

WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL

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S U M M A R Y

MEETING ON THE HAWAIIAN GREEN SEA TURTLE

State Capitol, Honolulu, Hawaii
February 1, 1984

Since 1978, the Hawaii population of green sea turtles has been listed by the Federal government as a "threatened species". As such, the green sea turtle is very strictly protected by the Federal government, and no taking of this animal is permitted for any purpose (the only exception is scientific collecting under a special permit). The "threatened" status and the regulations protecting the green sea turtle in Hawaii have created several problems:

Problems

1. The green sea turtle was listed as a threatened or endangered species worldwide, and the Hawaii population was grouped with other turtle populations although there was little data to document that it was truly "threatened". Since this listing, the Endangered Species Act has been amended to require more complete documentation before a species is listed. However, the amendments also made it more difficult to get a previously listed species off the list. This created a "Catch 22" situation in which the burden of proof to remove the Hawaii green sea turtle population from the threatened species list is not on those who want it listed, but on those who want it de-listed.
2. The Federal regulations which prohibit all taking of the Hawaii green sea turtle ignored the existence of a State regulation which restricted the harvest of green sea turtles for subsistence use only. The Federal regulations do not allow subsistence harvest of this species in Hawaii, although the residents of the Trust Territory of the Pacific Islands are allowed to harvest the green sea turtle for subsistence purposes. This contradiction has not been resolved, although the National Marine Fisheries Service is conducting a review of this issue in Hawaii. Unfortunately, this review relied heavily on written documents and there was no provision for collecting data through oral history interviews.
3. The question of aboriginal rights to take threatened species has not been addressed by the Federal government with respect to harvesting green sea turtles by native Hawaiians although this issue has been resolved with respect to the right of Eskimos to harvest endangered whale species.

Strategy

The strategy which emerged from the meeting centers on issuing political messages to the administrative and Congressional branches of the Federal government.

1. Concerned State legislators will prepare resolutions to the National Marine Fisheries Service/Fish and Wildlife Service and to the Hawaii Congressional delegation asking for quick resolution of the green sea turtle problems in Hawaii.
2. The State administration may also prepare a message urging the Federal government to act on the turtle issues.
3. The Office of Hawaiian Affairs may lend support to the issue of aboriginal rights to take a threatened species.
4. Informal discussions with the staff of the House Merchant Marine and Fisheries Committee may lead to a clarification of the 1978 amendments to the Endangered Species Act.

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In Attendance: See attached list.

The meeting was held at the request of Alika Cooper, who had provided background materials on the problem of Federal prohibition of all taking of green sea turtles in Hawaii. Cooper opened the meeting by describing his frustration with the process by which the Federal government made the green sea turtle a "threatened species" without first checking with people in Hawaii. After the turtle was put on this list, Federal regulations were adopted prohibiting all taking, in spite of the fact that turtle is a traditional food in Hawaii. As the manager of the Kalahuipuaa fishpond complex, Cooper has been trying to get Federal action on his request to transfer green sea turtles from the ocean for three years. He also wants action on the request to allow harvesting of green sea turtles at least by native Hawaiians, using traditional gear and for home consumption only. Although they could not attend the meeting, Emmett Aluli of the Kahoolawe Ohana and Senator Inouye's Hawaii office notified Cooper of their support and want to see a firm timetable for action by the Federal government.

Gary Smith, the Deputy Director of the Southwest Region of the National Marine Fisheries Service (NOAA), said that the background material distributed by Cooper prior to the meeting accurately and fairly documented the history of Federal involvement in the regulation of green sea turtle harvest in Hawaii. Smith recounted how the present situation developed. Under the Federal Endangered Species Act, species which are "listed" as "endangered" or "threatened" are protected by the Federal government. In the case of the green sea turtle, the species was listed as endangered or threatened throughout the world, not only in the Pacific. In the early years of listing endangered/threatened species, the designation was often rushed and some of the documentation was incomplete. At that time, there was little data on the Hawaiian green sea turtle population, and it was lumped together with other turtle populations in the western Pacific for regulatory purposes. Amendments to the Endangered Species Act in 1978 provide for de-listing of species which have recovered under Federal protection. The Act also requires a status review of the listed species every five years.

