

SEA TURTLES- HAWAII STATE  
LEGISLATION

REG 36 ETC.  
1973-1977 G.H. BALAZS FILE

ANSON CHONG

Vice-Chairman:  
Water/Land Use & DevelopmentMembers:  
FinanceNEWSLETTER NO. 6  
January 22, 1974

## GREEN TURTLE NEWSLETTER

The next few months could well be crucial to the survival of the Green Sea Turtle as both the Green Turtle Bill (H.B.1635) and the Green Turtle Regulation (Reg. 36) will be in a critical stage.

## Background

House Bill 1635 provides for the appropriation of funds for research-management studies of the Green Turtle population and for studies of ways to increase this population. The bill is supportive of and complementary to Reg. 36 (see below).

The Green Turtle Bill has been reported out of the committees on Parks, Fish and Game (chairperson Wasai), Water & Land Use (chairperson Kawakami) and Finance (chairperson Suwa).

Simultaneously, the Animal Species Committee has been promoting tough new regulations to protect the Green Sea Turtle. The regulations permit the taking of turtles only for scientific and propagation purposes or for home consumption. A minimum size limit of 36 inches is proposed for turtles to be consumed at home. Furthermore, the use of nets would be completely prohibited.

Regulation 36, relieving immediate pressure on the turtle population, and H.B. 1635, which stresses long-range research and population management, together provide a very balanced program of turtle conservation.

## Current Status

Right now, H.B. 1635 is in Senator Kenneth Brown's committee on Ecology, Environment & Recreation. Chairperson Brown's phone number is 548-7887. His address is State Capitol, Suite 224, 96813. Other members of the committee are:

Donald Ching (548-7506)  
John Hulten (548-3867)  
John Ushijima (548-7855)  
Percy Mirikitani (548-4104)  
Fred Rohlring (548-4104)

Turning to the status of Regulation 36, the Green Turtle

Regulation, the last public hearing took place December 6, 1973. Regulation 36 will be considered by the Board of Land & Natural Resources at Hilo on Friday, January 25, at 10:00 A.M.. The meeting will take place in the Hawaii Council Chamber room. Phone Sunao Kido (548-6550) and voice your support for the regulations.

To repeat:

- 1) Write or call Senator Brown (548-7887) and members of his committee.
- 2) Write or call Sunao Kido (548-6550, 465 S. King St., Honolulu, Hi. 96813).

Mahalo to George Balazs for the following tip: All Green Turtle People should make an effort to get the next issue of American Scientist and read an article by Dr. David W. Ehrenfeld. The article is entitled "Conserving the Edible Turtle: Can Mariculture Help?"



From the Office of  
ANSON CHONG  
State Capitol, Suite 305  
Honolulu, Hawaii 96813  
Phone 548-4183

# A BILL FOR AN ACT

MAKING APPROPRIATIONS FOR RESEARCH MANAGEMENT STUDIES OF THE POPULATION OF THE GREEN SEA TURTLE IN HAWAIIAN WATERS AND STEPS WHICH MAY LEAD TO THE PRESERVATION AND INCREASE OF THAT POPULATION.

*operative*  
*provision*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1           SECTION 1. The legislature finds that the green sea turtle  
2           (Chelonia species) populations are declining and that such decline  
3           is a matter worthy of this body's concern and of efforts to study  
4           the causes of, and to halt, the decline and if possible, reverse  
5           it. The purposes of this Act are to provide for a research manage-  
6           ment study of the population of the green sea turtle in Hawaiian  
7           waters and to provide for preliminary feasibility studies which  
8           may lead to means of halting or reversing the decline of the  
9           populations while still supplying the appetites of the people  
10          of the State of Hawaii and the visitor industry.

11          SECTION 2. There is appropriated out of the general revenues  
12          of the State of Hawaii the sum of \$50,000, or so much thereof as  
13          may be necessary, for a research management study of the population  
14          of the green sea turtle (Chelonia species) in Hawaiian waters.  
15          The study shall include an inventory of the green sea turtle  
16          population and a program to insure the preservation of the green  
17          sea turtle in Hawaiian waters.

1 SECTION 3. There is appropriated out of the general revenues  
2 of the State of Hawaii a sum of \$10,000, or so much thereof as  
3 may be necessary, for a preliminary feasibility study of the  
4 possibilities of increasing the size of the green sea turtle  
5 (Chelonia species) population by locating and rendering protection  
6 against man and other predators to the nesting beaches or  
7 implementing hatcheries or such other means of increasing the  
8 size of the population as may be learned.

