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UNITED STATES DEPARTMENT OF COMMERCE  
WASHINGTON, D.C.

PUBLIC HEARING RE: NORTHWESTERN HAWAIIAN ISLANDS  
CORAL REEF RESERVE

TRANSCRIPT OF PROCEEDINGS

Taken on behalf of the United States Department of Commerce,  
National Oceanic and Atmospheric Administration at Mitchell  
Pauole Center, 90 Ainoa Street, Kaunakakai, Hawaii,  
commencing at 6:10 pm, on Friday, December 15, 2000, pursuant  
to Notice.

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

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1 PROCEEDINGS

2 MODERATOR: I would like to welcome everybody  
3 to the Molokai public hearing. This is one of six being held  
4 in Hawaii this week regarding President Clinton's December  
5 4th, 2000 Executive Order establishing the Northwestern  
6 Hawaiian Island Coral Reef Ecosystem Reserve.

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

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

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

22 We have present a number of representatives  
23 from the Department of Commerce, the Department of Interior,  
24 and I'd now like to identify our Department of Commerce  
25 representatives, have them introduce themselves.

1                   MR. MICHAEL WEISS: Good evening. My name is  
2 Michael Weiss. I'm with National Oceanic and Atmospheric  
3 Administration within the Department of Commerce. And I am  
4 the NOAA agency representative to the White House Council on  
5 Environmental Quality.

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

10                  MODERATOR: From the Interior.

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

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

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

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

22                  First I would like to explain the procedures.  
23 If you have specific written testimony that you would like to  
24 submit tonight, I'll be happy to accept it and forward it to  
25 DOC after the meeting. There are comment forms on the table

1 and also other handouts for those of you who came in a little  
2 later and maybe didn't see them.

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

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

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

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

22 When we call your name off the sheet, come on  
23 up, you can sit here. And the reason for this is so that the  
24 reporter will be able to read your lips as you go. And state  
25 your name, please, and spell your last name for the court

1 reporter so we're sure that she gets it.

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

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

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

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

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

25 Now with that I would like to summarize a few

1 parts of the announcement about the meeting that appeared in  
2 the Federal Register and get some comments from our  
3 representatives from DOC and then begin testimony.

4                   On December 4th, 2000 President Clinton  
5 issued Executive Order 13178 establishing the Northwestern  
6 Hawaiian Island Coral Reef Ecosystem Reserve. This executive  
7 order was in response to the directive of the issue made that  
8 the Departments of Commerce and Interior develop a plan in  
9 coordination with the State of Hawaii and in consultation  
10 with the Washington Pacific Regional Fisheries Management  
11 Council to provide strong and lasting protection for the  
12 Northwestern Hawaii Islands Coral Reef Ecosystem.

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

20                   The President has a long history of taking  
21 steps to provide additional protection to the nation's coral  
22 reefs and other ocean resources dating back to the mid 1990s.  
23 The ocean conference held in Monterey, California in 1998  
24 reemphasized his commitment to coral reefs as the President  
25 used the opportunity to issue the Coral Reef Executive Order

1       which established the Coral Reef Task Force. This executive  
2       order is the culmination of the President's vision for  
3       protection of these very valuable coral reef resources.

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

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

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

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

22                      MR. MICHAEL WEISS: Good evening. I would  
23      like to briefly just kind of go over the two main topics that  
24      the President has asked for comments on. And I'll use this  
25      map.



1                   This area, the blue area, and this purple  
2 area is the reserve that was established in the -- by the  
3 President in the executive order. That, again, it extends  
4 about 1200 nautical miles long and about 100 nautical miles  
5 wide. And it does not include Hawaii State waters which are  
6 these kind of orangish areas, nor does it include the Midway  
7 atoll National Wildlife Refuge.

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

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

23                   The other issue are the Reserve Preservation  
24 Areas. And these are 15 areas that go from the eastern to  
25 the western part of the chain, a small area in here as well.

1 And these are areas that are more protective to protect the  
2 shallower areas and the coral areas and near shore areas.

3 Again, there are 15 of them. Around the  
4 islands they go out to 100 fathoms and around the six banks  
5 they go out 12 nautical miles from the approximate center  
6 point of the bank. For example, on Pioneer Bank.

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

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

23 The President is asking for your comment on  
24 these areas as well and whether to make them permanent. So,  
25 again, the two areas of conservation measures and the reserve

1 preservation areas are what we're -- what we would appreciate  
2 you to comment on this evening.

3 Thank you.

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

10 Melvin.

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

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

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

25 MR. MICHAEL WEISS: Okay. Well, that's the



1 name?