Smith said he could understand the impatience regarding the regulation of green sea turtles in Hawaii. The Federal law lays out what can and cannot be done with turtles, and in order to get it off the "threatened" list would

require documented evidence which is not presently available. The 1978 amendments to the Act tightened up the listing procedure, so that a species can no longer be listed as endangered/threatened without adequate documentation; however, the same amendment also made it more difficult to de-list a species once it is on the list.

Smith said that the National Marine Fisheries Service (NMFS) has, since January 1982, been working on the required 5-year review of the status all turtle species on the endangered/threatened list. In addition, the NMFS Southwest Regional Office has been working on a separate review of the subsistence harvesting issue, at the request of the Territory of Guam, the State of Hawaii, and others. The original timetable called for both reviews to be completed by September 1983, but there were delays. These reviews are expected to be completed in the next few weeks.

Public hearings were held as part of the review of the subsistence issue, but little information was collected that documents the historical use of the green sea turtle in Hawaii. Therefore, the NMFS contracted with Dr. Robert Johannes to search through the literature to augment the public hearings. This contract study was completed in December 1983 and will be available in the next few weeks. Smith noted that, to date, the U.S. Fish and Wildlife Service (FWS), which shares responsibility with NMFS for protecting endangered/threatened species, has not participated in the review of the subsistence issue, despite efforts by NMFS at the national and regional levels to obtain inter-agency cooperation. NMFS plans to submit documents to the U.S. Fish and Wildlife Service for its review. (Subsequent to the meeting, the FWS published a Federal Register notice announcing an independent review of the status of threatened/endangered turtle species.)

Smith said the he is not optimistic that any consumptive use of the green sea turtle in Hawaii will be permitted until the population is removed from the threatened species list. There are insufficient biological data available to lead to a de-listing. Under the Endangered Species Act, there is a provision for the NMFS and FWS to do a "recovery plan" for a threatened species. If a "recovery plan" were initiated for the green sea turtle, this would fund the kind of research needed to assess the biological questions which need to be answered about the Hawaiian turtle population and could provide for a conservation program leading to de-listing.

Cooper said that he had worked with a Dr. John Hendrickson on a research proposal involving the green sea turtle as early as 1968-1970. What has been done about carrying out this type of research? He said that the Federal prohibition against the taking of turtles ignores the aboriginal rights of Hawaiians, who managed marine resources through a system of konohiki rights. The rights of Eskimos have been recognized by the Federal government with respect to the traditional taking of whales, and the rights of Indians to harvest salmon are also protected. However, Hawaiians are treated as second-class citizens.

Kenji Ego said that the problems over the Hawaiian green sea turtle have been created by the arrogance of the Federal government, which is now trying to pass the buck and put the burden of proof to de-list the animal on

people in Hawaii. The green sea turtle was originally placed on the "threatened" species list by the Federal government over the strong objections of the State of Hawaii, which did not believe that there was sufficient documentation that it was in jeopardy. Now, Gary Smith has admitted that the Federal agencies responsible for the original listing were remiss in not providing adequate supporting records. The Federal regulations ignored the existence of a State regulation restricting the harvest of turtle and took over the entire responsibility for turtle management. Now, the Federal government is admitting that research on the status of the Hawaiian turtle population has not been done to remove this stock from the threatened list. They are telling us that there is this inflexible law and they are unable to move on this issue. Can't the NMFS admit that it was wrong in the first place?

Smith responded that he was trying to be honest about the position where we find ourselves on the green sea turtle issues. Under the circumstances, Ego said, the animal may remain on the threatened list forever. Smith said that a major sticking point was the lack of a reliable estimate of the initial size of the turtle population. Cooper asked who was going to fund the research needed to derive such a number. He criticized the lack of interaction with fishermen by scientists who have done turtle research in the past. Smith replied that there are scientists in the NMFS system who are qualified to do the research and that their population studies are different from the kind of information that can be derived from talking to fishermen about turtles.

Cooper said that NMFS researchers have never come to the fishermen even to ask about traditional uses of turtles. He asked the representatives from the Office of Hawaiian Affairs and the State Department of Land and Natural Resources if they had ever been contacted concerning the traditional use-aboriginal rights issues. T.C. Yim, as a former State senator, said he has many times been completely frustrated in dealing with the Federal government on issues involving the Northwestern Hawaiian Islands and endangered species. He mentioned the use of Tern Island as another issue. It appears that the people in Washington are completely ignorant of what is happening in Hawaii. The Federal government took action to list the green sea turtle as threatened, overriding the strong objections of the State, but now the burden of proof is being put on those who want the turtle taken off the list. The situation should be the reverse. The burden of proof should be on those who want the turtle on the list, not on those who want it off. Alika Cooper and the State have tried many times to resolve the turtle issue with zero result. At the local level, we are only going to spin wheels agains. The way to take care of the problem is at a high, political level.

