they might and  
11 are no doubt using the profits that have been  
12 exploited from this resource for the heavy lobbying  
13 that is taking place as we gather here.

14 My concern is for what has been seen as  
15 collusion between the Western Pacific Regional  
16 Fishery Management Council and the National Marine  
17 Fisheries Service.

18 The public that I know would like to feel  
19 more confidence in the National Marine Fisheries  
20 Service as representing the public in this  
21 resource.

22 I would say and choose to have a permanent  
23 reserve status and to be wary of commercial  
24 interests that would take a posture of assumptive  
25 ownership of this region to further water down in

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

1 the hearings and in the time until this is to be in  
2 effect.

3 Thank you very much for the opportunity.

4 MR. FUKUNAGA: Thank you, Mr. Blakey.

5 MR. CHANG: I didn't follow my own  
6 procedure. I didn't let the second person know she  
7 was coming up. Shelley Stephens.

8 And following Shelley will be Edward  
9 Clark.

10

11 MS. STEPHENS: My name is Shelley  
12 Stephens, also known as Makaala Nakoa.

13 In response to what Jim Blakey has said,  
14 that is very true about the National Marine  
15 Fisheries and also WESPAC and their mismanagement of  
16 the resources for the past 25 years and that the  
17 establishment allows for considerable conflict of  
18 interest to exist within the system. And former  
19 WESPAC chair was James Cook, and he is one of the  
20 co-owners of the largest commercial fishing  
21 suppliers, co-owner of the largest fishing industry  
22 ice suppliers, owner of numerous longline boats,  
23 et cetera, and he's the one in there making rules  
24 and whatnot, and he was actually cited for violating  
25 several Federal Fisheries Management regulations,



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

1 including poaching of lobsters during closed  
2 seasons, not reporting longline boat catch and  
3 longline fishing within closed areas.

4           So what we're concerned about is people  
5 that are in charge in WESPAC and National Marine  
6 Fisheries that are, like he's saying, using  
7 corporate muscle, legislative power, and whatnot to  
8 secure an exclusive fishing grounds. Because if  
9 they're actually allowing fishing for people who  
10 have permits and not, you know, extending out to any  
11 other people to do fishing and the only people who  
12 can do fishing in that area are the ones who  
13 actually have the permits now, who are these  
14 people? Is there a conflict of interest and these  
15 people should be screened and see if they do have  
16 violations and repeated violations, and they should  
17 not be allowed to fish in that area.

18           I have been following the ocean mining  
19 issues, and I'm very happy to see that the ocean  
20 mining has been included in Executive Orders as  
21 being prohibited. I'm a little concerned because  
22 there's certain segments in the Executive Order  
23 stating that they may actually -- you know, if they  
24 decide to, they can go in and drill and alter the  
25 seabed. And I say to that that I feel that they

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

1 should have public comment on this particular issue  
2 of ocean mining; and that if they do any research  
3 whatsoever, that they have to give public notice.

4 MR. FUKUNAGA: Ms. Stephens, you have been  
5 about 3 and a half minutes now.

6 MS. STEPHENS: Okay.

7 MR. FUKUNAGA: Do you think you can finish  
8 in a few seconds?

9 MS. STEPHENS: Oh, yes.

10 And that every 3 years there is a Marine  
11 Mineral Joint Planning Arrangement signed between  
12 Department of Interior and the Governor; and that  
13 that needs to be addressed, because I can prove to  
14 you why Governor Cayetano is adamantly against this  
15 Executive Order, and it's really not on behalf of  
16 the fishermen. I have a letter here -- of course,  
17 you can't see it, but it's stating his support of  
18 ocean mining. And so I'm very concerned about his  
19 participation in ocean mining, encouraging foreign  
20 people -- well, foreign countries to come in and do  
21 ocean mining research through the University of  
22 Manoa and the University of Hawaii, as well.

23 MR. FUKUNAGA: Ms. Stephens, can you wait  
24 until everybody else has had a chance because you  
25 have gone about 4 minutes now.

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

1 MS. STEPHENS: And I believe I have 1  
2 minute left.

3 Thank you.

4 MR. CHANG: I thought we had consensus  
5 that we would go back to the 3-minute rule. We'll  
6 let you finish and then we're going --

7 MS. STEPHENS: Okay. I just have this one  
8 last thing, actually.

9 Considering the issues of blatant  
10 mismanagement and repeated violations of detrimental  
11 fisheries management by WESPAC and National Marine  
12 Fisheries, special consideration of management  
13 problems must be addressed. I would like to impress  
14 upon the enduring sense of the justice of the  
15 American people to support a partial act of Hawaiian  
16 restitution by transferring management of the  
17 Northwestern Hawaiian Islands to a Hawaiian kupuna  
18 and native fishermen based ocean protocol. As  
19 evidenced by the President's speech where he states  
20 that "Hawaiians can honor their age-old traditions,"  
21 Hawaiians are in a sense considered part of the  
22 ecosystem and should be able to honor age-old  
23 traditions that include ancient bartering systems  
24 and ocean resource management of fisheries  
25 surrounding the Hawaiian Islands.

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





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

1 here?

2 MR. CHANG: Yes, please.

3

4 MR. CLARK: My name is Edward Clark. I'm  
5 with the Sierra Club, and I have no special  
6 expertise in coral reefs, but I sailed the South  
7 Pacific for 4 years, so I have a vast experience  
8 with the coral, and I'm very concerned about  
9 preserving the coral environment; and therefore, I  
10 support the permanent preservation of this coral  
11 area.

12 And I would support at least an annual  
13 cleanup to preserve these areas on a rotating basis,  
14 perhaps you could begin at the south end, go to the  
15 north end, come back again. That might take a year  
16 to get all the garbage off this preserve area,  
17 because it keeps coming back.

18 Restrict the landing rights. By  
19 "landing," I mean of boats, not necessarily  
20 aircraft. I know that aircraft can sometimes  
21 approach these islands. Restrict them to permittees  
22 only, with strict limitations on the numbers of  
23 persons allowed and the hours of occupation.

24 While scientific surveys add to our  
25 understandings, even these must be restricted and

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

1 evaluated on an as-need basis.

2           And then for those who are not on a  
3 scientific mission or perhaps even those who are,  
4 provide mooring buoys where they are allowed, so  
5 that we don't have miscellaneous anchorage  
6 destroying the reef. And I have seen that happen in  
7 our southern hemisphere. I don't want it in our  
8 northern hemisphere.

9           Thank you.

10           MR. FUKUNAGA: Thank you, Mr. Clark.

11           MR. CHANG: Mr. Severance.

12

13           MR. SEVERANCE: Frank Severance. I'm a  
14 part-time commercial recreational fisherman. I  
15 serve as a volunteer scientific adviser to the  
16 Western Pacific Council. And I'm neither  
17 embarrassed nor ashamed to do that. I helped craft  
18 the limited entry program for the Mau zone, for the  
19 bottom fish fishery in the Mau zone.

20           MR. CHANG: Can I ask you to speak up  
21 further.

22           MR. SEVERANCE: Okay. And with the  
23 set-aside of Hawaiian permits for that limited entry  
24 program. Marine protected areas can work. They can  
25 also support sustainable fisheries.

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

1           In my view, the bottom fish fisheries has  
2 been adequately managed by the council in the  
3 Northwestern Hawaiian Islands.

4           I think there need to be provisions that  
5 allow bottom fishing to continue, and I think that  
6 the impact of the proposed reserve areas reducing  
7 the prime bottom fish grounds is going to have  
8 significant enough impact on the existing bottom  
9 fishery so that NEPA compliance is probably required  
10 by this, and there should be a full environmental  
11 impact assessment with socio-impact assessment as  
12 well on the bottom fisheries.

13           Fresh bottom fish landed in Honolulu from  
14 the Northwestern Hawaiian Islands contributes  
15 significantly to tourism in the state, the Hawaiian  
16 regional cuisine, et cetera. So there are  
17 trickle-down effects into the rest of the economy  
18 that need consideration under NEPA for this action  
19 to go forward.

20           I think capping bottom fish effort at the  
21 1999 levels is unfair to the fishermen because in  
22 the Mau zone, in particular, average effort was  
23 reduced, so that perhaps a 5-year average catch for  
24 a cap should be done. And dividing up that catch is  
25 making a de facto individual fisherman's quota for

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

1 the existing permittees in that area, and IFQ's are  
2 still controversial. I'm not sure whether the  
3 existing moratorium on them has expired. It was due  
4 to expire this fall. But provisions for maintaining  
5 the bottom fish fishery in a sustainable way are, in  
6 my view, compatible with protection of the areas.

7           The hundred-fathom distinction effectively  
8 closes the currently closed lobster fishery, and I  
9 would suggest that consideration of allowing the  
10 lobster fishery to resume once NMFS can determine an  
11 adequate harvest level should be considered.

12           And my last concern has to do with the  
13 availability for scientific collection of organic  
14 compounds for bioprospecting that might lead to  
15 important drugs that under the current style of  
16 closure appear to be restricted and closed. This is  
17 somewhat contrary to the existing draft Coral Reef  
18 Resources Fisheries Management Plan that is at NMFS  
19 headquarters created by the council, which does set  
20 aside significant areas as closed areas in the  
21 Northwestern Hawaiian Islands but also allows for  
22 scientific collecting for organisms that may lead to  
23 important drugs, et cetera.

24           And finally, I am pleased to see some  
25 provisions for native Hawaiian cultural and



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

1 subsistence use in the reserve.

2 MR. CHANG: Can I ask for a technical  
3 time-out for a bit. There's some problem with  
4 people in the room hearing the comments. We figured  
5 out how to turn off the AC. That will help a little  
6 bit.

7 I have a couple of suggestions: Can we  
8 get a little more intimate? Those in the back can  
9 come closer.

10 UNIDENTIFIED SPEAKER: I have a  
11 suggestion. What if she sat up here, so that the  
12 speaker can be talking to everybody? If she sat  
13 over here in the audience.

14 MR. CHANG: Well, we wanted the comments  
15 to be directed to the Department. That was the  
16 thinking.

17 UNIDENTIFIED SPEAKER: If you would put  
18 the chair in front of that table and speak sideways.

19 MR. CHANG: So can we take a time-out then  
20 and reset this up so it's a little more effective.

21 (Brief recess)

22 MR. CHANG: Anybody who wanted to speak  
23 that has not given me a card, the people who came  
24 late, you're welcome to add your name to the list.

25 Okay, Mr. Gilmartin.

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

1                   Next will be Rick Warshauer.

2

3                   MR. GILMARTIN: My name is Bill  
4 Gilmartin.

5                   The Northwestern Hawaiian Islands coral  
6 reef and atoll ecosystem is a very special, unique,  
7 and fragile environment in which new species endemic  
8 to these reefs and islands are still being  
9 discovered. This relatively pristine portion of the  
10 Hawaiian Archipelago, with its high proportion of  
11 U.S. coral reef, must receive more protection than  
12 it enjoys in its current status. The President's  
13 Executive Order creating the NWHI Coral Reef Reserve  
14 sets the stage for genuine long-term conservation of  
15 this remote island-reef ecosystem.

16                   To address the primary concerns of this  
17 hearing, I submit the following:

18                   The Northwestern Hawaiian Islands Coral  
19 Reef Reserve preservation areas should receive a  
20 permanent designation. Although now retired, I have  
21 managed endangered wildlife research, Hawaiian monk  
22 seals and turtles, in the Northwestern Hawaiian  
23 Islands for approximately 20 years, battling the  
24 effects of past and current threats of commercial  
25 exploitation on these reefs and islands.