9 SECTION 4. There is appropriated out of the general revenues  
10 of the State of Hawaii a sum of \$5,000, or so much thereof as may  
11 be necessary, for a preliminary feasibility study of the possibility  
12 of encouraging an industry comprised of commercial ventures which  
13 by raising turtles in captivity for food would supply the appetites  
14 of the people of the State of Hawaii and the visitor industry  
15 thereby relieving the existing natural indigeneous green sea  
16 turtle (Chelonia species) of the pressures of predations against  
17 it for this purpose.

18 SECTION 5. The sums appropriated shall be expended by the  
19 department of land and natural resources for the purposes of this  
20 Act.

21 SECTION 6. This Act shall take effect upon its approval.  
22

23 INTRODUCED BY:

J. S. Conall  
24  
25

JAN 20 1975

ADDRESS REPLY TO  
THE ATTORNEY GENERAL OF HAWAII  
AND REFER TO  
INITIALS AND NUMBER

CES:lt

LIBRARY OF  
GEORGE H. BALAZS

CABLE ADDRESS  
ATTGEN



*Ronald Y. Amemiya*  
ATTORNEY GENERAL

STATE OF HAWAII  
DEPARTMENT OF THE ATTORNEY GENERAL  
STATE CAPITOL  
4TH FLOOR  
HONOLULU, HAWAII 96813

July 9, 1975

MEMORANDUM

TO: Honorable George R. Ariyoshi, Governor of Hawaii

FROM: Ronald Y. Amemiya  
Attorney General

SUBJECT: Sunshine Law - Act 166, Session Laws of Hawaii  
1975

The 1975 Legislature has passed and the Governor has approved the "Sunshine Law", Act 166, SLH 1975. The effective date of Act 166 is July 2, 1975.

The following is a discussion of the provisions of the Sunshine Law to inform governmental bodies involved and to present guidelines regarding its applicability.

We realize that this memorandum is not all encompassing and there may arise specific circumstances or situations in which there may be some doubt as to the applicability or the meaning of specific provisions of the Sunshine Law. In such circumstances or situations, a request for a legal opinion from the Office of the Attorney General should be obtained before any action is taken.

I. Basic Purpose and Policies of Act 166

The basic purpose of Act 166 is to open up the governmental processes to public scrutiny and participation. Thus "the discussions, deliberations, decisions, and action of governmental agencies . . . shall be conducted as openly as possible."

In implementing the purpose of the Act, the Legislature declared the following underlying policies:

- A. It is the intent of this part (Act 166) to protect the people's right to know;
- B. The provisions requiring open meetings shall be liberally construed; and
- C. The provisions providing for exceptions to the open meeting requirements shall be strictly construed against closed meetings.

## II. Governmental Bodies

Act 166 applies to any "agency, board, commission, authority, or committee of the State or its political subdivisions, either legislative or executive, permanent or temporary" whenever a meeting is held in order to make a decision or to deliberate toward a decision upon a matter over which the board (the term "board" is used herein to apply to all the governmental bodies affected by Act 166) has supervision, control, jurisdiction, or advisory power.

## III. Meetings

Act 166 applies to all meetings of the board with a few exceptions. A "meeting" is defined as "the convening of a board for which a quorum is required in order to make a decision or to deliberate toward a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power." Thus, except for the exceptions (which will be discussed below, Act 166 will apply to all meetings whenever the board seeks to take any official action.

Act 166 defines four different types of meetings: (1) open meetings; (2) chance meetings; (3) executive meetings; and (4) emergency meetings.

### A. Open meetings

All meetings (with a few exceptions to be discussed later) are required to be open to the public and all persons are required to be permitted to attend. However, any person who wilfully disrupts a meeting to prevent and compromise the conduct of the meeting may be removed. If such a situation arises, the

board should take official action and should state its reasons for such a removal, for the record.

B. Executive meetings

An executive meeting is a meeting in which the public may be excluded. An executive meeting may be held if, in an open meeting, two-thirds of the board members present vote affirmatively for an executive meeting. It is also required that the vote of each board member and the reason for holding an executive meeting be recorded and entered into the minutes of the meeting.