Several other people in attendance also commented that the problem seemed to be a "Catch-22" or a "cat and mouse game" of the Federal government's own making. They asked why a solution could not be negotiated. Smith said that the basic ground rules had changed. Initially, it was easier to list species as "threatened" under the Endangered Species Act, but now the listing procedure is much stricter. Likewise, it is just as strict to get a previously-listed species off the list.

Georgiana Padeken asked by what authority the NMFS had determined that it is permissible for inhabitants of the Trust Territory to take turtle for

subsistence use there, but it is illegal here. Smith could not provide details but said that an administrative decision allowed the people of the Trust Territory to harvest turtle for home consumption. Bill Tagupa said that the consumption of turtle in some areas of the Trust Territory is more a question of survival than of subsistence. Under the United Nations trusteeship, the U.S. was obligated to recognize this right. Smith noted that the decision to allow subsistence taking of green sea turtle in the Trust Territory was backed by documentation. Cooper argued that no one came to see the local people in Hawaii about traditional uses of turtle, and no one went up to Washington to say that we ate turtle historically. He believes that the NMFS was and continues to be remiss about talking to local people on these issues. Henry Sakuda reminded the NMFS that Governor Ariyoshi had strongly opposed the listing of the green sea turtle and had supplied information about its importance for traditional home consumption on several occasions. The Governor's letters are part of the record but were completely ignored. Susumu Ono asked if we can find out why.

Dante Carpenter said he could understand Mr. Cooper's frustration and suggested going to a higher political level to see if the law or the listing can be changed. Otherwise, we could be back here in another 5 years with the same problem. He asked Smith about the present status of biological information for the Hawaiian stock of green sea turtles. Smith replied that he had not yet seen any firm estimate of current stock size. Several members of the group noted that there was even less data available when the Hawaiian turtle population was first listed as a threatened species. In response to Senator Carpenter, Smith sketched an organizational chart to show the chain of command for the NMFS. (A similar chain of command exists for the FWS.) Yim questioned who in the chain of command would make the change requested by Hawaii. Smith said that NMFS has the responsibility for protecting the turtle in the water, but FWS is responsible on land, and a joint decision would be needed to make the change.

Padeken asked if advisory groups were involved in NMFS-FWS decisions to list threatened species. No, responded Smith. Decisions are made in-house. Smith said that the decision-making process is supposed to work from the local office on up to the regional office and then to Washington. Cooper warned that the Western Area Programs Office of NMFS based in Honolulu has little credibility with the local fishing industry and has created an "ugly American" kind of image for itself. He cited an instance in which a NMFS enforcement officer attempted to cite him and the owners of the Kalahuipuaa fishponds because there were 5-6 green sea turtles in the ponds. Smith said that the NMFS has established that those turtles were in the ponds prior to the listing of the green sea turtle as "threatened". However, until a mechanism is devised to provide for subsistence taking in Hawaii or the species is taken off the list, Cooper cannot catch any more turtles for transfer to the ponds. Cooper warned that if nothing is done to resolve this problem within 4-5 months, he was going to catch turtles for the ponds, get arrested, and go to court.

Ego questioned whether the regulations protecting threatened species are so inflexible that there can be no creative solution to the problem. It is his understanding that the regulations are much less restrictive for a threatened species than for an endangered species, and that permits can be obtained for certain scientific uses or public display of threatened species. At one time, the former Southwest Regional Director of NMFS, Alan Ford,

discussed the possibility of turning over green sea turtles that NMFS had in captivity to Mr. Cooper in a properly-documented manner. However, Ford denied Cooper's request in a subsequent letter. Ego believes that there are mechanisms, such as controlled experiments in the fishponds, whereby Cooper can legally put more turtles in the ponds. Smith said that the Johannes study had not located any literature documenting the historical use of turtles in fishponds. This does not mean it wasn't done, only that it was not written about. The Johannes report is being circulated to try to solicit non-written reports about historical uses of turtles in Hawaii. Ono asked if there had been any provision for interviews in the Johannes study to obtain oral history material from old-timers. Smith said no, the public hearing process was used for that purpose. Cooper noted the need to select the right type of people for oral history interviewing.