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

1           It is clear that commercial exploitation  
2 of the Northwestern Hawaiian Islands and the  
3 associated coral reefs are a serious risk to  
4 maintaining the diversity of this fragile  
5 ecosystem. Long-term conservation management of the  
6 Northwestern Hawaiian Islands to a distance of  
7 50 nautical miles from the islands should ensure the  
8 general health of this ecosystem and allow  
9 maintenance of fisheries that are truly sustainable  
10 and pose no threat to the ecosystem.

11           Conservation measures appropriate to the  
12 reserve, in addition to those stated in the  
13 Executive Order, should include:

14           All vessels conducting activities within  
15 the reserve, except vessels transiting through the  
16 area, should be permitted with a requirement for a  
17 summary report of activities that were conducted,  
18 where they were conducted, when, et cetera.

19           All vessels conducting commercial  
20 operations, including permitted fishing, must carry  
21 an observer. The observer should monitor vessel  
22 activities, record all takings from the reserve, and  
23 document any interactions with nontarget wildlife.

24           Coral reef assessments and inventories  
25 should be conducted on a regular schedule, and these

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

1 data should be used in managing the resources of the  
2 ecosystem.

3           If lobster fishing is resumed in the  
4 reserve for commercial or experimental purposes, the  
5 activity must be monitored closely for reef damage  
6 from traps and trap lines. If reef damage is judged  
7 to be significant, fishing should be halted until a  
8 safe method of trap setting and recovery is  
9 developed.

10           All of the above information should be  
11 used to develop further conservation guidelines for  
12 the noncommercial and grandfathered commercial  
13 fishing activities within the reserve to ensure they  
14 operate without threatening the ecosystem.

15           Adequate funding must be provided for  
16 enforcement of regulations within the reserve.

17           Bottom fishing grandfathered in by the  
18 Executive Order should be restricted to depths  
19 greater than 50 fathoms, where the primary catch  
20 currently occurs. Entry into shallower water  
21 increases the probability of vessel groundings and  
22 the likelihood of encountering monk seals.

23           In consideration of permits for any  
24 resource takings within the reserve, the principal  
25 concern of reserve management must be the



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

1 preservation of the integrity of the coral reef  
2 ecosystem; therefore, any taking must not jeopardize  
3 the species collected or any other species in the  
4 ecosystem dependent on it.

5 MR. FUKUNAGA: Mr. Gilmartin, you're about  
6 5 minutes.

7 MR. GILMARTIN: I'm done.

8 MR. FUKUNAGA: You have a page more?

9 MR. GILMARTIN: She's got it all.

10 MR. FUKUNAGA: Thank you.

11 MR. CHANG: Next, Mr. Warshauer.

12 Our next speaker after that will be Jim  
13 Albertini.

14

15 MR. WARSHAUER: I'm speaking in favor of  
16 the preserve, the designation of the natural  
17 preservation areas within it; and I'm urging  
18 stricter rules on commercial fishing within them.

19 As we've seen throughout the years,  
20 existing levels of commercial fishing have depleted  
21 the resource progressively from the southeast  
22 upwards towards the northeastern parts of the chain,  
23 and I think we can expect more of the same unless  
24 there is a considerable restriction of commercial  
25 take from the areas and any other extractive

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

1 procedures, as well.

2 I do not have any more faith than the  
3 first two speakers in WESPAC or NMFS to use existing  
4 procedures and methods to regulate the fishery, so I  
5 don't think that attempting to regulate is going to  
6 achieve the goal of preservation on this reserve. I  
7 think we need to severely geographically and/or  
8 chronologically limit the fishing in the area.

9 I won't say any more. I'll submit written  
10 testimony for the rest of it, to save time.

11 MR. FUKUNAGA: Thank you, Mr. Warshauer.

12 There are two people who signed the list  
13 to speak but didn't fill out the red card. Kimo  
14 Piihana, if he is here, and also Gary Francisco,  
15 would you fill out the cards in order to testify,  
16 since you have also signed up to testify.

17 MR. CHANG: After Mr. Albertini, it will  
18 be Carl Shioji.

19

20 MR. ALBERTINI: My name is Jim Albertini.  
21 I speak as president of Malu Aina Center for  
22 Nonviolent Education and Action, a nonprofit  
23 organization for 21 years here in Hawaii.

24 And our organization goes on record in  
25 support of a national marine sanctuary for the

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

1 Northwestern Hawaiian Islands.

2           We are in urgent need of strong and  
3 permanent environmental protection for this wonder  
4 of the sea. The current proposal appears to be a  
5 modern form of an ocean puuhonua, a place of refuge,  
6 to protect the over 7,000 species of coral, fish,  
7 birds, marine mammals, and other flora and fauna,  
8 including the severely endangered Hawaiian monk  
9 seal, green sea turtles, and the endangered  
10 leatherback and hawksbill turtles, while allowing  
11 for native Hawaiian access to culturally important  
12 sites and a limited amount of commercial and  
13 recreational fishing.

14           It would appear wise to protect areas from  
15 commercial bottom fishing out to a depth of  
16 50 fathoms and ban the commercial harvesting of all  
17 coral within the sanctuary/reserve.

18           We would encourage state waters zero to  
19 3 miles to be included in the reserve, as well, and  
20 that strong enforcement be built into the reserve  
21 system.

22           The relentless pursuit of economic growth  
23 is pushing the earth beyond environmental  
24 stability. The establishment of this  
25 reserve/sanctuary is a step in the right direction

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

1 toward healing the oceans, its life, and the earth,  
2 and ourselves included.

3 I would add two additional comments. And  
4 one is that here in Hawaii we've had a bad  
5 experience with the lack of enforcement and  
6 permanency to natural area reserves, where a decade  
7 ago the natural area reserve of Wao Kele O Puna Rain  
8 Forest was turned into industrial development. So I  
9 want to emphasize the concern for enforcement and  
10 permanency and, also, to emphasize the point that  
11 Hawaii is in a transition stage to restoring the  
12 Nation of Hawaii that would move away from both  
13 State of Hawaii and United States control. So I'd  
14 hope that there would be a transition to including  
15 this area into the Nation of Hawaii as this marine  
16 sanctuary needs to be addressed.

17 Thank you.

18 MR. FUKUNAGA: Thank you, Mr. Albertini.

19 MR. CHANG: After Patricia Tummons will be  
20 Moanikeala Akaka.

21 The next speaker is Carl Shioji.

22

23 MR. SHIOJI: I'm Carl Shioji. I'm  
24 president of Hilo Trollers, also a member of Big  
25 Island Fishermen Association.



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

1                   I still feel that this area should be left  
2 up to the state and not let the feds take over  
3 because the prior guy did mention that what do we  
4 consider permanent. Okay.

5                   In one of these newsletters, they say that  
6 bottom fishing fishery is healthy. And basically, I  
7 am an active bottom fisherman, ika-shibi fisherman  
8 here on the island. I kind of sense a domino effect  
9 that if we cannot get bottom fishes from this  
10 Northwestern Hawaiian Islands, it will trickle down  
11 to the main Hawaiian Islands and it will trickle  
12 right in my backyard, and it's going to be  
13 depleted.

14                   The State has already said that bottom  
15 fishing around the main Hawaiian Islands is -- the  
16 stocks are low. That's why they have closed off  
17 certain areas for 5 years.

18                   What I see is, if you're going to close --  
19 even that 8 spots, they may be open, but if you  
20 close a lot of the areas outside of that, they're  
21 going to be coming here.

22                   I also believe that out in the blue area  
23 there may be pinnacles there. With the technology  
24 we have, can't we drill a hole into the coral bed,  
25 plant an eye there, put some surface buoys, then the

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

1 boats can anchor to those buoys and not actually  
2 drag their anchor on the coral.

3 I look for more studies rather than  
4 rushing this federal thing through.

5 MR. FUKUNAGA: Thank you, Mr. Shioji.

6 MR. CHANG: Patricia Tummons.

7 MS. TUMMONS: Thank you for the  
8 opportunity to testify.

9 My name is Patricia Tummons, and I sit on  
10 the Marine Fisheries Advisory Council, which is an  
11 advisory to NOAA; and I also edit a newsletter  
12 called Environment Hawaii, but I'm speaking tonight  
13 in my private capacity.

14 I'm speaking in favor of the proposed  
15 preservation areas.

16 If any change is to be made to the plan,  
17 it should be to increase the number of banks that  
18 are included among the preservation areas. There's  
19 something like 32 or 33 banks. Only about 8 of them  
20 are included in the preservation areas as laid out  
21 right now.

22 I'd like to speak to a point made by  
23 Mr. Shioji relating to the bottom fishing in the  
24 area. In the Northwestern Hawaiian Islands, there  
25 are bottom fish that are more plentiful than in the

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

1 main Hawaiian Islands. In order to allow for  
2 continued fishing of bottom fish in the main  
3 Hawaiian Islands, the National Marine Fisheries  
4 Service has done what they call -- they've basically  
5 averaged the populations of the Northwestern  
6 Hawaiian Islands bottom fish with the main Hawaiian  
7 Islands. Absent that kind of averaging, the bottom  
8 fish in these islands would be at such low numbers  
9 that they could not be fished.

10           Furthermore, the National Marine Fisheries  
11 Service scientists have pointed out that the bottom  
12 fish in the Northwestern Hawaiian Islands serve as a  
13 sort of factory to produce the larvae that then  
14 drift down the chain and refurbish the depleted  
15 populations. So, in that sense, it becomes all the  
16 more important to be very protective of the bottom  
17 fish resources in the Northwestern Hawaiian Islands,  
18 which in any event are very lightly fished given the  
19 current size of the fleet.

20           I think it's reasonable to keep the  
21 lobster fishery closed indefinitely in light of the  
22 absolutely disgraceful numbers of animals out  
23 there. That fishery has been very poorly managed by  
24 the Western Pacific Council, and you only need to  
25 look at the catch-per-unit-effort rates and the way

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

1 that they have declined over the years to see that.

2           Furthermore, given the slow rate of  
3 recovery seen among depleted species, such marine  
4 reserves as these are vitally important.

5           I'll cite just one example. The pearl  
6 oyster was once so numerous that Pearl and Hermes  
7 Reef was actually named for that animal. They were  
8 fished out pretty well by the 1930's. Seventy years  
9 later, in the recent research cruise that was just  
10 completed in the Northwestern Hawaiian Islands,  
11 scientists surveying the area could find practically  
12 none. I talked with the scientists. They said they  
13 saw perhaps seven or eight of the pearl oysters in  
14 the entire Northwestern Hawaiian Islands.

15           If possible, I'd suggest that all vessels  
16 fishing commercially in the reserve be required to  
17 have insurance sufficient to pay for damages in the  
18 event of grounding. Also, they should be equipped  
19 with vessel monitoring system instrumentation so  
20 that their fishing activity may be closely  
21 monitored.

22           Thank you.

23           MR. FUKUNAGA: Thank you, Ms. Tummons.

24           MR. CHANG: After Ms. Akaka will be David  
25 Frankel.



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

1 MS. AKAKA: 'Ano'ai ke aloha. My name is  
2 Moanikeala Akaka. I'm a former trustee for the  
3 Office of Hawaiian Affairs. I was a trustee for 12  
4 years, up until 1996.