An executive meeting may be held only for one or more of the following purposes:

1. to consider the hire, evaluation, dismissal or discipline of an officer or employee or of charges brought against him, where consideration of matters affecting privacy will be involved; provided, that if the person concerned requests an open meeting, an open meeting shall be held;
2. to deliberate concerning the authority of persons designated by the board to conduct labor negotiations, or to negotiate the acquisition of public property or during the conduct of such negotiations;
3. to consult with the board's attorney;
4. to investigate proceedings regarding criminal misconduct;
5. to consider sensitive matters relating to public safety or security.

It should be noted that no final official action shall be taken by the board in an executive meeting.



C. Chance meetings

A "chance meeting" is a social or informal assemblage where two or more members of the board are present at which matters relating to official business are not discussed. Act 166 specifically exempts chance meetings from its provisions.

D. Emergency meetings

(See discussion under VII below)

IV. Prohibition

Act 166 specifically prohibits the use of a "chance meeting or electronic communication . . . to circumvent the spirit or requirements of this part to make a decision or to deliberate toward a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power." Board members should be cautioned that any discussion among themselves by any means (i.e., telephone, telegram, written or orally) on a matter pending before the board may be deemed to be against the spirit of Act 166 and thus violative of the Act.

V. Exemptions from Act 166

Act 166 does not apply to the following:

- A. Judicial branch and its functions.
- B. State legislative branch, its members and its functions.
- C. Chance meetings of boards (as discussed above).
- D. Quasi-judicial boards in exercise of its adjudicatory functions.

Adjudicatory or quasi-judicial functions.

The requirements of Act 166 are not applicable when a board is exercising adjudicatory or quasi-judicial functions. That is, once proceedings are initiated and governed by the contested case provisions (Section 91-9, HRS) or by the declaratory ruling provisions


(Section 91-8, HRS) of Chapter 91, HRS (Administrative Procedures Act), the provisions of Act 166 are not applicable. This exemption would apply to the various stages where the board is exercising such functions, including the investigatory stage, the preliminary determinative stage, the formal hearing stage, and the deliberation and final decision-making stage. Proceedings which are governed by the contested case provisions of the APA, and thus, exempted from Act 166, include those initiated by the filing of a written complaint against a licensee or regulated person, by the filing of an application by a person and the board proposing to take action which may adversely affect the person, and by the board instituting, on its own initiative, a show cause proceeding against a person.

It should be noted that Act 166 specifically states that it does apply to the adjudicatory functions of the Land Use Commission. Thus, every stage of the adjudicatory function of the Land Use Commission is governed by the provisions of Act 166.

#### VI. Notice Requirements

Act 166 provides for several specific requirements in regard to notice of a board meeting as follows:

- A. The board must give written public notice of any regular, special or rescheduled meeting. The notice of the meeting must be filed in the Office of the Lieutenant Governor and in the board's office for public inspection at least 72 hours before the scheduled time of the meeting. The 72-hour requirement is a minimum requirement and the board, whenever possible, should file such notice in the appropriate offices as soon as it can. It would be advisable that if a part of the 72 hours is made up of Saturday, Sunday or a holiday, the board should exclude such days and only deal with regular working or business days in calculating the 72 hours advance notice requirement.

- B. The notice of the meeting must include an agenda listing all of the items to be considered and the date, time and place of the meeting.
- C. The notice of the meeting should, whenever feasible, be posted at the site of the meeting prior to the time of the meeting.
- D. If a meeting is held and continued to a later date due to unfinished business, the board is not required to follow the notice requirements of Act 166; however, it would be a good practice for the board to still follow such requirements whenever possible. If a meeting is continued to a later date, the board must announce at the present meeting the date, time, place of the continuation of the meeting and also the items to be considered at that continued meeting.
- E.  The board must also maintain a list of names and addresses of persons who have previously requested notification of the board's meetings. The board must mail a copy of the notice of meeting to all such listed persons at their last recorded address no later than the time the notice is filed with the appropriate offices. The mechanics of this is left to the various boards; however, a method should be developed in which verification of the proof of mailing to each listed person can be simply and accurately made. There is no requirement that the notices be sent by either registered or certified mail; however, efforts should be made so that there is a reasonably certainty that the notice is received by the person requesting such notice.
- F. Once the notice of the meeting is filed in the appropriate offices, the board may not change the agenda by adding items thereto unless the board, at the meeting, by at least a two-thirds recorded vote of all members to which the board is entitled (as distinguished from members present) approves such changes. Reasons for making changes to the agenda after it is filed with the appropriate offices should be given and recorded in the minutes of the meeting.