Bob Ogawa told the group that as a member of Congressman Akaka's Washington staff in 1977-1978, he had helped to write amendments to the Endangered Species Act. He is returning to Washington shortly and can talk informally with the staff of the House Merchant Marine and Fisheries Committee (although Congressman Akaka is no longer a Committee member) about what was the intent or non-intent of the Congress in tightening up the listing and the de-listing process for endangered/threatened species. If necessary, an amendment to clarify the intent could be implemented rather quickly if the support of the Committee is obtained. In addition to working with Congressional staff, political input may also be needed.

Carpenter said there is a need to work through several channels to resolve the turtle problem. After further discussion, he suggested the following strategy:

- (1) He will work with other State legislators to get passage of separate resolutions to the NMFS/FWS and to the Congressional delegation to ask for quick resolution of the problem.
- (2) The Department of Land and Natural Resources and the Department of Hawaiian Home Lands could jointly be responsible for the State administrative branch response.
- (3) Bob Ogawa would work informally with the staff of the House Merchant Marine and Fisheries Committee.
- (4) The Office of Hawaiian Affairs (OHA) might lend support to the issue of the aboriginal right to take turtles in Hawaii.

In this way, informal actions would be supported by political messages from the State's legislative and administrative branches to both the administrative (NMFS/FWS) and Congressional branches of the Federal government. The combined actions should have the objective of correcting the "Catch 22" situation created by the 1978 amendments to the Endangered Species Act, as well as permitting the subsistence taking of the green sea turtle in Hawaii. Over the long term, the group should support efforts to obtain the data necessary to

support the Federal status reviews and assess what amounts of turtle can be taken without reducing the population.

Tagupa asked if there are any lessons from the agreement between the Federal government and the Eskimos regarding the taking of endangered whales which could be applied to the Hawaii turtle issue. Could the issue be settled administratively without a court battle, as in the Alaska case? He also asked if there are international agreements between the U.S. and other nations regarding the protection of the green sea turtle which could encumber the resolution of the Hawaii problem. Smith said there are no international agreements. Sakuda noted that the whale issue in Alaska was not whether Eskimos had the right to harvest whales but how much they could harvest. Hawaii is still on the first step, because the question of whether Hawaiians have the right to take threatened/endangered species has not been resolved.

Tagupa said the Federal status review of the green sea turtle should not ignore the existence of other natural predators of turtles besides man. Cooper suggested that turtles newly hatched in the Northwestern Hawaiian Islands could be removed from an environment in which there are a lot of predators (ulua, shark, birds), brought to the main islands, raised in fishponds until the age of one year, and then released into the ocean. This would improve the survival rate. Smith reported that this kind of conservation program for turtles was being done in the Gulf of Mexico.

Carpenter ended the meeting by asking Mr. Cooper if he was satisfied with the general direction. Cooper said he was.

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SYMPOSIUM ON THE NORTHWESTERN HAWAIIAN ISLANDS

May 27, 1983

Verbatim Transcript of Tape Recording

My name is Alika Cooper. I feel this seminar has been very detrimental to the industry. I think it's bias, I think it's brainwashing. I see there are a lot of Ph.D's here, a lot of transient people, a lot of [?] people. Most of the speakers were transients. We have only one native Hawaiian [?]. There are probably only two of us in the whole room. I hope that the audience will be broad enough to note that the Leeward Islands [?] and not be brainwashed by this seminar. I would like to address the following things. One, is that these lands, the Leeward Islands, are ceded lands, some of 3.5 million acres. These lands belong to the State of Hawaii, held in trust for the Hawaiian people. They do not belong to the federal government. The territory has leased these lands to the Coast Guard, Buzzy Agard, and back to the Coast Guard. When Tern Island was returned, it was returned illegally from the Coast Guard to Fish and Wildlife. Fish and Wildlife don't own those lands at all. I want that to be clear. I would like to address the scientists who spoke. I think in the tri-basis agreement, the scientists were employed to do scientific research on their subjects. Not to make a decision that if anybody can fish that area, or if anybody cannot. I would appreciate it if the audience would, would, think of that. I want to talk about the birds. You heard the lady speak of birds, very bias toward the industry. I don't think she understands that Kaahumanu, who was Kamehameha's favorite wife, went to the Leeward Islands in the early 1800's for two purposes. One, to get bird feathers. Two, to reclaim the Leeward Islands as our [?].