5 Our Hawaiian value system is that of aloha  
6 aina, to protect the land -- for the present -- as  
7 well as the ocean, for the present and future  
8 generations.

9 And unfortunately, there is a great  
10 feeling you've been hearing from this group that  
11 WESPAC has not been the stewards of our ocean and  
12 our fisheries as they should be. They've allowed  
13 these longliners to come in after they have -- these  
14 longliners have fished out the Gulf of Mexico and  
15 fished out Baja California, along that coastline,  
16 and then they, as carpetbaggers, have come over here  
17 and make it so that many of our fishermen have to --  
18 the longliners don't give them a chance to get to  
19 shore, and few fish are able to be caught by many of  
20 our people in the near coastal areas.

21 And there's concern that WESPAC has been  
22 contributing to this. As I said, they have not been  
23 the stewards of our ocean that they should be.

24 I am in favor of the preservation area,  
25 but there is also concern about the lobster --

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

1 keeping the lobster fisheries closed because of the  
2 depletion that has been caused.

3           And, also, the native Hawaiian  
4 noncommercial subsistence, cultural and religious  
5 uses may continue, it says here, to the extent  
6 consistent with existing law. Well, there has  
7 been -- documentation and research was paid for by  
8 the Office of Hawaiian Affairs for WESPAC, and part  
9 of it was we had documents pointing out that our  
10 past King Kalakaua had leased part of that area out  
11 in the past. This whole archipelago is part of the  
12 Hawaiian nation. And our country has been stolen.

13           When you say here "noncommercial  
14 subsistence," are you saying that -- maybe I need a  
15 definition -- that you only take a few fish to feed  
16 your families?

17           I think that is absurd because you need  
18 the boat to be able to go out there, much less --  
19 and it cost a great deal of money. You need -- we  
20 need -- it certainly could be controlled -- but we  
21 need to be able to help support our families.  
22 You're already allowing commercial fishermen into  
23 that area, yet you say that the Hawaiian people  
24 whose country was stolen, who President Clinton has  
25 apologized to in 1993, can only be there for

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

1 noncommercial subsistence and cultural and religious  
2 purposes. That's absurd. We deserve more than  
3 that. Our country was stolen, and we deserve decent  
4 fishing rights, as they have, say, in Washington  
5 State, where the natives there are allowed special  
6 fishing rights in those areas. And we should have  
7 the same rights here in the Northwestern Islands.

8           Those that are non-Hawaiian should realize  
9 that when justice and fairness come back to the  
10 native people, there's going to be a hell of a lot  
11 more aloha to share in these islands. As it stands  
12 now, the aloha in many instances has been a one-way  
13 street.

14           So I hope you remember the native peoples  
15 in this designation.

16           It is not -- our value system is to  
17 conserve, to protect resources, not exploit them, as  
18 those who have come to our shores have been doing  
19 for generations and generations.

20           Mahalo.

21           MR. FUKUNAGA: Thank you, Ms. Akaka.

22           MR. CHANG: After Mr. Frankel, Nelson Ho.

23

24           MR. FRANKEL: I want to thank President  
25 Clinton for his bold and timely action in response

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

1 to the call of Hawaii citizens for strong protection  
2 of the Northwest Hawaiian Islands.

3 As Pat Tummons mentioned, designation of  
4 the Northwest Hawaiian Islands coral ecosystem will  
5 replenish fish stocks of the main Hawaiian Islands  
6 and ensure that marine resources remain healthy and  
7 available for the enjoyment of future generations.

8 I urge the President to make these  
9 measures permanent and to enact stronger  
10 conservation measures. Specifically I'd like the  
11 following:

12 First, bottom fishing should be restricted  
13 to areas with a minimum depth of 50 fathoms. This  
14 would reduce monk seal interactions and the chances  
15 of accidental vessel groundings in shallower  
16 waters.

17 Second, observers should be required on  
18 all bottom fishing boats in the reserve at all times  
19 to ensure that their operations do not harm monk  
20 seals or coral reef resources. Strong enforcement  
21 is necessary for this reserve to be meaningful.

22 Third, the Executive Order should be  
23 abundantly clear that the harvesting of any coral  
24 from the Northwest Hawaiian Islands is prohibited.

25 Fourth, the preservation areas being



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

1 created should be true, complete no-take areas, and  
2 they should be larger than that currently proposed.

3 Fifth, the larger preservation areas  
4 should be made permanent.

5 And I'll stop there. I've got written  
6 testimony here for you.

7 Thanks.

8 MR. FUKUNAGA: Thank you, Mr. Frankel.

9 MR. CHANG: After Mr. Ho, Steve Hurt.

10 MR. FUKUNAGA: Before Mr. Hurt starts,  
11 there are two people who signed up on this list but  
12 didn't fill out the pink cards: Sarah Moon and  
13 Julie Leialoha. If they're interested in  
14 testifying, could you fill out one of these cards,  
15 please.

16 MS. MOON: I'm Sarah Moon. At the moment,  
17 I don't need to testify.

18 MS. LEIALOHA: I have already submitted  
19 testimony.

20 MR. FUKUNAGA: Would you like to also  
21 testify?

22 MS. LEIALOHA: No.

23 MR. FUKUNAGA: I'm sorry. Mr. Ho.

24 MR. HO: My name is Nelson Ho. I'm a  
25 volunteer officer with the Sierra Club, but the club

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

1 will be submitting written comments by the deadline,  
2 so I will speak just as an individual this evening.

3 I strongly support the permanent  
4 protection of the Northwest Hawaii Islands, and I do  
5 wish that the President had taken the opportunity to  
6 designate this a monument, which has stronger  
7 conservation measures than this sanctuary.

8 I would like to see stronger enforcement  
9 of this preservation area than what's been mentioned  
10 so far and would like to see stricter rules for  
11 conservation. I think some of them have been  
12 mentioned by previous speakers.

13 We do support -- I do support increased  
14 protection around the Hawaiian monk seal colonies  
15 and other sensitive areas that have been  
16 identified.

17 And that's it.

18 I guess I would like to support the  
19 comments specifically made by Shelley Stephens  
20 before me and Bill Gilmartin.

21 Thank you very much.

22 MR. FUKUNAGA: Thank you, Mr. Ho.

23 MR. CHANG: Mr. Hurt.

24 And after Mr. Hurt, Jon Olson.

25

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

1 MR. HURT: Hello. Steven Hurt.

2 Northwestern Hawaiian Islands Coral Reef  
3 Ecosystem Reserve status must not progress beyond  
4 that stage or status. World heritage site status  
5 should not be allowed. Control of the areas must  
6 remain within the jurisdiction of the State of  
7 Hawaii and the United States of America.

8 World heritage sites would fall under  
9 control of UNESCO, whose dismal record is evidenced  
10 in National Geographic's December 1999 issue,  
11 article "Petra." Several other smaller articles  
12 show the track record of the organization UNESCO is  
13 taking, and it should not be allowed in this area.  
14 Mauna Loa has already been lost to UNESCO. The  
15 entire State of Hawaii has been earmarked for  
16 control by UNESCO. Please check their web site, and  
17 all the evidence will show on their web site.

18 A balanced approach must be taken to allow  
19 a controlled take of fish and still be able to  
20 maintain a healthy ecosystem within the area.

21 Thank you.

22 MR. FUKUNAGA: Thank you, Mr. Hurt.

23 MR. CHANG: After Mr. Olson, Joseph  
24 Dalrymple.

25

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

1                   MR. OLSON: Thank you for this opportunity  
2 to speak. My name is Jon Olson.

3                   UNIDENTIFIED SPEAKER: Louder, please.

4                   MR. OLSON: Excuse me. My name is Jon  
5 Olson, and I am here speaking on behalf of the  
6 Hawaii County Chapter of the Hawaii State Green  
7 Party.

8                   The Hawaii County Chapter of the Hawaii  
9 State Green Party wishes to express our support for  
10 President Clinton's Executive Order creating the  
11 Northwest Hawaiian Islands Coral Reef Ecosystem  
12 Reserve.

13                   It is our hope that the Department of  
14 Interior will provide the necessary resources to  
15 protect and preserve this unique economic, cultural,  
16 and environmental resource. We believe that the  
17 protection of this area will also enhance the marine  
18 resources of the main Hawaiian Islands.

19                   Thank you.

20                   I also ask to be able to speak on my own  
21 behalf.

22                   I pulled my first commercial fishing  
23 license when I was 16. I have worked in the  
24 abalone, sea urchin, bottom fishery, billfishery;  
25 here in the Hawaiian Islands, I've also held a



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

1 commercial license to do bottom fishery and shark  
2 fishery, to the detriment of every one of those  
3 species.

4 California, the abalone, sea urchin,  
5 bottom fishery, broadbill, all of them are in  
6 decline and decimated; first out of ignorance and  
7 then out of greed. The fishing industry has a very  
8 poor track record in regulating itself, and we only  
9 have to look at what has been done.

10 I've literally pulled men from the water  
11 who have driven their boats under with their catch.  
12 I have done that. I've been there. The days of  
13 taking all you can, when you can, are over.

14 This should be only the beginning or we  
15 will have no fishing industry anywhere.

16 Thank you.

17 MR. FUKUNAGA: Thank you, Mr. Olson.

18 MR. CHANG: Mr. Dalrymple. After him,  
19 Karla McDermid.

20

21 MR. DALRYMPLE: My name is Joseph  
22 Dalrymple. I first looked at Hawaiian reefs in  
23 1966, when I came to Hawaii to study marine  
24 biology. So I have a degree in biology from the  
25 University of Hawaii; and since then, I have looked

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

1 at reefs in the Indian Ocean, on the East Coast of  
2 Africa, and in the Great Barrier Reef, and in Fiji  
3 and off the coast of Mexico and Guatemala. And  
4 everything is looking pretty bad, and it's really  
5 fairly nice up in the leeward islands.

6 I worked for the Division of Fish & Game  
7 in 1973 and four, somewhere like that, with Rob  
8 Shallenberger here, on a water resources study,  
9 also.

10 So I'm real interested in what goes on  
11 here, and some of the things that I would suggest, I  
12 think -- I also have a heart for the fishermen. We  
13 need to make a living with fishing. Now, you've  
14 taken the whole thing and almost given it the same  
15 designation from one end to the other, and I think  
16 that there are certain areas where the monk seal and  
17 the turtles frequent more often, and they should  
18 have more protection than what you're even giving in  
19 this particular outline here. And maybe some area,  
20 whichever part you can figure out, should be open to  
21 the fishermen in a more open means than you have  
22 right now. But wherever it is, like it's -- I  
23 believe it is French Frigate Shoals where the monk  
24 seals hang out the most and wherever the turtles are  
25 found the most, and also there's endangered species

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

1 of birds all around these areas.

2           Anyway, so I think we should have a little  
3 bit of a division in this. To take the whole thing  
4 and make it all -- the whole 1,500 miles and give it  
5 the same designation is a little bit greedy for the  
6 government, the feds, and I still think that there  
7 should be at least part of it where the fishermen  
8 can do their own thing. And also, I think a whole  
9 lot more research needs to be done to find out what  
10 are the real effects or more effects so we know more  
11 about what the fishermen are pulling out and what  
12 happens to the sources of those fish. And are we  
13 really destroying it completely? Or can you fish it  
14 and have the fish come back and have enough of  
15 supply for everybody?