### VII. Emergency Meetings

A board may hold an emergency meeting, which is a meeting to be held without the minimum 72 hours advance notice if the following conditions are met:

- A. At least two-thirds of all members to which the board is entitled agree that an emergency exists by finding that an imminent peril to the public health, safety, or welfare exists, so that a meeting in less time than the minimum 72 hours advance notice must be held;
- B. The board states in writing its findings and the reasons in support thereof.
- C. The board files its findings and the emergency agenda of the meeting with the Office of the Lieutenant Governor and with the office of the board as soon as practicable; and
- D. Persons on the board's mailing list are contacted by mail or telephone as soon as practicable.

We note that the phrase "imminent peril to the public health, safety, or welfare" is a broad concept and its application may vary according to the particular circumstances.

### VIII. Minutes of Meetings

Written minutes must be prepared of all meetings (including executive meetings), which reflect the matters discussed and the views of the participants. Neither a full transcript nor a recording of the meeting is required; however, the minutes must include, at least, the following:

- A. The date, time and place of the meeting;
- B. The members of the board recorded as either present or absent;
- C. The substance of all matters proposed, discussed, or decided;
- D. A record, by individual member, of any votes taken; and

- E. Any other information that any member of the board requests be included or reflected in the minutes.

Minutes of a board meeting are public records and must be made available within 30 days after the meeting is held. Excluded are minutes of executive meetings when such disclosure would be inconsistent with and defeat the lawful purpose of the executive meeting. Such withholding of the minutes will be valid only so long as reasonably necessary to protect the lawful purpose of the executive meeting.

#### IX. Recording of Meetings

All or any part of any meeting, except an executive meeting, may be recorded by any person in attendance, provided that such recording does not actively interfere with the conduct of the meeting.

#### X. Voidability of Final Action of the Board

Any final action taken in violation of the open meeting or notice requirements of Act 166 is voidable upon proof of a wilful violation thereof. A suit to void any such final action must be commenced within 90 days of the said action in the circuit courts of the State. In this regard, only wilful violations will be grounds to void a final action of the board. Thus, violations due to inadvertence, mistake or other circumstances of an unintentional nature will not be grounds for voiding a board's final action. However, caution should be taken so that such unintentional violations do not occur often or repeatedly since the cumulative effect of such repeated violations may be the basis for finding that such violations were intentional and wilful. In addition, a blatant disregard of these requirements or gross carelessness or negligence in complying with such requirements may also be the bases for finding that the violations were in fact wilful.

#### XI. Penalties

The penalty for the wilful violation of any provision of Act 166 is a misdemeanor. The Attorney General and the Prosecuting Attorney are authorized to prosecute violations

in the circuit courts of the State. A board member upon conviction of a violation may be summarily removed from the board. Excluded are board members appointed pursuant to any law which provides for a hearing prior to removal from a board. An example of this is Section 26-34, HRS, which provides that all board members appointed pursuant to such section shall be removed by the Governor only for cause after due notice and a public hearing on the matter.

XII. Other Comments

- A. Act 166 added a new Part IV. Public Records to Chapter 92, HRS. This new part consists of three sections--92-50, 92-51, and 92-52, HRS. It should be noted that these three sections are almost identical to the former Sections 92-1(2), 92-4, and 92-6, HRS, respectively, and thus, the same meanings and procedures shall apply to these three new sections of Part IV as before.
- B. Act 166, in adding a new Part I. Meetings to Chapter 92, HRS, has 13 sections--92-1 through 92-13, HRS. Part II of Chapter 92, HRS, was not amended nor affected by Act 166. Thus, although Part II of Chapter 92, HRS, has two sections with the same numbers as two new sections of Part I of Act 166 (Sections 91-11 and 91-12, HRS), these two sections of Part II are still effective and valid.
- C. As discussed earlier, Act 166 added a new Part IV. Public Records. Presently, there is already an existing Part IV entitled, "Notice of Public Hearings" with one section--92-41, HRS. The enactment of the new Part IV of Act 166 will not affect the effectiveness and validity of the present Part IV.