2 THE REPORTER: Melvin?

3 MR. MELVIN PERRELLS: Perrells,  
4 P-E-R-R-E-L-L-S.

5 MODERATOR: You had some written testimony,  
6 did you?

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

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

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

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

21 MODERATOR: Okay.

22 MR. ROBERT SMITH: Thank you.

23 MODERATOR: Isaac.

24 When you do come up, if you could just spell  
25 your last name for the record we'd really appreciate it so

1 the court reporter will have your full name.

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

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

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

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

18 And there's been some talk about the bottom  
19 fishes prices are going to rise because of this. It's not  
20 going to rise because the fishermen are going to continue  
21 fishing up there. The local fishermen around the main  
22 islands are going to continue fishing. So nothing is really  
23 going to change. The only thing that would change the price  
24 is if the imports rise or fall. That will probably dictate  
25 the price range wise, yeah.

1                   And there's been saying that the restaurants  
2                   are going to go out of business. That's not true. The same  
3                   amount of fish is going to be coming in, that's all. There's  
4                   not going to be any difference to the restaurant. If the  
5                   fish drops, the catch drops, they're just going to be buying  
6                   more imports. Just about the only things we're going to  
7                   have.

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

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

23                  And it's going to provide potential  
24                  replenishment of our main Hawaiian resources. We have a  
25                  large population over here. We have 25 hundred licensed

1 commercial fisherman in the Main Hawaiian Islands that fish  
2 here. As we deplete the resources, we have an opportunity to  
3 get some replenishment from those areas, some of the fish  
4 come down here and get caught down here.

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

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

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

23                   And some other comments. Oh, gee. The area  
24 up there is ceded land and as such the federal government and  
25 the state government is mandated to manage that area for the



1 best interests of the public.

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

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

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

22                   And I think we need to keep a limit on the  
23 amount of fishing that's going up there so that we can ensure  
24 the potential replenishment of fish to the Main Hawaiian  
25 Islands where the main population depends. We've got over 25

1 hundred commercial guys here and that does not include the  
2 subsistence to fish to feed the family and the recreational  
3 guys who do this for fun. The only reason to go out and  
4 enjoy himself, just go out and have some form, just a form of  
5 relaxation for a lot of guys.

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

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

23                   And I think we need to have mandatory  
24 observers on the boats that fish up there. We've been a lot  
25 of impacts on Hawaiian monk seals, they're starving up there

1 and stuff, and some of them have been stealing fish off the  
2 bottom fishermen's line. And a lot of the bottom fishermen  
3 say the kahala and feed that to the monk seals that come  
4 around and the monk seals are getting sick and stuff. And  
5 they've been dying up there because of the lobster fishery  
6 that's been going up there.

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

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

16                   And last thing I would like to talk about is  
17 the problem with global warming. I guess everybody has heard  
18 about global warming, the ocean temperature rising and  
19 everything. In the past several years we lost about 27  
20 percent of the coral reefs in the world. And with the  
21 prediction of global warming, about everywhere the coral  
22 reefs in the whole planet the temperature is predicted to  
23 increase. And at some point it's probably going to kill all  
24 the coral reefs in the world. The only area that is not  
25 going to increase is the Northern Hawaiian Islands. And this

1 tells me that the Northwestern Hawaiian Islands that we have  
2 might become the last coral reef in the world in the next 50  
3 years or so. So we should try our best to try to protect  
4 this area. If some day we get a hold on the global warming  
5 problem, the Northwestern Hawaiian Islands might be able to  
6 reseed the rest of the coral reefs in the world and bring the  
7 reefs back for the rest of the world.

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

9 MODERATOR: Thank you, Isaac.

10 Richard.

11 MR. RICHARD NAKANISHI: My name is Richard  
12 Nakanishi, N-A-K-A-N-I-S-H-I.

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

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

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

23 MR. RICHARD NAKANISHI: No. I was told  
24 there's already commercialization going on in the area. And  
25 are they going to -- How many are there? How many is going

1 to be given per year or is there going to be restricted from  
2 getting new permits and so to speak? In that area.

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

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

8 MR. RICHARD NAKANISHI: Basically fishing.

9 MR. MICHAEL WEISS: Basically fishing.

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

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

19 MR. MICHAEL WEISS: I thought I explained the  
20 conservation measures with -- And I really don't want to get  
21 into more of a discussion. We need to hear your comments on  
22 this on the record. But, again, the executive order allows  
23 levels of bottom fishing at current levels. There will be a  
24 cap, a cap on those fishing levels. Again, there will be a  
25 process to determine what that cap will be.