16           Anyway, those are my comments on that.

17           And as far as an Executive Order, I  
18 remember reading that in -- right after World War II  
19 started, it was Roosevelt that made an Executive  
20 Order that turned Kahoolawe to a Navy bombing  
21 target, and it took -- how many years? -- 40 years  
22 before they got it back. But it is possible if this  
23 was made by a Presidential Executive Order that it  
24 could be turned back to the Hawaiian Kingdom later  
25 on.

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

1                   So I think I said enough. But in the most  
2 part, I agree with most of the people who spoke in  
3 favor of protecting this. I'm very much in favor of  
4 protecting the monk seal and the turtles and the  
5 endangered species of birds and, of course, the  
6 sources of fish from shoreline clear down to the  
7 50-fathom mark. My main idea would be to preserve  
8 these resources and promote the use of them, as well  
9 as taking care of the source.

10                   MR. FUKUNAGA: Thank you, Mr. Dalrymple.

11                   MR. CHANG: After Ms. McDermid, Rene  
12 Siracusa.

13

14                   MS. McDERMID: I'm Karla McDermid. I'm an  
15 associate professor in the Marine Science Department  
16 at UH-Hilo. Not only does the Executive Order help  
17 to safeguard important and unique marine resources  
18 of the Northwest Hawaiian Islands -- the fish, the  
19 corals, the seals, the turtles, the limu, and their  
20 habitats -- but I believe that the reserve and its  
21 conservation measures also are important to the  
22 future of another valuable resource in Hawaii, our  
23 young people.

24                   I teach marine biology at UH-Hilo.

25 Students are eager to learn about the ocean -- and



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

1 some of them are in the audience tonight -- learn  
2 about the ocean and its organisms. They're  
3 concerned about the health of the ocean and the  
4 preservation of unique species and habitats.  
5 Sometimes my students get depressed about the  
6 declining state of the environment and what we  
7 aren't doing about it.

8           Establishing this reserve in the Northwest  
9 Hawaiian Islands is a positive step. I see the  
10 reserve as creating opportunities for careers for  
11 our young people. Conservation of the Hawaiian  
12 environment is a way to keep our college grads here  
13 in Hawaii, working as marine biologists,  
14 as ichthyologists, as coral ecologists, algologists,  
15 observers, reef monitors, ocean stewards, and marine  
16 resource managers. I tell my students that there  
17 are many, many lifetimes of work for them to do in  
18 the Northwest Hawaiian Islands, and that's why I  
19 love to teach them.

20           The reserve should be made permanent to  
21 safeguard the future, not only as a marine ecosystem  
22 in the Northwest Hawaiian Islands, but the future of  
23 our young people, as well.

24           MR. FUKUNAGA: Thank you, Ms. McDermid.

25           MR. CHANG: After Ms. Siracusa, Richard

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

1 Fessenden.

2

3 MS. SIRACUSA: My name is Rene Siracusa.  
4 I'm representing a Hawaii nonprofit corporation  
5 named Malama O Puna.

6 And I did not have an opportunity to read  
7 the Executive Order before I came here tonight.  
8 However, I have been interested in the state of the  
9 Northwest Hawaiian Islands for a long time, and so  
10 I'm not totally ignorant of the situation.

11 I do, and my group does support the Coral  
12 Reef Ecosystem Reserve. We wish that we had gotten  
13 monument status, and I deplore the actions of the  
14 Governor in keeping us from getting that.

15 In order to cut my testimony down to a  
16 reasonable time, I would just like to say that the  
17 sentiments that were stated here tonight by Jim  
18 Blakey, Shelley Stephens, Ed Clark, Bill Gilmartin,  
19 Rick Warshauer, Jim Albertini, Pat Tummons,  
20 Moanikeala Akaka, David Frankel, Nelson Ho, Jon  
21 Olson, and Karla McDermid I would like to  
22 incorporate by reference into my testimony because  
23 they all said things that I agreed with, and so I  
24 don't have to repeat all of that.

25 I do want to see the lobster fishery

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

1 closed. It's more than just do we have enough  
2 lobsters so we can keep eating; it's the fact that  
3 they are the basic food supply of the endangered  
4 monk seal.

5 I also want to decry the actions, the  
6 history of WESPAC and National Marine Fisheries  
7 Service. I am really concerned that this is under  
8 the Department of Commerce because that's where I  
9 see that we have a real conflict of interest, when  
10 they have a situation where they're supposed to be  
11 promoting fisheries; at the same time, they're  
12 supposed to be protecting endangered species; and  
13 when push comes to shove, guess where their  
14 priorities lie: the commercial end of it. And I  
15 don't think that's where we're going to get the  
16 maximum amount of protection.

17 There's a whole big ocean out there, and  
18 there's this one pristine area. I would support  
19 keeping it that way and extending the protections  
20 any way we can, whenever we can.

21 Thank you very much.

22 MR. FUKUNAGA: Thank you, Ms. Siracusa.

23 MR. CHANG: After Mr. Fessenden, Linda  
24 Lyerly.

25

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

1                   MR. FESSENDEN: Aloha. My name is Richard  
2 Fessenden. I represent HCBG, which is Hawaiian  
3 Community Based Governance.

4                   We're using the same format as school  
5 community based management, which we introduced in  
6 1969 -- no, excuse me -- '89. I'm sorry. And it's  
7 on every island.

8                   It just spread because we put kupunas back  
9 in the school system to work with the families so  
10 they won't be dysfunctional, to get the Hawaiians  
11 back together. So we're taking the same system with  
12 the Hawaiian kupuna, which we have organized on the  
13 Big Island and Oahu, Aunty Margaret here on the Big  
14 Island, Peggy Hao Ross in Oahu.

15                   Now, they're bringing kupunas together to  
16 work with the Federal Government and have the  
17 Department of Interior, the fisheries, and so on to  
18 have them represent their own people, not the  
19 State. And they're also going to represent OHA, not  
20 the Office of Hawaiian Affairs, but OHA, which is  
21 separate from the State and all its agency by the  
22 Supreme Court ruling. So that will be the body that  
23 I'm asking President Clinton to address.

24                   The kupunas of these islands are known by  
25 international law as the law of their culture. So



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

1 they have a right to protect their land. And we  
2 can't have the foxes guarding the chicken coops, the  
3 foxes being corporate structure, lobbyists,  
4 et cetera, WESPAC, and so on, dealing with the  
5 Governor. It's right here in the Federal Register  
6 that it says for the government to deal with our  
7 Governor, which is in bed with WESPAC. Now, that  
8 has to stop because kupunas are the law of this  
9 land.

10                   And President Clinton I'm sure will  
11 recognize this. He knows what is is. It's a noun  
12 jurisdiction. It's not color of law, and it's not  
13 fiction. It is a noun jurisdiction of verbal  
14 communications with Russia or anyone else. They  
15 could be read forward and backward, the same way,  
16 and proven mathematically; and in the quantum  
17 theory, that's what -- the new Constitution of  
18 Hawaii is made under this noun jurisdiction.

19                   It would be treason for the President or  
20 any judge or any lawyer to come into the noun  
21 jurisdiction in the truth because they have a  
22 license as a lawyer and a judge of color of law,  
23 which means fiction. That's how they took the land  
24 away, through the foxes guarding the chicken coops,  
25 sent Senator Stephens over here, got in bed with the

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

1 business and the church, the United Church of  
2 Christ, and literally by using this fiction law took  
3 the land away by trust and treaties, writing in the  
4 verb.

5           Now, the Hawaiian kupuna has the knowledge  
6 to get their land back, and you can't adjudicate in  
7 this noun jurisdiction. By that, I mean you have to  
8 work with the kupuna, kupuna. Kupuna is the  
9 religious, kupuna is the elder, the wise one, and  
10 the ones that know the fishing grounds. They can  
11 tell the President of the United States. They can  
12 work with you folks and put them on a vessel with  
13 you, like the other gentleman said, a vessel  
14 observer, that's appointed by a kupuna that knows,  
15 this vessel observer knows the old heritage, the old  
16 culture, practices of conservation. United States  
17 doesn't know that, and 99 percent of the scientists  
18 don't know it. I don't care how much education they  
19 get, they don't have the manao, the Hawaiian  
20 know-how.

21           When you come on board and ask the  
22 Hawaiians to appoint someone who knows what's  
23 happening, they'll teach your scientists, they will  
24 teach you how to carry your lobsters on the United  
25 States, and the rest of the world will come to see

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

1 it, because they got their old culture back again.  
2 Just make sure that you deal with the kupunas. By  
3 international law, they are the law of this island,  
4 Hawaiian Islands. That means archipelago, anything  
5 around it.

6 MR. FUKUNAGA: It's been about 5 minutes.  
7 If you want to continue after the end --

8 MR. FESSENDEN: I yield the floor. Thank  
9 you.

10 MR. FUKUNAGA: -- we can call you back.

11 MR. FESSENDEN: I said what I had to say.

12 MR. CHANG: After Linda Lyerly, Karen  
13 Blue.

14

15 MS. LYERLY: Hello. My name is Linda  
16 Lyerly. I'm secretary for Friends of Hamakua, and  
17 this is a nonprofit citizens action group  
18 representing over 500 residents, mostly here on the  
19 Big Island.

20 We applaud and support a strong and  
21 permanent protection of the Northwestern Hawaiian  
22 Islands.

23 We feel that we must sacrifice  
24 shortsighted economics, fishing, for a greater goal  
25 of sustainable life, which will then benefit

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

1 economics in the long run. Our coral reefs and  
2 endangered sea animals are a meaningful and  
3 significant reason for this preservation.

4           However, we need to encourage your office  
5 to strengthen the protection with adequate  
6 enforcement and penalties, as well as increasing the  
7 area to include more than just 5 percent of the  
8 reserve. We propose that this sanctuary be  
9 increased to protect the recent multi-agency NWHI  
10 expedition that uncovered more area of monk seal  
11 habitat and other sensitive areas of vital  
12 importance to the overall life and health of the  
13 reserve.

14           As you must be aware, this coral reef  
15 ecosystem is situated in cool waters; being situated  
16 in cool waters, is able to sustain a longevity  
17 despite global warming, whereas other coral reefs in  
18 the earth system cannot. And this deserves this  
19 protected status at this critical time of our  
20 history.

21           We sincerely pray for your awareness,  
22 sensitivity, and courage in going forward and even  
23 strengthening this endeavor to create a haven in the  
24 sea, which is in truth our life support system,  
25 perhaps even more than we realize it today.



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

1 Thank you for this opportunity.

2 MR. FUKUNAGA: Thank you, Ms. Lyerly.

3

4 MS. BLUE: Good evening. My name is Karen  
5 Blue. I'm with the Conservation Council for  
6 Hawaii.

7 I'm also very concerned about the current  
8 state of the fishing industry. I have been employed  
9 in the fishing industry in Alaska. I have seen what  
10 a boon looks like. I have also seen what a boon  
11 does to the fishing industry. I also see what  
12 mismanagement does to a fishing industry.

13 Like several people before me, I am also  
14 very, very concerned, and CCH is also --  
15 Conservation Council for Hawaii -- is also very  
16 concerned that the management, overall management of  
17 this preserve is being put in the hands of the  
18 Department of Commerce rather than the Department of  
19 Interior. We feel that the Department of Commerce's  
20 best interests are based on commerce and not on  
21 conservation measures. We feel that the Department  
22 of the Interior has got a better track record and  
23 the knowledge and staffing that can better preserve  
24 those conservation measures. We felt strongly about  
25 that at the previous hearings, and we still feel

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

1 very strongly about that.