I don't think that people know that people from Niihau went to the Leeward Islands for many years to get the bird feathers. They didn't kill the birds. They got the feathers from the bosun birds. You look at the Kahilis. In the big islands, you only have white feathers, in the Leeward Islands they're all colors. People lived on Nihoa, Necker, French Frigate, and possibly some other islands. These are our ancestors, these are Hawaiians. And so these are very important. I want to talk a little bit about the seals. We have been brain-washed. For years we've heard that commercial fishermen are the ones guilty of killing monk seals. When we left French Frigate Shoals in 1951, there were twice as many seals as there are now. Now nobody's fished there all those years, except on occasion. Let's look at what happened to the seals. In the lower Hawaiian chain you have [?] and ciguatera. The seal population has dropped tremendously around Midway. This is one of the main causes. The second cause, is man, transient people. The Coast Guard people, the people down in the Navy. You know, it's a known fact that it's nice to kill a young monk seal for the pelt, big trophy. And, they took the helicopters and worked the close islands. I talked to a Chief, who had been down to French Frigate Shoals, and he said, well we used to shoot glass balls, and we also shot a hell of a lot of seals and turtles. So I don't want this stigma that the fishing industry is blamed for this, because when we fished there the population grew. Not only the seals, the birds, but the turtles because we caught a hell of a lot of sharks. And I just think you have to [?] I don't appreciate pictures of turtles, a dead turtle, and some guy, another transient person, saying in 1959 this is the commercial fisherman from Hawaii. That picture of the turtle could be shot in Kailua or anywhere else. I think that's a low blow. We did take turtles, I caught turtles, but we never took anything less than 200 lbs, and we never took

more than the market demanded. And we never [?] supplied the market [?]. And I think the turtle stock today is better than it has ever been. For the last 15 years the turtles [?] .

I heard nothing about aborigine rights. What about the native Americans?

[?] Don't they have their rights? Why do we go to court year after year after year winning all the big cases. We even beat Laurence Rockefeller for fishing rights and trail rights. Now why can't we be included in the planning, why can't we be included in the beginning. We fished the Leeward Islands. Our ancestors fished there. The next point I would like to bring up is that the fishing industry was not really included in this type of study. Just a few [?] people like Naftel. You know, mainlanders. The problem is we were not included, so we don't have our say. And if this body, or any body, is going to govern our destiny, then we damn well better have our people in there governing ourselves. This is a very important thing. Lastly, the Governor of Hawaii, Governor George Ariyoshi, Sus Ono, Land and Natural Resources, and DPED, not including this transient fellow who spoke, have done a tremendous job in trying to make our fishing industry a viable industry. They've worked very hard and we in the industry really appreciate it. I wish some day I could say the same about the federal government. Maybe when their track record gets better, we can. But I will leave you to say that I hope you're not going to be brainwashed by these people. And I hope next time there's something like this we have equal representation. And I'm sure that DPED does not represent what this gentleman here said today. Thank you very much.

May 10, 1983
7:20 pm Hilo, Hawaii
Verbatim from tape recording
of public meeting

ALIKA COOPER

U.S. Department of Commerce public hearing on review of sea turtle regulations, May 10th, Tuesday, Hilo council room. My name is Alika Cooper from Hilo. In 1978, National Marine Fisheries Service and Fish and Wildlife, two transient federal organizations, got together, dismissing what the State of Hawaii and the Governor of Hawaii said, never going to the people, to the native Americans, decided that there was a subsistence for turtle, and stopped all taking of turtles in the Hawaiian archipelago. Since then my family hasn't eaten turtle. Prior to that we ate turtle at least twice a week, probably more. This was part of our diet. This was our aborigine rights, our life style. This has been going on for generation, after generation, after generation, after generation. Can any of you, federal people, tell me, what was the substitute for turtles? How can they have regulations that say there's a substitute for turtles, if you have no substitute? (pause) No comment from the feds. In 1978, handling of the turtle issue was badly done. National Marine Fisheries and Fish and Game, probably illegally, on their parts, set this thing up. At that time, these two bodies got together and they said, "oh well, there's a substitute for turtles so why let the people of Hawaii, especially native Hawaiians, catch turtles, and they stopped the whole thing. At that time, no Hawaiian organizations, no Hawaiians, no fishermen, were notified. The same thing happens now, 5 years later. Only two Hawaiian organizations were notified, one being OHA, and one being Lanakila Brandt's group, Kahanahou in Kona. Even I, who brought this matter up in the beginning, was not notified by National Marine Fisheries until the 7th, Saturday the 7th. I heard about these public hearings from Alan Ford when I was representing the Western Pacific Regional Fisheries Management Council in San Diego at seminars, at the end of April. On arrival home, on the 10th, excuse me, on arrival home on May 6th, I received letters from all our congressional people with copies of hearings. I received a letter from the Governor, from Fish and Game, from the University of Hawaii and several other more copies. And yet I have not received anything directly myself, giving us only 4 days to prepare. Also going on in Hilo on May 10th, tonight, the state and federal task force on Hawaiian Homes Land has a public hearing, which is a conflict of interest. Also interfering with your Kona hearing tomorrow night and several other hearings throughout the state. At least the task force has given us 30 days to prepare for these hearings. Almost