1 opportunity to comment in support of the Executive Order No.  
2 13178 establishing the Northwest Hawaiian Islands Coral Reef  
3 Ecosystem Reserve. We thank President Clinton for this  
4 timely action to establish permanent protection for this  
5 area.

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

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

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

21 The reefs they surveyed, those scientists, I  
22 think there were 50 of them that spent 57 days up there and  
23 looked at more than 2400 acres of ocean, miles of ocean,  
24 found those reefs to be healthier and more vigorous than they  
25 expected. Coral reefs have been called rain forests of the

1 sea because of their complexity and multitude of diverse life  
2 forms. At least five new species were found and at each  
3 island or atoll the scientists found twice as many species  
4 than was recorded by scientists in the 1980s.

5                   There are now seven species of rare table  
6 corals known to exist in the Northwest Hawaiian Islands and  
7 15 coral species were reported for the first time. Nearly  
8 one third of the earth's coral reefs have been destroyed in  
9 recent years due to global warming. It may well be that the  
10 Northwest Hawaiian Islands coral reefs located in cooler  
11 waters may become the last remaining ecosystem of its kind.

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

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

23                   The scientific expedition report concludes by  
24 saying, quote, These areas should not only be set aside for  
25 their intrinsic value, but also for their value to enhance



1 fishing in adjacent areas and hedge against species collapse  
2 especially those resulting from inadequate management of  
3 fishery resources in the Main Hawaiian Islands.

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

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

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

22 The Northwest Hawaiian Islands serve as a  
23 nursery for species of fish that will help ensure  
24 replenishment of the marine resources for these Main Hawaiian  
25 Islands. Protecting this puahunua for those species in the

1 long run helps to assure benefits to the greatest number of  
2 users: Recreation, subsistence and commercial fishermen who  
3 fish right here where we live.

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

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

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

20                   My final comment is that I hope that it would  
21 be considered to add language something like this: These  
22 islands and submerged lands are ceded lands. The executive  
23 order needs to contain a provision for the eventual return of  
24 the reserve to the Native Hawaiian people upon restoration of  
25 their independent government. Specific language must be

1 included which prohibits any transfer of these lands through  
2 administrative action or treaty or any other means to any  
3 other entity including foreign nations or, for instance, the  
4 Department of Defense.

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

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

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

13 Thank you.

14 MODERATOR: Thank you.

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

23 Bill -- Is it Puleloa?

24 MR. BILL PULELOA: My last name is  
25 P-U-L-E-L-O-A.

1                   I am a State employee, but I'm speaking  
2 tonight as a private citizen, as a fisherman.

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

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

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

22                   There's a caveat to what I want to say, too.  
23 As thankful as I am for this reserve, this -- I am very  
24 hesitant about someone halfway across the world declaring  
25 something that should be our responsibility to manage. I am

1 not very comfortable about that. I think this reserve should  
2 have been something that was generated from local  
3 authorities. But, nevertheless, it is here and we have got  
4 to deal with it and I am in favor of it.

5 I think that's all I have.

6 MODERATOR: Thank you very much.

7 MR. BILL PULELOA: You're welcome.

8 MODERATOR: We do have a sign-up sheet here.  
9 I know some people came in in the last few minutes. If  
10 you're interested in signing up to provide some testimony,  
11 please do so.

12 I am having trouble reading this. I think  
13 it's Kelii Pio.

14 MR. RICHARD NAKANISHI: He don't want to.  
15 Too young.

16 MR. KELIII PIO KAHEAMAWAE: My name is  
17 K-E-L-I-I, P-I-O, K-A-H-E-A-M-A-W-A-E.

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

22 But I looking at the fishermen in the state  
23 of Hawaii, our local fishermen and our Native Hawaiian  
24 fishermen. Everybody like preserve this, preserve that,  
25 preserve everything. It's kind of hard for the fishermen to

1 survive when you get all these preserved stuff, you know. We  
2 got to feed our family. We got to make money somehow.

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

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

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

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

24 But you guys coming from the USA, Washington,  
25 D.C., I just came from there. Oh, yeah. That's why I told

1 Akaka, I told Ino, I told the big guys up there, I say, hey,  
2 leave the fish for the Native Hawaiian and the fishermen, you  
3 know what I mean, the fishermen, the local fishermen. That's  
4 what I looking at.

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

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

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

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

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

21 MODERATOR: Thank you.

22 MR. MICHAEL WEISS: Thank you.

23 MODERATOR: That was the last name we had  
24 signed up to testify. Is anybody else interested in coming  
25 up?

1 MS. LISA VORSE: Sure. Lisa Vorse.

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

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

16 That's about it.

17 MODERATOR: Thank you.

18 Anybody else want to make any remarks?

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

23 MR. MELVIN PERRELLS: I have a question.

24 This is where everybody gets confused. The federal  
25 government wants to make those islands a preserve dealing our



1 30 percent fishing island. What's happening?