2           We also -- the Northwest Hawaiian Islands  
3 are the last coral reef in the world that is not  
4 suffering from coral bleaching. This information  
5 came out from a recent coral reef conference held in  
6 Bali.

7           Why are we even mitigating with a measure  
8 that makes a preserve rather than a sanctuary -- not  
9 a sanctuary -- what was the word again?

10           UNIDENTIFIED SPEAKERS: Monument.

11           MS. BLUE: -- monument? Because I think  
12 the influence of WESPAC and the Department of  
13 Commerce on this area, and I'm not real pleased with  
14 it.

15           If this is what we have to settle in terms  
16 of compromise, this is what we will have to live  
17 with.

18           I also think that fishing permits in terms  
19 of conservation measures should not be renewed or  
20 transferable; that after they expire or the person  
21 who holds them expires, that they should not be  
22 renewed.

23           We, also, are very concerned about  
24 enforcement. At the recent International Marine  
25 Debris Conference, it was mentioned that there is a

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

1 tremendous lack of enforcement already out there in  
2 these waters, even without a preserve system for  
3 existing laws, without the preserve.

4           What are we going to get in terms of  
5 guarantee for funding to monitor this as a  
6 preserve? Not even including the restricted areas  
7 in the preserve. What do we have to guarantee what  
8 we're going to have in terms of funding for that?

9           These are grave concerns. I don't think  
10 the Department of Commerce is going to go to bat for  
11 us at the congressional level for that; whereas, I  
12 feel the Department of Interior will more than  
13 likely actually help in that manner according to  
14 their track records with those kinds of issues.

15           I also have, also, concerns about the --  
16 in terms of the conservation measures for the  
17 preserve about the committee setup for the council  
18 that's going to be set up to help manage this. The  
19 amount of influence by WESPAC is phenomenally  
20 large. I would like to see to help mitigate that  
21 particular fact that a council of scientists with  
22 knowledge of the Northwest Hawaiian Islands  
23 ecosystem also be consulted equally in measure as  
24 WESPAC for the issues in that area. WESPAC's got  
25 too much influence.

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





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

1 of the Santa Monica State Park up above Los Angeles  
2 above Santa Monica, which was in danger of being  
3 taken over by private interest, and it's another  
4 refuge.

5 I was unsuccessful in establishing a trail  
6 outside of Austin, Texas, along the lakes. I  
7 established the trail, but I left and went to New  
8 Mexico, and that has since been overtaken and paved  
9 over by private people who built their houses and  
10 which there is no longer public access.

11 As some of you may know, that the State of  
12 Texas and the people within in, a number of the  
13 people within it, really exemplify plutocracy under  
14 the guise of democracy. And so it was really an  
15 uphill battle to try to get the small amount that  
16 happened.

17 I've had the experience of diving in  
18 different places: John Pennekamp Coral Park in  
19 Florida, which is really expanded to really open  
20 that up to everybody to use and to become educated,  
21 to enjoy, especially families and their children.  
22 I've dived off of California, Catalina, and I want  
23 to second the situation that one of the men brought  
24 up that it was overfished. You can see the lack of  
25 abalone, lack of different types of things because

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

1 of overfishing.

2           You can also see that in -- off of  
3 Massachusetts, the coast of Massachusetts, where it  
4 was improperly regulated, and people just cut their  
5 own necks by really overfishing and not calling for  
6 any sort of preservation.

7           I wanted to thank the President for  
8 actually establishing this particular preservation.  
9 I'm not -- I'm ignorant of being there. I've never  
10 been there.

11           But I'd also like to bring up the point  
12 that the last speaker, Karen Blue, brought up that  
13 was really highly salient, the fact that this should  
14 be a preserve within the Department of Interior  
15 rather than the Department of Commerce. The  
16 Department of Commerce was established to help  
17 commercial interests.

18           I am not trying to preclude or to obviate  
19 any commercial interests here. A lot of people,  
20 when they talk about commercial interests, they're  
21 talking about commercial fishing. I'd like to  
22 preserve that in a regulated way which does not harm  
23 the environment but can actually be used to actually  
24 make it grow in sustainable growth in an educational  
25 process that would help us on these islands.

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

1                   Some of the people around here, I'm sure,  
2 are familiar with Richardson Ocean Park. You can  
3 see just in the past dozen years the decrease in the  
4 number and types of fish and different types of  
5 aquaculture there.

6                   So, in conclusion, what I would like to  
7 say is that I am in favor of this. I think that  
8 trying to make it a national monument at this time  
9 would be a mistake because I think we, the public,  
10 are just getting exposed to what should and  
11 shouldn't be done. Perhaps the whole area should  
12 not come under one particular specified type of  
13 regulation as far as fishing is concerned, and  
14 perhaps there's certain areas that should become  
15 more restrictive.

16                   A number of -- a number of different  
17 organizations -- I'm here as a public citizen, and I  
18 could give you a dozen organizations that I belong  
19 to, but that doesn't make a whole lot of difference  
20 one way or the other.

21                   I'm really pleased that this many people  
22 have come out and really expressed an interest in  
23 giving input, giving your valuable time to give  
24 input to what I feel essentially in coincidence  
25 with.

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

1 Thank you.

2 I hope you make a good and blessed  
3 Christmas and a blessed new year. Aloha.

4 MR. CHANG: After Mr. Francisco, Henry  
5 Horton.

6

7 MR. FRANCISCO: Aloha. My name is Gary  
8 Keawe Francisco.

9 I would like to say aloha to my professors  
10 from University of Hawaii.

11 I graduated from the University of Hawaii  
12 with an aquaculture degree. I'm into the ocean. I  
13 was raised on it.

14 What they're developing here is a refuge  
15 to where the blueprint for our oceans and the life  
16 that supports our islands can be preserved for  
17 future generations. That was mentioned previously.

18 With the global warming situations that  
19 are going on, a lot of our resources are being  
20 decimated due to environmental impacts. Because  
21 this place is pristine, it should be kept in that  
22 particular fashion.

23 The University of Hawaii is involved with  
24 a lot of different types of research. Our students  
25 go up to these islands. They learn about the



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

1 environment, the way it was prior to human impact.

2           Our islands right now, if you look at our  
3 eight major islands that subsist our population, the  
4 resources are dwindling.

5           In the middle of the Pacific Ocean, we're  
6 subject to international treaties that use our  
7 resources to balance global economies.

8           In Hawaii, we're affected by economic  
9 pressures. In order for the fisherman to feed his  
10 family, he has to travel all the way out here. Why  
11 can't he fish off the shores like our people used to  
12 do? President -- I mean not "President" -- I guess  
13 he'd like to be. Governor Cayetano would like to  
14 build an aquarium over in Kakaako in Oahu to  
15 increase the amount of tourism that comes to our  
16 islands. \$5 million is his proposed budget.

17           What I'd like to do is instead of building  
18 an aquarium for people to look at fish, take that  
19 money and put it back into the way the land used to  
20 be used.

21           Now, when I go into that, some people had  
22 alluded to the Hawaiian practice of malama aina.  
23 From the mountains to the sea, resources were  
24 cultivated to feed the people. From the mountains  
25 to the sea, right now what you see is certain people

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

1 with homes, with a lot of land, and cows running  
2 around, and people having to go work inside some  
3 office building to make money to put the food on  
4 their table.

5           Along our coastal waters less and less  
6 fish are available. Fishermen travel farther and  
7 farther. They have to buy gasoline, oil,  
8 maintenance on their vessels. All this is economic  
9 commerce that develops everything else.

10           Instead of going far away from our main  
11 islands, take this as a blueprint, study it,  
12 research it, how it works, what the effects are  
13 between the different environmental factors, and  
14 develop the farming systems that were in place prior  
15 to western contact in the Hawaiian Islands. It  
16 supported over a million people prior. It can be  
17 done again.

18           If we can use Hawaii as a blueprint to  
19 develop aquaculture type economic development to  
20 support self-sustainable futures for our  
21 communities, that can be used in all these other  
22 countries who are having the same problems. We're  
23 an international site. We have international  
24 scientists that come here to look at our resources  
25 because we have an active volcano that feeds out

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

1 into the ocean, and you can see nature being  
2 developed on this island here.

3           If we use our resources, our technology,  
4 but most importantly our kupunas, the knowledge that  
5 they have of the previous way on how things were  
6 done, we can re-create a self-sustainable culture  
7 again, and that's what Hawaii was before, and that's  
8 what I have to say.

9           MR. FUKUNAGA: Thank you, Mr. Francisco.

10          MR. CHANG: Henry Horton.

11

12          MR. HORTON: Well, that's a very difficult  
13 act to follow, and I want to say: Thank you,  
14 Mr. Francisco, you said it very well.

15           But I do feel the need to add my manao to  
16 the whole list of people who have stood up here and  
17 who have had probably a lot more -- who have a lot  
18 more knowledge and expertise than I do in the  
19 matter.

20           But I do know that I have been watching  
21 this poor planet for 65 years, and I have never seen  
22 an extractive industry that could control itself.  
23 And I don't think it's going to happen here.

24           I was disappointed that this -- that  
25 several weeks ago over lunch our Governor was able

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

1 to talk the President out of declaring this a  
2 national monument.

3           As far as trusting the State, you cannot  
4 trust the State 5 minutes. They'll designate  
5 something a conservation district, and the next  
6 thing you know there are agricultural houses worth  
7 \$500,000 going up on acres around the golf course.  
8 So, unfortunately, they cannot be trusted. The  
9 Hawaiian Kingdom I would trust.

10           You know, if you don't take it now, if you  
11 don't rape it now, you can always rape it later.  
12 You know, save it for later.

13           And it is my -- it is my thought, and I've  
14 heard people refer to this, that what you've got  
15 here is like a gigantic nursery. And out of that  
16 nursery, it's like when you -- it's like -- it's  
17 like when the lava flows and it leaves a kipuka, in  
18 that kipuka there are species that survive, and they  
19 can spread back out onto the lava. This is that for  
20 the ocean.

21           I saw sea urchin -- nobody would eat sea  
22 urchin in the sixties in California. And then they  
23 became a commercial crop because they were being  
24 shipped to Japan. Before I left California, there  
25 were no sea urchins left, and it wasn't because the



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

1 people there were using them; it was just money,  
2 money, money.

3           We're already -- we have already probably  
4 taken this planet over the edge. We'll be very  
5 lucky if we make it through what we've already  
6 done. We have got to stop and we've got to begin to  
7 learn, and we've got to take resources such as this  
8 that are still as pristine as they are and use them  
9 as laboratories, and we've got to be very careful  
10 about what we do in these areas. And yes, we've got  
11 to eat. And yes, this is one of the global centers  
12 for the study of aquaculture. You know, people are  
13 raising seafood in cages, and maybe that's what  
14 we'll be doing around the main islands.

15           So that's about what I have to say. And I  
16 want to thank Mike Olson and Joseph Dalrymple and  
17 Karen Blue, and especially Mr. Francisco, and all  
18 the other people who have testified. And I will  
19 have written testimony after I've had a chance to  
20 study.

21           MR. FUKUNAGA: Thank you, Mr. Horton.

22           At this point, we're going to take a short  
23 break, maybe about 5 minutes. Then we'll come right  
24 back, or you can stay here.

25           (Recess taken from 7:57 p.m. to 8:01 p.m.)