two years ago I asked if I could get some turtles to take care of the seaweed problem that the finfish, the mullet and awa, can't control in our fish ponds at Kalahuipuaa for the Mauna Lani people. The National Marine Fisheries Service has (pause) has refused to grant people permission to catch turtles and use turtles for limu control, seaweed control, as our ancestors always have done. And my family has always done. Lucky we have 4 or 5 turtles within the complex. But that's not nearly enough to control the blooms. The finfish can't eat all the different types of limu, especially when they bloom, and its always been traditional that turtles have been used in fish ponds, to clear swamp areas, etc. The turtles in the fish ponds often stir up the bottom, which increases diatom counts, which feeds the mullet and the awa. It also all its waste turns to fertilizer. It's one of the very important balances that we need in fish ponds. The turtle, the entire animal, except for the leathery skin, was eaten by the Hawaiians. The blood, the wings, the stomach, the stomach contents, the intestines, the meat, the bottom shell. The oil was always been prized, for the best oil for medicine, and medicine purposes. For rashes that nothing else can cure turtle oil will cure it, burns, scars, oil was used in many Hawaiian remedies. Very good for lubrication of the stomach, and for the rectum if one has piles. It's always been used by our people for massage. Used on their hair, to make it thick and prevent drying out. It's a very important remedy for asthma, one of the best asthma cures that we have in our herbs. It's used for ear aches and cracked feet. In the cowboy business, on the ranches, turtle oil was always used for cuts, saddle burns, for preventing the flies from their laying eggs directly in the meat of the animal, this is traditional. All classes of Hawaiians ate turtles. There was no distinction between alii and the common people. Traditionally, turtle was usually caught with floating turtle nets, so there were no casualties. This is the traditional way turtles were caught. When I was a boy, I fished with a man that lived in Keokahi here by the name of Jack Kahilianu(?). And he had olona nets that went back over 100 years old that they caught turtles with. So traditionally turtle nets were used to catch the turtles. Grabbing the turtles in shallow water, or snagging the turtles on cliffs, and also harpooning were used. I'm asking that the turtle be opened up to the native Hawaiians, that is, anyone that can prove he was here before 1778, regardless of what percent Hawaiian he or she may have. This is our aborigine rights, our historical rights, our rights under the 1978 Freedom of Religion Act.

I recommend that turtles being used in other ways than subsistence that were traditionally used. Such as, in clearing of fish ponds, swamp areas, control of grasses, in religious rites, for medicine, and for various other things it should be opened up. As a fisherman who has fished 123 of the 133 islands in our archipelago, I have noticed a large increase in turtles in the last 10 to 15 years. The specie is not threatened by any means. And, for native Americans, for Hawaiians, using turtles as subsistence and for traditional uses, is our aborigine rights, and I know it will not hurt the stock. Size limits of turtles should be considered. Probably 100 lbs and above should be allowed to be caught in the traditional Hawaiian manners. No commercial sales of turtles, by-products of turtles such as the shells, or any other product of the turtle should be allowed. Any size turtle for cleaning of limu or grazing in fish ponds would be permissible. Actually, in the fish pond business, when the turtle gets to be 300 to 400 lbs we always let it go and caught 2 or 3 small ones to start over again. In many of our fish ponds, we had as many as a dozen turtles. In our 220 acre complex at Pearl Harbor we must have had 50 to 70 turtles in our fish ponds. For medical use, turtles over 100 lbs are desirable, except in special cases. And in those cases, smaller turtles should be considered. Under these conditions, I feel turtles must be opened up to native Americans in the western Pacific, including the Hawaiian archipelago. It probably could be opened up to all people in the Hawaiian Islands. These are our aborigine rights, I expect America to honor our rights. Are there any questions? Are there any comments? (pause) I'd like to add while we're waiting for these gentlemen to come, is that many parts of the turtle were used for implements, and in our case are still used for implements. The inside of the shell, the bone part of the shell, were used for scrapers of olona, the tapa, and also were used to take the skin off the taro and the potatoes. And we in our household still use these turtle scrapers. Very important. The shell itself was very seldom used because it's very thin. The only turtle shell that was used in the Hawaiian Islands for ornaments was the hawk-bill turtle. But because we have so few hawk-bill turtle, we've never killed them. Every time we catch a hawk-bill turtle we let it go. But I believe these are our aborigine rights, and I really don't know how for 5 years the National Marine Fisheries and the Fish and Game has gotten away by not letting us catch for eat turtles, which has been traditionally our life style for generations after generations. Thank you.