*Ronald Y. Amemiya*  
RONALD Y. AMEMIYA  
Attorney General

MINUTES OF THE PUBLIC HEARING OF THE BOARD OF LAND AND NATURAL RESOURCES ON REGULATION  
36. RELATING TO THE PROTECTION OF MARINE TURTLES.

DATE, TIME AND PLACE

The public hearing was called to order by Mr. Kenji Ego at 7:05 PM, Wednesday, December 5, 1973, in the Second Floor Conference Room of the State Building in Lihue, Kauai.

ATTENDANCE

Staff Present:

Kenji Ego, Master, Chief-Fisheries Branch, Division of Fish and Game  
Henry Sakuda, Chief-Marine Section  
James T. Yamada, Supervisor, Enforcement Branch, Kauai  
Tatsuo A. Nakamura, Enforcement Officer, Hearing Secretary  
Alfred W. Perreira, Enforcement Officer

Persons Presenting Testimony and/or Participating in Discussion:

Hosea Lovell	Don Moses
Philip Yamagata	William Fleming
Koichi Masaki	Gladys Falshaw
Hans Hansen	Don A. Carswell
Sam Lee	Herbert Honjo
Betsy Toulon	

Others Present:

Goro Sadaoka	Yvonne Pa
Sumisu Matsuzaki	Adeline Fleming
Jane Lovell	Toku Kutaka
Solomon Lovell	Bacilio D. Laranio
Tony Chiviello	Larry Park
Nelson K. Hardenbergh	Miki Myrick
Harold W. Ching	Suyau Wilson
Valerio Manatad	Kiyoshi Teshima
Bruce Koyanagi	Chris Mandel
Sam Pa	Ralph Daehler
Mike Mundon	Hisao Munechika

PURPOSE OF HEARING

The purpose of the public hearing was to discuss a proposed Division of Fish and Game Regulation 36 relating to the protection of marine turtles in Hawaii, and to receive testimonies therefor.

ORDER OF PROCEEDING

Mr. Ego introduced himself and the staff members. The purpose of the hearing was then explained, i.e., to discuss the proposed Regulation 36 relating to the protection of marine turtles in Hawaii and to offer the public an opportunity to offer testimonies. The date of publication in the Kauai newspaper "Garden Island" of the Notice of Public Hearing was given (November 12, 1973) and this Notice, as it appeared, was read in its entirety.

Mr. Ego explained the procedure that will be followed in the conduct of the hearing and Mr. Sakuda then read the proposed Regulation 36 in its entirety and following this presented statistical data on the commercial harvest of turtles throughout the State and also gave a review of pertinent information available on marine turtles. Questions were then solicited on the material presented or on the wording of Regulation 36.

Mr. William Fleming asked whether the graph indicated only turtle meat or the whole unbutchered turtle in pounds.

Mr. Sakuda replied it included turtle meat.

Mr. Hans Hansen asked how much meat could be had in a 300 lb. turtle.

Mr. Ego inquired of the audience if anyone knew the answer to Mr. Hansen's question to which Mr. William Fleming answered that about one-fourth is meat.

Mr. William Fleming asked why the concern about turtles since the graph shows a rise of turtle meat sold during 1969 to 1972 as compared to previous years that indicates an increase of turtles.

Mr. Sakuda replied that the rise in percentage increase was in 1970 and it declines again after that.

Having no other questions regarding the wording or interpretation of the proposed regulation or the statistical data presented, Mr. Ego then called for testimonies by first calling on Mr. Hosea Lovell.

Mr. Hosea Lovell stated that he was in favor of regulations but questions Section 2 pertaining to the 36" size and wanted to know how minimum size was arrived at.

Mr. Sakuda replied that available information show sexual maturity of the green sea turtle is between 33" to 36" and studies at French Frigate Shoals show turtles nest when they measure 33" to 41" in size.

Mr. Hosea Lovell wanted to know why studies made at French Frigate Shoals should be used in Hawaii. He also stated he had fished for a long period of years and so far has caught only one turtle measuring 36".

Mr. Ego replied that turtles do migrate between Hawaii and French Frigate Shoals and asked Mr. Lovell what he thought the minimum size should be for home consumption.

Mr. Hosea Lovell replied the size should be cut to 28" as it would be impossible to catch larger turtles. He asked Mr. Ego how much meat comes out of a 36" turtle.

Mr. Ego stated that he did not have the answer to that question.