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

1                   MR. CHANG: We have finished the round of  
2 comments of all the people who have asked to give  
3 testimony. As promised, we have extra time. We  
4 want to go back to some people who we asked to honor  
5 our 3-minute/5-minute rule, and there are a couple  
6 of people who have asked to provide additional  
7 comments, and we'd like to take those three people.  
8 If there's any others, you're more than welcome,  
9 just let me know.

10                   After that, we may take comments after  
11 that? After the testimony of the three individuals,  
12 time permitting, will we take questions or  
13 comments?

14                   MR. SMITH: Comments.

15                   MR. WEISS: Or if they want to submit  
16 written comments.

17                   MR. CHANG: We cut questions earlier.  
18 After the three people who have requested provide  
19 additional statements, if there are additional  
20 questions, clarifications that you may have, we'll  
21 entertain those, and then we'll wrap up.

22                   The first of the people who have asked to  
23 provide comments, Mr. Fessenden.

24                   MR. FESSENDEN: I'm Dick Fessenden again,  
25 representing Hawaii Community Based Governors,

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

1 talking for two high kupunas from two islands.

2           One of the main major things that we have  
3 missed tonight that was brought up, but the  
4 significance of it hasn't really been on anybody's  
5 mind, and that's the poisoning of this reef, South  
6 Point, and all this island and every island here by  
7 the manganese nodule dredging that they're going to  
8 be doing 450 miles south of South Point. Within 6  
9 to 9 months from the time they start dredging, that  
10 silt will hit the Big Island and start killing the  
11 coral and the fish, and what the visitors industry  
12 comes to see and do. And this has been signed by  
13 our Governor Cayetano 5 years ago with China to  
14 start mining out here. He did it behind closed  
15 doors.

16           We're going to ask President Clinton to  
17 investigate with our kupunas and the scientific  
18 research that has been done on the module --  
19 nodules. They're going to get cobalt from that,  
20 which is a war product. So that's big industry. So  
21 Governor definitely wants to get part of that.

22           Some little bit of gold is coming out of  
23 that, and Foster Beer Company that's really in hot  
24 water for doing the same thing off Australia,  
25 they're bringing tailings up here to Hilo to test,

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

1 so this is working right now against any  
2 conservation.

3 Now, this is supposed to be feeding the  
4 islands, a breeding grounds from the north. Now,  
5 from the south, we're killing it. Why do we let the  
6 State do it? Well, how come the government? But in  
7 his Executive Order right here, he says the atolls  
8 down here that are being preserved has to go back to  
9 the government to come up with more comments.

10 The Secretary -- this is section  
11 10(a), "The Secretary of Interior, in managing,  
12 through the U.S. Fish & Wildlife Service, the  
13 Hawaiian Islands and Midway Atoll National Wildlife  
14 Refuge, pursuant to national wildlife refuge system  
15 and administration."

16 I'm reading the wrong one. I'm sorry.

17 This is -- it says here "Memorandum of  
18 Agreement. The further paragraph B(1) of this  
19 section and subject to section 10(b) of this order  
20 and in particular to promote coordinating  
21 management," the key word, "of the entirety of the  
22 shallow areas of the coral shall work with the  
23 Secretary of Interior and the Governor of the State"  
24 that signed the death warrant already.

25 So if the Interior Department is working



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

1 with the Governor, it's the foxes guarding the  
2 chicken coop again. They have to talk to the  
3 kupunas before they kill them, before they commit  
4 the genocide on this island. It is a very important  
5 thing.

6 This is in the future what's happening  
7 now, not present, but now, the mining of those  
8 nodules and the contracts signed by our Governor  
9 that the United States Interior Department wants to  
10 work with, in bed with them, and not asking the  
11 kupunas.

12 So it's just -- it's really genocide  
13 unless that is taken care of, and all those  
14 contracts with France and Britain -- I know it's off  
15 Hawaiian waters, but it's going to affect the  
16 islands and eventually kill all this. So it cannot  
17 happen, and our kupunas -- I'm going to speak for  
18 them without asking them because I know -- I'm going  
19 to ask for an investigation of the manganese nodule  
20 mining off South Point, Big Island.

21 Thank you.

22 MR. FUKUNAGA: Thank you.

23 MR. CHANG: Next additional comment from  
24 Shelley Stephens.

25

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

1 MS. STEPHENS: Thank you.

2 Thank you, Richard.

3 My name is Shelley Stephens, Makaala  
4 Nakoa.

5 I was the primary investigator into that  
6 incident where DBEDT of Hawaii has signed an  
7 agreement with COMRA or China, and Korea is sort of  
8 in the works, too, basically that they are allowing  
9 China to come in and do research on ocean mining  
10 through UH Manoa Professor Whiltshire. I did  
11 address, through Isaac Harp, a letter on  
12 December 1st:

13 "Dear Mr. President.

14 "Aloha and mahalo nui loa for your action  
15 to protect the ocean and the coral reefs. I am very  
16 happy to have the opportunity to make contact with  
17 you via Isaac Harp.

18 "I have previously sent letters and maps  
19 of the International Ocean Mining Area that has been  
20 designated for leasing by the United Nations Office  
21 of the Law of the Sea. This 2000-mile area extends  
22 from Baja California to 500 nautical miles southeast  
23 of the Big Island. According to scientists, the  
24 sediments generated will reach the Big Island within  
25 6 to 9 months and be continual for the next

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

1 30-plus years once mining begins. China and Korea  
2 are slated to begin in 2003, although 'research' has  
3 been ongoing.

4 "DBEDT of Hawaii has signed a cooperative  
5 agreement with COMRA to make a joint arrangement for  
6 ocean mining research and use of Hawaiian ports and  
7 facilities."

8 Concerns have risen about this mining  
9 area, and that it will also compromise the  
10 Northwestern Hawaiian Island Coral Reef Ecosystem  
11 Reserve because of currents that will carry sediment  
12 up the island chain that will reach the Hawaiian  
13 Islands within 6 to 9 months and move up the  
14 Hawaiian chain, and we feel that there is a  
15 possibility of contamination.

16 Another major concern is the blocking of  
17 the path of the migratory fish, according to John  
18 Seibert of UH-Manoa.

19 Another major concern is irreversible  
20 possible bonding of heavy metals, namely lead,  
21 because in the ocean it's 30 times the amount of  
22 lead as on land based manganese, so if you go in and  
23 disturb the seamounts, you're disturbing a lot of  
24 heavy metals and whatnot. And just as children with  
25 lead poisoning have lead bonded irreversibly to

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

1 their bone, coral in a sense is used for bone  
2 repair, so there may also be a danger to coral that  
3 the lead that is generated from ocean mining could  
4 bond irreversibly to the coral that is trying to  
5 be -- that the President is trying to save.

6 "Also, significant concern involving" --  
7 I'm just going to go ahead and read this because  
8 this went straight to the President -- "involving  
9 National Security have been raised because China  
10 will be securing strategic metals. INTERMAR" --  
11 which is the International Strategic Metal  
12 Alliance -- "and other alliances have been made to  
13 secure these ocean metals, and they plan to either  
14 use soil amendment or tree farming" -- which was  
15 done by the BHP company in Wood Valley through  
16 Foster Beer Company and Professor Wiltshire -- or  
17 they want to do "'at sea' processing and dumping."

18 "A grave area of concern initiated after  
19 we put the map of the international area on the  
20 worldwide web. We received an e-mail about China  
21 sediments will be used to make a cloaking device for  
22 a new prototype of submarine that will not be  
23 detectable by infrared or nuclear signature."

24 In other words, that the sediments  
25 generated by ocean mining will be a cloaking device



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

1 for a Chinese submarine system.

2                    "It is discerning that the agreement made  
3 by DBEDT is engaging and promoting deterioration of  
4 national security. After the e-mail was sent, two  
5 men who stated they were CIA, showed up to the  
6 office and demanded information concerning the  
7 cloaking device. They typed a code into the  
8 computer and ran a magnetic strip card" -- through  
9 my friend's computer, who was a Hawaiian here in  
10 Hilo -- "that made the information inaccessible.

11                    "I feel that the agreement with China  
12 should be nullified, especially since all of China's  
13 information is classified and not for public  
14 review. There is no guarantee that China will not  
15 use strategic metals for war, nor that they will not  
16 engage the cloaking device.

17                    "I have other significant" documents  
18 or "info for you, and you may call upon me at any  
19 time for documents" regarding this information.

20                    I did want to add that there's also a  
21 project north of Japan for a \$60 million project of  
22 mining methane hydrate minerals and that that may  
23 also be of a concern for this area.

24                    Thank you very much.

25                    And I just wanted -- one last final

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

1 comment: that I feel that this is a really good  
2 time to address this entire issue, because we're  
3 dealing with an area of a 2000-mile area from Baja  
4 California to 500 nautical miles south of the Big  
5 Island, southeast. And what's going to happen is  
6 that once the sediments are generated, you know,  
7 there's a possibility of -- I'm not really sure  
8 which algae may be involved -- phyla bacillus and  
9 other things -- which is an algae bloom, and it's  
10 lethal to fish and the larva, 33 percent reduction  
11 of ahi, and these are in seamounts of congregating  
12 areas of ahi and pelagic fishes, known larval areas,  
13 and basically that, you know, through this whole  
14 thing, this process, I think that needs to be  
15 addressed, because you can protect this area, but if  
16 you allow ocean mining in the southeast where the  
17 ocean currents will bring all this up, I don't  
18 know. You know, they've got to do something to  
19 address it.

20                   And according to the legal legislation, I  
21 think Professor Wang, who attends UH -- I don't know  
22 if he is still with UH of Hilo -- basically, in the  
23 documents of the Office of the Law of the Sea, it  
24 states that ocean mining in that area must be for  
25 the benefit of all mankind and for peaceful use.

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

1                   And I would say, for the Hawaiians, it  
2 cannot be for the benefit of all mankind, because if  
3 it interferes with the Hawaiians, and they're 71  
4 percent subsistent on the ocean, it interferes with  
5 that, it kills the larva of the ahi, it's going to  
6 block the migratory path, it cannot be for the  
7 benefit of all mankind, and it cannot be for  
8 peaceful use if China is involved, and there is no  
9 way to regulate what they're doing, and other -- and  
10 not to mention the cloaking device.

11                   Thank you.

12                   MR. FUKUNAGA: Thank you.

13                   MR. CHANG: Karen Blue.

14

15                   MS. BLUE: Hi, Karen Blue, Conservation  
16 Council for Hawaii.

17                   I forgot one major point about the council  
18 that I also wanted to mention. It states in the  
19 handouts that are available out on the table and  
20 many of us received in the mail that there are to be  
21 three representatives from nongovernmental,  
22 wildlife, marine life, environmental, and/or  
23 conservation organizations. We have concerns over  
24 those representatives being from national groups  
25 rather than from state or local based groups here in

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

1 Hawaii. We feel that these representatives should  
2 be from Hawaii and of Hawaiian state based or local  
3 based community groups rather than from national  
4 groups. So that was a major -- another major  
5 concern of ours.

6 MR. FUKUNAGA: Thank you.

7 MR. CHANG: Thank you.

8 A couple of quick announcements, if I  
9 may.

10 One is you might have picked up a comment  
11 sheet outside. Please feel welcome to take it and  
12 have additional comments submitted. You can either  
13 submit it tonight, if they're ready, or if you want  
14 to take them and submit them later. I remind you  
15 again, you can submit additional comments up to  
16 January 8th, the postmarked date, fax, mail,  
17 e-mail. The information is on the chart on the  
18 wall.