May 10, 1983
Hilo, Hawaii
Verbatim from tape recording
of public meeting

KAOHU COOPER

I'm Kaohu Cooper, and since I was a small boy I used to go out and catch turtles and eat turtles. I always ate turtles since I grew up, and I don't think people have the right to come and take this right away from us, from going out there and catching from the ocean which we grew up on, and we learned how to do. And, you guys got to let us do this kind of thing cause this is our turtle, our heritage, we always did this. Thank you very much.

MAHI COOPER

My name is Mahi Cooper. Ever since I was alive I have eaten turtle. I ate it a couple times a week. Since you folks put in this law that we can't catch any turtles, I have to go to the supermarket and elsewhere to buy food just to eat. From what I know, the Hawaiians have eaten turtles all their lives, and I don't think you folks have the right to take our heritage away.

Wailuku, Maui
May 12, 1983
Verbatim from tape recording
of public meeting

RENE SYLVA

My name is Rene Sylva and I'm from Paia. I'm here today because of my concern for the green turtle. I was a turtle fisherman since the 1940's and was involved in catching 100's of turtles over the years. My best catch was 14 in one day. Normally the catch was 4 or 5. To me, nothing beats the taste of turtle. It can be cooked and served in different ways, even put in the umu. Because of my long experience as a fisherman and my interest in turtle, I still check out the areas that I caught them. Most turtle that I see are small, and average of 10 small to one big. I say this because if you allow subsistence, the take will be the big ones. And since a turtle must be over 30 inches to be breeding stock, these will be the ones caught. I'm assuming that if subsistence is allowed, the old rule will be followed where only turtles over 36 inches can be taken. Most turtles caught are females, and so you are catching the breeding age stock, and most are female, the chances for the turtle to survive are very slim. If you allow subsistence, this will increase the chances of illegal catching of turtles, some of it still going on today. I base this on my experience that law enforcement has been poor and ineffective. The green turtle population has not stabilized yet, and with subsistence the population would decrease and possibly become extinct. To those of you who talk about their rights for subsistence, let me say this. Your rights to subsistence for the taking of turtle will eventually cancel the turtle's right to survive. If the turtle becomes extinct, the turtle will cancel your rights to subsistence. Hawaii has a very poor record of protecting its flora and fauna. And in some instances, they have through direct or indirect action, destroyed that flora and fauna. We must not let happen in the future what was allowed in the past. To me, subsistence today will mean extinction tomorrow and zero for generations to come. I ask that the turtle remain on the threatened list and the moratorium continue.

