

Rules not helping some marine life

By Dan Nakaso
ADVERTISER STAFF WRITER

Ken Nichols set out in July to find a single green sea turtle he heard was wrapped in fishing hooks and line.

Instead, he found eight.

Fishing line cut so deeply into the bone of one turtle that its fin had to be amputated. Some turtles were hooked in the mouth. One was dead.

Nichols had been trying to get the rules tightened for Hawaii's most lenient Marine Life Conservation District, in Pupukea. And the turtles he found over five weeks in the conservation district and all over the North Shore are raising the pressure.

"These turtles are getting hooked left and right," said state Sen. Robert Bunda (D-Wahiawa, Waiialua, Sunset Beach).

Bunda has been talking with Nichols and is organizing an Aug. 19 meeting to assemble a task force of fishermen, scuba divers



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A fishing hook protrudes from the mouth of a green sea turtle found recently in the Pupukea Marine Life Conservation District.

and boaters to make recommendations on tightening regulations for the Pupukea conservation district.

There are so many exemptions for the district that the rules sometimes don't make sense for the hundreds of fishermen,

snorkelers, scuba divers and tide pool explorers who crowd the area in the summer, when the monster waves of the North Shore are calm.

It's illegal to take sand, for instance. But it's OK to pick limu, fish with poles,

use spear guns and even throw nets in certain spots.

Scuba divers aren't allowed to hunt in the district, which covers the popular Shark's Cove and Three Tables areas. But they can

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swim through with any fish they've speared outside, making it almost impossible for enforcement officers to tell who's following the rules.

The green sea turtles Nichols found are just one example of what happens when people get careless, Bunda said.

"The netters are a major problem. People taking live coral is a major problem. You can do pretty much anything you want in the area."

Growing threat

State Land Board members set up the Marine Life Conservation District at Shark's Cove and Three Tables in 1983 to try to protect the ecosystem. By making concessions for so many different interests, "all they did was punt," Bunda said. "Over a period of 16 years, the situation's only gotten worse."

There aren't any scientific studies showing changes to the conservation district, Bunda said. There is plenty of anecdotal evidence that an area designed to save the ecosystem isn't working.

"It's not like how it was 10 years ago, where everybody can go catch their fish," said Lester Choi, 41, president of the Waiialua Boat Club. "The akule and halalu aren't as productive as before. Ten years ago you could go half a day, catch your fish and go home. Now you have to go one day, stay overnight and fish the next day, and it's still pretty slow."

He worries especially about net fishermen "who don't give a damn. They jus' bus' up the coral and everything. Once you destroy a coral's life, you ain't going to see it growing in our lifetime."

David Hara, a shore fisherman, said he believes the problems at Pupukea are the result of too many turtles, too many greedy scuba dive operators and careless net fishermen all mixing with pole fishermen.

"I only catch what I eat," Hara said. "That's the rule of the ocean. Too many people aren't being careful."

Except for Hanauma Bay and the small conservation district next to the Waikiki War Memorial Natatorium, each of Hawaii's 10 Marine Life Conservation Districts makes some allowance for fishing.

None are as lenient as the Shark's Cove/Three Tables area, said Alton Miyasaka, aquatic biologist with the Department of Land and Natural Resources' Division

of Aquatic Resources.

The state agency is considering setting up at least 13 more conservation districts around Hawaii.

"We're better prepared now to say that when we allow exemptions, this or that will happen and it will not be as effective an area for conservation enforcement," Miyasaka said. "The provision to swim through the area with scuba gear and catch, for instance, is very unenforceable."

The task force that Bunda is organizing will add its recommendations to the public comments that will go before the state Land Board and eventually Gov. Ben Cayetano in the next few months.

"Hawaii is such a place that you can go to any shoreline and propose a closure and someone will say, 'I fished there and my family has fished there for generations and I want to continue that,'" Miyasaka said.

'Leave them alone'

Green sea turtles are considered "threatened," one step short of "endangered" species, such as the hawksbill turtle. But green sea turtles are protected by state law and the federal Endangered Species Act.

The act lists a slew of violations, which include "hunting, capturing, killing, harassing, harming or attempting to do any of those things," said Gary Wood, special agent with the National Marine Fisheries Service. "Basically: Leave them alone."

Wood doesn't recommend that people try to imitate Nichols and rescue sea turtles. He prefers they call his office — at 541-2727 — if they suspect green sea turtles or hawksbills are being harmed.

"I appreciate what Ken is trying to do, and I applaud his motives to preserve the turtles," Wood said. "But he has to realize that the law applies to him as well as everyone else."

Nichols, 30, has made plenty of enemies since he started pushing state officials to tighten the rules at Pupukea.

He's been yelled at and threatened.

Fishermen say he's only trying to get publicity for his 14-month-old scuba operation in Haleiwa. "He's making money," Hara said. "To me the commercial scuba divers want the whole place to themselves."