19

20 MS. AKAKA: I would like to add to my  
21 testimony, too.

22 MR. MURPHY: That information is also on  
23 the form, as well.

24 MS. AKAKA: I just wanted to add, relating  
25 to the sea mining, you know, we have been fighting



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

1 sea mining since 1980 here in these islands and, in  
2 fact, even before; and 97 percent of the manganese,  
3 before it was nodules, now it is part of the  
4 seamounts, 97 percent is waste. Now we're talking  
5 about arsenic, cadmium and lead, which are, of  
6 course, highly poisonous.

7           And the same Wilshire in the early -- in  
8 the early eighties and late seventies had proposed  
9 that we dump the tailings, the waste, the highly  
10 toxic wastes from the sea mining, into -- into a  
11 trench right outside of Hilo that went from Puna to  
12 coming down towards Hilo. You know, that would --  
13 that waste would kill our ocean, not to mention we  
14 eat that fish that have been in that waste, and it's  
15 going to kill us.

16           You know, it's -- it's -- greed is at the  
17 bottom of it, and there's a great deal of concern  
18 that it not be done, period.

19           She's talking about this -- it's colloidal  
20 clay, this waste turns into a colloidal clay that,  
21 as I said, could eventually go up to the  
22 Northwestern Islands, could destroy the coral that  
23 you're here to protect.

24           I also -- I just wanted to add, also, that  
25 I agree with this woman, Ms. Blue here, that it

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

1 should not be the Commerce Department; better it be  
2 the Department of Interior that has jurisdiction  
3 over this area because, unfortunately, commerce  
4 means sell it, it's a commodity. That's, again, not  
5 part of our value system; our value system is to  
6 protect and preserve for the present and future  
7 generations.

8           It's because of Commerce that we're now  
9 worried about the ozone layer being depleted, and,  
10 you know, it's because Commerce has no concern about  
11 protecting the environment; all they're concerned  
12 about is profits and going to the highest bidder.

13           Our value system, as I said, is to protect  
14 and preserve for the future generations and not the  
15 capitalistic, if you might -- I mean, you might --  
16 value of sell it, exploit it, and forget about  
17 tomorrow. That's not -- that's not our value  
18 system.

19           And so I really feel strongly that this  
20 should be a part of the Department of Interior. At  
21 least there's a better chance than it being with the  
22 Commerce Department.

23           Thank you.

24           MR. FUKUNAGA: Thank you.

25           MR. CHANG: May I have the record note

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

1 that there has been written testimony submitted on  
2 behalf of a Stephanie K. Grout, and can I give this  
3 to the court reporter to be added to the  
4 transcript.

5 Would anyone else like to give comment?

6 All right, ma'am.

7

8 MS. KING: My name is Lisa King. I'm a  
9 former University of Hawaii Sea Grant Extension  
10 Agent and a former U.S. Fish & Wildlife Service  
11 ranger at Midway Atoll National Wildlife Refuge.

12 And I would like to say that I support  
13 making this a permanent ecosystem reserve.

14 And the second thing I would like to say  
15 is that some day this may attract nature-based  
16 tourism activities, whether it be scuba diving,  
17 cruise ships, or whatever; and I'd just like to see  
18 those carefully regulated.

19 MR. FUKUNAGA: Thank you.

20 MR. CHANG: I've got your notation that  
21 you would like to make comments. I would like to  
22 give an opportunity to anyone else who has not had a  
23 chance to give comment who would like to give  
24 comment.

25 MS. MOON: My name is Sarah Moon.

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

1                   I just have a brief comment because I have  
2 visited Midway, and I met Lisa King there, and I  
3 agree with what she said.

4                   And I would just -- something Mr. Horton  
5 said about the kipuka, that these islands are a  
6 kipuka. And I recommend anyone to visit Midway.  
7 That's a place where the public can go. And you can  
8 see how pristine this environment is.

9                   And after I visited there twice, I felt  
10 that -- I called it the canary of the Pacific, the  
11 way the miners would take a canary into the mines.  
12 So if you yourself go up there and visit there or  
13 listen to someone like us who have experienced it,  
14 you can see that if these islands start to go, if  
15 they get the manganese chemicals or overfishing, I  
16 really think it will affect the whole Pacific, and  
17 scientists will probably back me up.

18                   And one anecdote concerning this is the  
19 rangers on Midway, everybody notices that one of the  
20 main beach junk that really hits you is Bic  
21 lighters. So somewhere there out in the ocean,  
22 internationally trash is being thrown, and it's Bic  
23 lighters up the kazoo. And the albatross eat them,  
24 and then they throw them up, which is sort of a  
25 natural function. But to see these boluses or these



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

1 chunks that include squid, and you can read the name  
2 on them and everything, and you wonder who is out  
3 there. It's not just fishermen, and it's not just  
4 commercial fishermen; it's some kind of mass garbage  
5 dumping going on. And it's because they float that  
6 it comes up in this way.

7           So I really encourage more research  
8 through the university and studies made on these  
9 islands, you know, the patterns of the currents and  
10 where things are coming from. There's a lot that  
11 could be learned from these islands.

12           Thank you.

13           MR. CHANG: Anyone else?

14

15           MR. FESSENDEN: Okay. My name is Richard  
16 Fessenden again. Aloha.

17           The Commerce Department with, first,  
18 it's -- I'm going to give you a little background,  
19 and then I'm going to ask a question.

20           The Commerce Department -- during the last  
21 Republican administration, with the Education  
22 Department, the Senate and the House actually voted  
23 to stop the Commerce Department, eliminate it, and  
24 eliminate the Department of Education.

25           My question to you folks now is, being

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

1 that we're going to transfer possibly to a  
2 Republican government, will President Clinton --  
3 will his Executive Order stand working with the  
4 Commerce Department, or can that be eliminated by  
5 another president?

6 MR. WEISS: Again, as I said, this is an  
7 exercise of legislative authority that the President  
8 has established this preserve, and it's established,  
9 it's there. Again, the only qualifier is the  
10 reserve preservation areas which have to go through  
11 this process to make them permanent.

12 MR. FESSENDEN: Then one more step they  
13 have to go through for the Midway Atoll, Hermes  
14 Atoll and Kure is to deal with our Governor. Is  
15 that before it becomes law, or is this Executive  
16 Order actually law now?

17 MR. WEISS: I'm not sure I understand the  
18 question.

19 MR. FESSENDEN: Is an Executive Order law,  
20 or does it have to go through more processes?

21 MR. WEISS: No, this Executive Order,  
22 what's in the Executive Order is established. The  
23 reserve is established. The conservation measures  
24 in the reserve preservation areas are established,  
25 as laid out in the Executive Order, and this process

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

1 is getting additional input on what is already  
2 established, and again to determine whether to make  
3 the reserve preservation areas permanent.

4 MR. FESSENDEN: Understood. Thank you.

5

6 MS. BLUE: Can I address something that he  
7 just asked on his first question?

8 In terms of the legislative process, no  
9 matter who is in the presidency, whether it's Gore  
10 or Bush, that what you're looking at is a Congress  
11 that's almost evenly divided between Republicans and  
12 Democrats. And for failure to happen up in these  
13 islands in terms of this preserve and the  
14 conservation measures, it would probably have to  
15 come in the form of funding from Congress, and  
16 that's where you're going to see the failures in  
17 this preserve, are going to be the lack of funding  
18 for enforcement, lack of funding for any measurable  
19 type of stuff, that's where we're going to see the  
20 problems right there, is in Congress and not with  
21 the President necessarily.

22 MR. FESSENDEN: And with our kupuna of the  
23 island, if they had a say in it, would kind of break  
24 that deadlock there from being political and being  
25 actual reserve for Hawaiian culture and religious

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

1 purposes.

2 Thank you.

3 MR. WEISS: Thank you.

4 MR. FUKUNAGA: Thank you.

5

6 MR. WARSHAUER: My name is Rick Warshauer  
7 again. I have a question for you, a clarification.

8 You indicated the preserve is in place and  
9 the conservation measures are in place. Are we out  
10 of order to suggest that they become more  
11 restrictive?

12 MR. WEISS: No, that's what this comment  
13 period is about.

14 MR. WARSHAUER: So it's a matter of  
15 degree. They are in place; it's just a matter of  
16 degree of how they are -- of stringency?

17 MR. WEISS: They are in place, and the  
18 President has asked for your comments on what he's  
19 done, and he'll take your comments and decide what  
20 further action; and if comments come in that say, be  
21 more restrictive, less restrictive, he's going to  
22 consider all of those comments and then make a  
23 decision as to what to do with what he's already  
24 done.

25 MR. WARSHAUER: It was just unclear with



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

1 some of the fixed-in-place statements you were  
2 making.

3 MR. WEISS: Right. Well, again, what he  
4 has established is established; but again, he has  
5 asked for this process to continue.

6 MR. WARSHAUER: Thank you.

7 MR. WEISS: You're welcome.

8

9 MS. STEPHENS: My name is Shelley  
10 Stephens.

11 I had one last comment. I have a map  
12 here. It shows -- this is -- I guess basically this  
13 area here, these are the Hawaiian Islands, which are  
14 down here. This is subarea A, which is the waters  
15 surrounding -- I apologize, it's so small --  
16 Subarea A surrounds the Hawaiian Islands.

17 In a letter from Professor Wilshire -- we  
18 call him "Mr. Nodule" -- dated August 10th of  
19 1995 -- and I'm addressing this to the Department of  
20 Interior, it says, "With respect to your recent  
21 question, the verbal agreement" -- there's a verbal  
22 agreement between the Governor and Department of  
23 Interior. It's a verbal agreement only that states  
24 that they will exclude subarea A from leasing for  
25 ocean mining.

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

1                   And so it states here in this letter that  
2 it is only the Department of Interior -- and I guess  
3 at this time, he's saying Interior Secretary Bruce  
4 Babbitt -- it is only Babbitt who could remove  
5 subarea A from ocean mining for you, "So you should  
6 write to him. As a practical matter, with the  
7 Chinese and Korean announcements that they will mine  
8 in international waters" -- but so far as subarea A  
9 that is one of the poorer resources for ocean  
10 mining. So, in a sense, he's stating, even as a  
11 mineral specialist, that subarea A really isn't a  
12 good resource for ocean mining, and I'm asking this  
13 for an additional protection just because the ocean  
14 currents will move from subarea A up the Hawaiian  
15 island chain straight to these areas. So if they  
16 allow ocean mining in subarea A, then there could be  
17 a lot of problems.

18                   And basically, from what I understand,  
19 that if there is ocean-generated sediment and it  
20 does contain metal particulates, once the sun hits  
21 them, that there could be a raise in the temperature  
22 of the ocean. And from what Isaac Harp was  
23 reporting to me that through the environmental --  
24 Hawaiian Environmental Alliance called Kahea,  
25 they're basically stating that scientific research

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

1 stated that this area here -- you know, the rest of  
2 the world, the coral reefs are dying, the  
3 temperature of the ocean is rising, but for some  
4 reason -- which they're really not quite sure of --  
5 that this area is actually dropping in temperature,  
6 and that there is a significant reason to preserve  
7 this area.

8                   But if you do allow ocean mining and the  
9 sediments with metal particulates get into the  
10 currents, the water columns, everything, then you  
11 may see a rise in the water temperature in this area  
12 as well.