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

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

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

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

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

25 MR. MELVIN PERRELLS: That's right.

1                   MODERATOR: And I think they hear that and  
2 that's part of the process they're trying to input. That's  
3 why you're here making your comments.

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

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

19                   But, again, looking at the whole, the total  
20 picture, with all the areas that's closed, when are we going  
21 to -- We're going to have boats just to go out riding. We  
22 won't be able to fish because all of the closed areas. Like  
23 I said, Penguin Banks, a lot of it is closed. There's an  
24 area by ship wreck on Lanai, that's closed. Around  
25 Kaho'olawe, that's closed. On the west end.

1                   I mean, you see more closures in areas and  
2 eventually with more boats coming down or not being able to  
3 go up there, you going to jam it all around these islands.  
4 So what is the damage that's going to do to our reef down  
5 here? That's going -- you saving one reef, you destroying  
6 the other one. So there's got to be a balance someplace.

7                   MODERATOR: Thank you.

8                   MR. MICHAEL WEISS: Thank you.

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

11                  MR. MICHAEL WEISS: Okay. Is that -- If  
12 there aren't any further comments, nobody wants to come up.

13                  Do you have some comments you want to give?

14                  MR. WALTER RITTE: Yeah.

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

17                  MR. WALTER RITTE: Walter Ritte, R-I-T-T-E.

18                  I have never been up there except I've seen  
19 the place on TV and stuff. But on the lower half of that  
20 island chain is where we all operate. And the way we have  
21 operated all these years tells me that we need to do  
22 conservation measures. Basically we screwed up the whole  
23 bottom half.

24                  So I am in favor of having conservation  
25 measures on the top half just -- even though I don't know

1 that top half, but just knowing what we have done to the  
2 bottom half makes me want to say that I don't want to see  
3 that happen to the top half.

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

10 MODERATOR: Thank you.

11 MR. WEISS: Thank you.

12 One more comment.

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

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

25 The federal government in order to make this

1 reserve work, if it is made permanent, needs to take a hard  
2 look at how they're going to enforce the restrictions by  
3 keeping foreign fishing boats out of the area.

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

14 MODERATOR: Thank you.

15 MR. RUSSELL PHIFER: Russell Phifer,  
16 P-H-I-F-E-R. Molokai House, Incorporated.

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

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

1 we need enforcement.

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

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

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

19                   MODERATOR: Thank you.

20                   MR. JAMA KAHOLOAA: My name is Jama Kaholoaa,  
21 K-A-H-O-L-O-A-A.

22                   I would like to say that I am for  
23 conservation, yeah, and I respect the fishermen, the  
24 commercial as well as subsistence fishermen. But I think the  
25 most important thing I am looking at is how it's going to be

1 monitored, how it's going to be protected and who's going to  
2 protect? It is our -- And who can we trust?

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

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

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

25                   So that's what I like to propose and then

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

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

11                     MODERATOR: Thank you.

12                     Anyone else?

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

15                     I just have two comments. I really support  
16     the last speaker's comments, which is it's our responsibility  
17     for this fishery management resource management. I don't  
18     really see it as the federal government's responsibility.  
19     That's my first comment.

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



1 recruits.

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

6 Thank you.

7 MODERATOR: Thank you.

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

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

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

1 during the comment period.

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

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

6 MR. SAMUEL KAHOLAA, JR.: My name is Samuel  
7 L. Kaholaa, Jr.

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

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

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

1 Please.

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

4 Please, hold everything up.

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

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

16 Thank you.

17 MR. MICHAEL WEISS: Thank you.

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

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

22 MR. BILL PULELOA: It is a clarification.  
23 Actually, after you pick up all your information and go back,  
24 in the event that Mr. Clinton does not authorize this thing,  
25 or some way it falls through the crack, what happens?

1                   MR. MICHAEL WEISS: I'm sorry. Again, I  
2 apologize.

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

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

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

14                   MR. BILL PULELOA: It is established?

15                   MR. MICHAEL WEISS: Yes.

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

18                   MR. SAMUEL KAHOLAA, JR.: Boo.

19                   (Whereupon, the proceedings were  
20 adjourned at 7:05 pm)

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23

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25

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

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

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

12

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14

\_\_\_\_\_

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

16 Notary Public for Hawaii

17 My Commission Expires: 5/14/04

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