Mr. Hosea Lovell then asked for consideration in the lowering of the size limit and requested that more research be done on the matter.

Mr. Philip Yamagata (Kauai County Fish & Game Advisory Committee Chairman) submitted written testimony which he read to the audience before submission. He expressed doubt that testimonies received at the Oahu hearing were based on fact. Several testimonies were read which he believes were in contrast to studies made by several authorities on turtles. He felt more protection should be given to the nesting areas such as French Frigate Shoals and to the sexually mature turtles. He also felt more manpower should be added to the Enforcement Section.



Mr. Hans Hansen felt that Section 2-b should be reworded to have it "unlawful" instead of "lawful".

Mr. Ego explained the reason for having the word "lawful with a permit" in Section 2.

Mr. Hans Hansen continued his testimony by saying that a bag limit should be imposed for home consumption and nets for the taking of turtles should definitely be excluded. He questioned whether enough enforcement personnel were available to enforce regulations and wanted to know if there have been any turtle nesting noted on Kauai during recent years.

Mr. Ego answered that to his knowledge there have been no reports of nesting activities in recent years on Kauai.

Mr. Hans Hansen stated that female turtles should be protected during their nesting periods.

Mr. Ego stated that the proposed Regulation 36 does provide for the protection of nest and eggs.

Mr. Hans Hansen felt that a moratorium should possibly be considered for a period of one to three years.

Mr. Sam Lee felt that since 36" turtles are sexually mature, they should be protected and the smaller rather than the larger ones should be taken instead. He asked if the same turtles breed every two to four year periods.

Mr. Ego answered that worldwide studies of their breeding cycle showed that individual green sea turtles, depending on the location, nest in cycles ranging from two to four years and also that turtles return to their same nesting sites to nest.

Mr. Sam Lee stated that the State should consider the propagation of turtles for release in the Ocean to help the fishermen since similar programs are being implemented for the hunters.

Mrs. Betsy Toulon remarked that she has noticed decreasing numbers of turtles during the past few years and that she has not seen any turtle during the past year. She feels that a moratorium should be considered and that nesting areas should be protected.

Mr. Don Moses (Commercial Fisherman) questioned whether human activity along the turtle nesting areas or commercial fishing for turtles were the cause for the decreasing sighting of turtles.

Mr. Ego replied that human activity does deter turtles from their nesting sites but that there were no relative measure available to compare disturbance from actual harvest effects.

Mr. Don Moses stated that no turtles are seen along the shorelines because they are in deeper water of 35' or more. He further mentioned that he has caught only one measuring 36" during his dives for turtles and that he has also caught one measuring 28" with eggs.

Mr. Ego asked whether the 28" turtle with eggs could have been a hawksbill turtle.

Mr. Don Moses replied that he has never seen a hawksbill but in his opinion the 28" turtle was a green sea turtle.

Mr. Ego inquired as to the total number of turtles that were caught together with the one measuring 36".

Mr. Don Moses replied that out of about 100 turtles that he caught only one measured 36". He also mentioned that he has seen about 200 turtles taken during the year and believes the statistical data presented earlier is not complete and does not show a definite decline. He felt that more studies should be made, that the small turtles should be saved by forbidding the use of nets and that the small turtles at French Frigate Shoals should be helped by placing them in the water to reduce mortality.

Mr. William Fleming (Fireman, Kauai Fire Dept.) felt that pollution and human activity along the nesting and feeding areas are the main causes for less turtles being seen by people. He mentioned that the statistics show more turtles landed during the last three years and that he has caught 200 turtles during the past year with turtle meat selling between \$1.75 to \$2.50 per pound wholesale. He feels that the statistics presented earlier were inaccurate as there was no way you could buy a pound of turtle meat for \$.51 today as illustrated. In ten years of diving for turtles the largest he has caught measured 41" with one measuring 28" with eggs. He felt that mortality among the small turtles could be reduced by picking up the hatchlings, raising them for a year or so and then releasing them.

Gladys Falshaw stated the last remaining colony of green sea turtles in the United States is located in French Frigate Shoals with their feeding grounds located in Hawaii. She felt that there is a definite need for a regulation governing the taking of turtles in Hawaii and that a moratorium should be considered. Excerpts were read to the audience from studies made by turtle experts.