13                   Thank you.

14                   MR. CHANG: I wanted to ask you if you  
15 would like or be able to add the map that you're  
16 referring to, to the record so that --

17                   MS. STEPHENS: Sure, yeah, I have plenty  
18 of copies.

19                   MR. CHANG: Any final comments?

20                   MR. FUKA: I just have a question. Lou  
21 Fuka.

22                   How will these -- the documentation of  
23 these proceedings be available?

24                   MR. CHANG: That's a good question.

25                   MR. WEISS: That is a good question.

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

1 Commerce will collect all these comments  
2 and sort them and then ship them to the Executive  
3 Office of the President. We'll have to follow up  
4 and see how we can make all the comments publicly  
5 available.

6 MR. FUKA: Thank you.

7 MS. SIRACUSA: Are you folks from  
8 Commerce? Have we been bad-mouthing you to your  
9 face? Nothing personal.

10 MR. WEISS: No, we appreciate your candor,  
11 absolutely.

12 MR. FUKA: I would say it even if I knew  
13 you were from Commerce.

14 MS. AKAKA: Is there a possibility --

15 MR. FUKUNAGA: Wait a second. She is  
16 taking all this down. You do have to identify  
17 yourself.

18 MS. AKAKA: Moanikeala Akaka.

19 Those of us who have testified, will we be  
20 able to get copies of this? And if so, all we have  
21 left is our phone numbers. Should we leave our  
22 addresses, as well? Copies of the testimony that  
23 has been given, so that we know what people are  
24 saying island-wide? So we can hold somebody  
25 accountable?



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

1                   MR. CHANG: I think that was the question  
2 just asked earlier, and we're not quite sure. We  
3 have to find out.

4                   MS. AKAKA: Well, should we leave our  
5 addresses with you?

6                   MR. CHANG: You might want to follow up,  
7 too, with a written request to the address saying  
8 you want access to a transcript and want to know how  
9 you can get one.

10                  MR. FUKA: One other thing: Do you have  
11 an estimate of the response time? Are we talking  
12 about a month?

13                  MS. BLUE: January 21st.

14                  MR. WEISS: The President wants to do  
15 something in this administration to finish this  
16 process.

17                  MR. FUKA: No, I mean if we're going to  
18 get feedback, are we going to get feedback on this  
19 meeting --

20                  MR. CHANG: When might you be able to get  
21 the transcript or feedback?

22                  MR. FUKA: Transcripts.

23                  MR. WEISS: Again, we'll have to look into  
24 that; when and how those can become publicly  
25 available.

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

1 MR. CHANG: Mr. Murphy.

2 MR. MURPHY: Mike Murphy from the Commerce  
3 Department.

4 I just wanted to add that we will make  
5 sure in one way, shape, or form that you folks do  
6 have access to the testimony, either through the  
7 Internet or, also, if you call us, we can probably  
8 send you a hard copy of that.

9 I also wanted to make sure that everyone  
10 knew about the Coral Reef Ecosystem Reserve  
11 Council. For those of you that may be interested in  
12 applying to sit on the council, the deadline for  
13 applications is December 29th. The reason why the  
14 deadline is so short is because we want to make sure  
15 President Clinton has an opportunity to make choices  
16 on that before he leaves office in January. So if  
17 you're interested, there is a sheet here that tells  
18 you how to go about applying for the council. It's  
19 outside on the table.

20 MS. BLUE: Do you have copies of those  
21 applications here?

22 MR. MURPHY: No, I do not.

23 MS. BLUE: I know I can get them from the  
24 web.

25 MR. CHANG: Ken Fukunaga and I would

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

1 especially like to thank all of you for the special  
2 courtesies you have shown to all of us here. We  
3 appreciate that very, very, very much.

4 I would like to express some thanks not  
5 only to you for showing your concern and coming here  
6 presenting your comments and your concerns; I want  
7 to acknowledge and thank Pat Miller, our court  
8 reporter, and representatives from the Department of  
9 Interior, as well as Michael Weiss and Robert Smith,  
10 Mr. Murphy from Department of Commerce, who I am  
11 sure join us in our thanks to you for your  
12 courtesies.

13 Anything more?

14 MS. LYERLY: Linda Lyerly.

15 I was just wondering how was Kona, the  
16 receptivity in Kona? Were there very many people  
17 that showed up?

18 MS. AKAKA: Like how many?

19 MR. MURPHY: There was roughly about 70  
20 people in Kona, and more or less expressed similar  
21 views heard here tonight; on all sides of the issue,  
22 I might add.

23 MS. STEPHENS: I'm Shelley Stephens.

24 I wanted to know what the Department of  
25 Interior's response is to exclusion of subarea A

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

1 from ocean mining. Do you have any comment at this  
2 period? I would like some sort of reply.

3 MR. CHANG: Anyone from Interior able to  
4 comment?

5 DR. SHALLENBERGER: I'm unfamiliar --

6 MS. STEPHENS: See, that's the whole  
7 problem.

8 DR. SHALLENBERGER: We're responsible for  
9 the national wildlife refuges in the area. I'm  
10 personally unfamiliar with the proposal.

11 MS. STEPHENS: Yeah, see, that's been the  
12 whole problem all along, is that there was a  
13 moratorium on ocean mining, and Governor Cayetano is  
14 basically behind closed doors not telling anybody,  
15 not informing the public, and we're basically all  
16 against it, you know, so far as the way they want to  
17 go about it. And we need support on this issue, and  
18 I feel if you really want to protect that reef, you  
19 got to look at the big picture.

20 And, oh, that an investigation should be  
21 called, and subpoenas and whatnot should be served.

22 MS. AKAKA: I'd like to add to that  
23 comment, please.

24 The whole issue of sea mining, as I said,  
25 for over two decades, we have been testifying to



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

1 national and international bodies relating to the  
2 fact that over -- except for those that are going to  
3 benefit from an economic standpoint, everyone that's  
4 been at these hearings, primarily, I would say 98  
5 percent have been against the sea mining, and that's  
6 important for Commerce to understand, as well as  
7 you, if you're serious about protecting this area.  
8 You know, a lot of us, we testify against. For  
9 once -- of course, this isn't a monument area that a  
10 lot of us wanted -- but we feel some positive  
11 feelings about it.

12                 However, you really truly have to protect  
13 these areas. And that whole question again about  
14 monitoring: Who the hell is going to monitor it?  
15 And who's going to pay for it?

16                 MR. CHANG: Okay. Thank you. I actually  
17 would like to conclude the session.

18                 MS. STEPHENS: Don't we have until 9:00?

19                 MR. CHANG: We do.

20                 MS. BLUE: I have one very short comment  
21 to this.

22                 Thursday night there's a coastal zone  
23 management meeting, Department of Health in Hilo. I  
24 strongly encourage, since you're very, very  
25 concerned about the sediment dropping on this

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

1 island, the meeting is about nonpoint source  
2 pollution and management of the ahupua'a watershed  
3 systems, I highly encourage you to come to that.  
4 Two days ago in the newspaper there was a notice in  
5 the front section, like on page 2 or 5, something  
6 like that on that.

7 MS. AKAKA: The Tribune-Herald?

8 MS. BLUE: Yeah. Or you can call me,  
9 968-6360. I'll be home tomorrow.

10 MS. STEPHENS: I would like to comment,  
11 also, on Department of Health, that Bruce Anderson,  
12 who I'm sure you're all familiar with, did attend a  
13 meeting with the International Strategic Metal  
14 Alliance involved with ocean mining; and that it  
15 should be known that the geothermal plant, who I  
16 have been personally involved with Harry Kim on a  
17 criminal infraction where they had over a ton of  
18 H2S -- that's kind of a long story -- but basically  
19 the geothermal is cited as the smelter energy  
20 source, this island is looked upon as the dumping  
21 ground for the sediment tailings, et cetera.

22 MS. AKAKA: Pittsburgh of the Pacific.

23 MS. STEPHENS: Yeah. And Hawaiian Homes  
24 lands in particular are cited as the dumping  
25 grounds.

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

1                   And so I feel, as many other people feel,  
2 that actually Department of Health is very lame in  
3 protecting the people, especially when it comes to  
4 issues of ocean mining, because Bruce Anderson has  
5 attended these meetings, I have the minutes from  
6 these meetings sent to me by Patsy Mink. In these  
7 meetings, they are suggesting that they will attach  
8 ocean mining onto global warming projects and that  
9 they will piggyback ocean mining onto sand and  
10 gravel, and because Bruce Anderson at Department of  
11 Health, he is in conjunction with Steve Yamashiro,  
12 who just exited his position. Steve Yamashiro was  
13 the attorney for geothermal. And because of the  
14 conflict of interest and millions of dollars  
15 investigated -- I mean invested into geothermal on  
16 behalf of International Strategic Metal Alliance --  
17 who is also known as INTERMAR, who I know that the  
18 Department of Interior and Department of Commerce  
19 and NOAA is very well versed in. Maybe you  
20 people -- you know, you folks maybe are not well  
21 versed or knowledgeable in this area, but there is a  
22 problem that there's too many people doing things,  
23 and the same people within that agency don't know  
24 what the other people are doing. And whereas you  
25 may be environmentally concerned about it, you need

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

1 to know what other people in your agency are doing.

2           And Patsy Mink has these minutes, and  
3 there is proof stating that, number one, they're  
4 asking how can we get our hands on the EEZ of the  
5 North Mariana Islands. They said, well, we will go  
6 to the Compact of Free Association. And what that  
7 does is it gives those people sovereignty, but at  
8 the same time it gives United States jurisdiction  
9 over foreign policy of the ocean.

10           And they said, well, what about the Hawaii  
11 EEZ?

12           Oh, well, we'll just use the Marine  
13 Mineral Joint Planning Arrangement that is signed  
14 every 3 years to handle that so far as ocean mining  
15 is concerned.

16           So I have got plenty documents. Contact  
17 Patsy Mink, she has all the minutes from the  
18 INTERMAR meetings.

19           You know, this is a very dangerous  
20 situation if it gets out of hand. And basically the  
21 timeline is 2003, and that's really not much time,  
22 and I believe the Marine Mineral Joint Planning  
23 Arrangement is due to be signed at any given time  
24 from now until 2001.

25           I think people should ask the Governor:



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

1 You know, are you going to sign this? You know, how  
2 do you feel about this? Are you really representing  
3 the people, as you're supposed to?

4 MR. FUKUNAGA: Thank you.

5 MR. CHANG: The focus of this hearing has  
6 been to receive your comments on President Clinton's  
7 Executive Order for the Coral Reef Ecosystem  
8 Reserve. We want to, again, thank you a lot for  
9 your comments.

10 Unless there's anything more, we want to  
11 wish you a safe trip home. And again, thanks very  
12 much.

13 (Public hearing concluded at 8:45 p.m.)

14

15

16

17

18

19

20

21

22

23

24

25

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE

STATE OF HAWAII            )  
                                  )        ss.  
COUNTY OF HAWAII        )

I, PATRICIA A. MILLER, do hereby certify  
that the proceedings contained herein were taken  
down by me in machine shorthand and were thereafter  
reduced to typewriting under my supervision; that  
the foregoing represents, to the best of my ability,  
a true and correct copy of the proceedings had in  
the foregoing matter.

DATED: Hilo, Hawaii, this 13th day of  
December, 2000.

PATRICIA A. MILLER, RPR, CP-CM, CSR #275

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