May 17, 1983
Kaunakakai, Molokai
Verbatim from tape recording
of public meeting

WALTER RITTE

My name is Walter Ritte, trustee from the Office of Hawaiian Affairs, representing the island of Molokai. I guess what I would like to start off with is some of the local history concerning turtles. The valley of Pelekunu has a history of the turtle. The aumakua, or the god of that valley, was a turtle. The right wall of Pelekunu Valley was in the shape of a turtle. The left wall is part of a very old chant which talks of two brothers seeking their mother who was captured and was on top of the hill. And the story ends, near the ending of the story, talks of how the hill started to rise on the backs of the turtle. And started to go into the sky until the turtles were killed by the sons. And, the oral history from our kapuna tells of the winds that blew from Maui. Whenever the winds blew from Maui, and I don't exactly know what that means, but when the winds blew from Maui, the people would get their clubs ready, because that told of the arrival of the turtle. And the method that they used to catch the turtles was to club them. And any turtle that had any white of it, whether the turtle was full white or had a speck of white on it, that turtle was not touched. This is one part of our local history that I am familiar with that I have been told by our elders. In talking with some of the fishermen on this island, I have been told of turtles laying eggs in the Palau area of Molokai. I have been told of turtles laying eggs on the eastern side of Molokai, at Kalaeloa point. I have been told of turtles laying eggs in Halawa Valley. This week when I talked to the fishermen, whichever fishermen I could talk to, the ones that fish in the Palau area says the waters are loaded. The ones that fish in Manae(?) area says that the waters are loaded. And what that means is that there are turtles out there that can be gotten. I was always under the impression that we didn't have too many turtles around for us to eat because that's why the law was made. But, I've seen fishermen come back with turtles, and I know that these guys, they have an affinity towards ecological balance. And my background, I have some background which gives me an appreciation for ecological balance, the strongest part of that comes from the Hawaiian being very concerned about ecological balance, because without that they ain't going to eat. So, if the fishermen are telling me that there's turtles out there, and I don't know what the scientists are saying, I haven't heard from their point of view. And we know that we've been

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eating turtles since day one. I remember growing up here if you go into Mid Nite Inn, which is probably the favorite restaurant on this island, you could get turtle soup, turtle steak. And, they never made turtle pies, so that was about it. But we grew up with those kinds of things. We also grew up seeing a lot of the fishermen getting pretty good at catching turtles, where they would have them all stocked in ponds, and then sell them when the price was right. Which is what I think screwed up the whole turtle trip anyway. So, the position that we're taking, is that we're in strong support of the recognition of aboriginal rights, and Hawaiian rights, and our gathering rights for these turtles. We are also in strong support of keeping the ecological balance. It would be foolish to annihilate all of the turtles. So, I guess what I'm saying here tonight is that we would like to pursue our rights as Hawaiians to gather these turtles for subsistence. And, impress upon your agency to change the rules to include the rights of Hawaiians to gather turtles. Thank you.

May 10, 1983
Hilo, Hawaii
Verbatim from tape recording
of public meeting

TOM NAHIWA

I'm Tom Nahiwa. I was born and raised in Waimea. My young life was spent down by Kawaihae-Puako area. My dad was a fisherman. He and I dived together all the time. There was always an abundance of turtles, something the family would always enjoy eating. As I grew up, I always loved to dive and fish. I used to watch the turtles year after year, early in the morning, crack of dawn, when they used to make their routes inshore in the inlets, and I used to know how to set my nets to get them. So there was always many and lots of turtles. When I would dive, after I grew up and moved to Hilo, I would dive the Puna coastline, there was always turtles. We take, actually, what we need, because we know there's always turtles and can go back and harvest again if we needed any. But my family, my children, they were raised, and they know how good and ono turtle is. The turtle is plentiful. When they passed the law as far as regulating the catching of turtles, I was wondering why. It kind of make you lose faith- have no confidence in government administering the regulations governing the catching of these things. And I don't see why. I think sometimes possibly maybe they pass laws without facts. They don't understand. Just like they say, fish is wiped out. You know, you go by the moon calendar, the phase. Today you go you see menpachi in every rock. Tomorrow, when you dive, you can hardly see any menpachi. What happens? It's a change of moon phase. The same like uhu and other fish, on certain days you go it's plentiful. Like going for turtles, especially in our Puna coastline. There's lots of them. So I do hope they do allow us in our lifetime, at least, to bring back the enjoyment of having turtle on our table again. At least the children can enjoy it. That's all I have to say. Thank you.

Comment made during discussion period-

Just again, the government, it makes me wonder. The subject here is green turtles, but then our government again, you see I've hunted since I was a young boy. The government slaughters all the sheep. Gee, that's terrible, because you guys do that. I don't care about the little bird. They have a lot of islands they can go to. Slaughter everything, that's a shame. Look at our goats. I used to see 100's of goats. When we want barbecuegoats when we're fishing, always had food there. What happened when they go through the national park, they slaughter almost everything, shameful. Bad sense. And a lot of people are in need of food. I understand this turtle situation population. Sure, we had more catching of these green turtles and things like that. But when it's taken for food. We had cases in the past where people used to take pot shots at them. Don't understand all of this.