Fishermen say Nichols is overstating the problem at

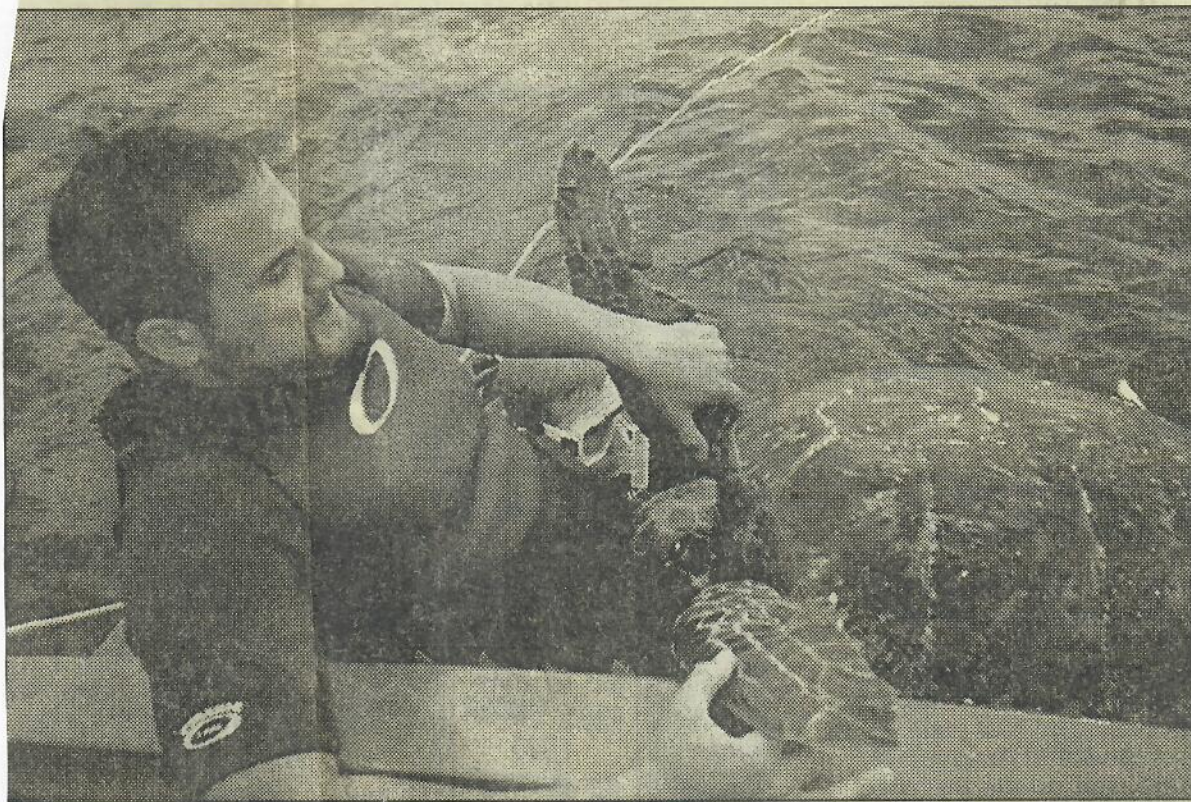


Above: Dive instructor Joe Carrino tried to bring a green sea turtle aboard the dive boat at Three Tables in Pupukea to remove a fishing hook and line.

Left: A green sea turtle had a fishing line wrapped around it so tightly, its left front fin was cut to the bone.

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urges stricter restrictions



Pupukea, because only one of the turtles he helped was inside the district at the time.

Nichols blames everyone who is exploiting the district, including "dive companies that are cattle bus operations: They're using that area to make money and they don't seem very compelled to do anything to protect it."

Only one dive operator — Windward Dive Center in Kailua, which also owns The Dive Site store in Kakaako — has supported Nichols. The others have either ignored him or been hostile.

Nichols doesn't care what people say.

"My first priority is to protect the marine environment," he said. "My second priority is to

have a successful business — which is pretty stupid, as a businessman."

Rescue problems

Nichols worked for Greenpeace in San Diego in the early 1990s, organizing door-to-door solicitors. "My standard line was, 'If you care about this, and you don't do anything, I can assure you that the people who don't care won't do anything.'"

In November he was arrested in Washington while helping the Sea Shepherd Conservation Society try to prevent the Makah Tribe in Washington State from hunting gray whales to revive an ancient tradition.

Then, in July, one of his in-

structors, Joe Guarino, got decompression sickness while rescuing a turtle on the North Shore that was tangled in a series of fishing hooks. When Guarino freed it, he hung on to help the turtle as it raced to the surface.

Guarino had to be airlifted and treated in a hyperbaric chamber because of spinal pain. The bills totaled \$3,000, which Nichols is still paying.

When the yelling, threats and finger-pointing fade away, Nichols believes the result will be a true conservation district at Pupukea.

"It seems impossible to think we can lose the beauty of this place," he said. "But the reality is we've lost a lot of it already."