Mr. Don A. Carswell (Kauai County Fish and Game Advisory Committee Member and Diver) referring to a report by Mr. George Balazs, stated that the statistics presented therein are incomplete and full of holes. For instance the report gives six commercial turtle fishermen for the entire State during 1972 when he could pick out seven in the room at the present time; turtle population of 2500-5000 in 1968 dropping to 1100 in 1973 at French Frigate Shoals (felt 100% difference was inaccurate); and 200 lbs. of turtle meat sold for Kauai during 1972 by commercial fishermen is also doubtful when one commercial fisherman alone admitted to taking 200 turtles. He stated that from his experience he has taken only one 36" size turtle in 90' of water while diving with three companions, thus indicating that turtles of this size are uncommon. He feels that protection is necessary, such as provided in other parts of the World and other States, and he cited several places where strict regulations have been passed on regulating the taking of marine turtles.

Koichi Masaki stressed the need for good marine conservation practices and cited several areas where poor conservation was employed which later forced fishing industries to close.

Mr. Herbert Honjo being the last speaker, stated that the 36" size limit would create undue hardship on the fisherman who has to wrestle and bring the turtle to shore, he also felt that Section 2-b should be re-worded to delete "unbutchered" for the convenience of the fishermen.

Mr. Ego then asked if there were any more people who had not testified earlier who may want to make a public statement or if there were any previous speakers who wanted to speak again.

Mr. Sam Lee stated that no one is against the conservation of turtles, but asked that more facts be made available to the public before any final decision is made on Regulation 36.

Mr. Philip Yamagata stated that Section 2-b where the word "unbutchered" appears should not apply while transporting turtles over land but should be left in for transit over sea. He favored such a provision for enforcement reasons since this would deter the use of illegal gear such as "power-heads" for the taking of turtles. He also favored 24" as the minimum size for home consumption and he continued by saying that he thinks a regulation is necessary for the protection of turtles in Hawaii.

Having no further comments, Mr. Ego explained the process by which the proposed regulation would become effective. He further stated the Department of Land and Natural Resources will continue to receive and consider all written testimonies submitted before December 21, 1973.

Mr. Ego then thanked everyone for attending the Public Hearing on the proposed Regulation 36 and adjourned the hearing at 9:30 PM.

Respectfully submitted,

*Tatsuo A. Nakamura*

TATSUO A. NAKAMURA  
Secretary Pro-Tem

APPROVED:

*Kenji Ego*  
KENJI EGO, Master  
Division of Fish and Game

MINUTES OF THE PUBLIC HEARING OF THE BOARD OF LAND AND NATURAL  
RESOURCES ON REGULATION 36. RELATING TO THE PROTECTION OF MARINE  
TURTLES.

DATE, TIME AND PLACE

The public hearing was called to order by Mr. Michio Takata  
at 7:15 p.m., Wednesday, December 5, 1973, in the State Office  
Building Conference Room, Wailuku, Maui, Hawaii.

ATTENDANCE

Staff Present:

Michio Takata, Master, Director, Division of Fish and Game  
\*Paul Kawamoto, Aquatic Biologist, Resource Personnel  
Katherine Riyu, Secretary Pro-Tem  
Joseph S. Medeiros, Secretary Pro-Tem  
Edward S. Schmidling, District Supervising Fish and Wildlife  
Enforcement Officer  
Edwin Andrade, Wildlife Management Assistant  
Carl Pokipala, Fish and Wildlife Enforcement Officer

Persons Presenting Testimony and/or Participating in Discussion:

Ronald Lau  
Peter Connally  
Rene Sylva  
Al Gaddis  
Janet Dapitan  
Betty Harrison (Read testimony for Russ Cahill)

Others Present:

Marvin F. Ching	Bill Moake
Robert McCabe	Kent Simon
Peter S. Hebborn	Stephen Allencastre
Ben Perry	Margaret Ottmann
Marion Suda	Winona Pokipala
Nobuo Suda	Wesley Wong, Jr.
Fred Kage	

PURPOSE OF HEARING

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of marine turtles in Hawaii, and to receive testimonies therefor.

ORDER OF PROCEEDING

Mr. Takata introduced himself and the staff members present. The purpose of the hearing, as above, was stated. The dates of publication of the Notice of Public Hearing was given (Maui News, November 14, 1973; Honolulu Star Bulletin, November 9, 1973) and pertinent portions of the notice were read.

Mr. Takata explained that he would read the regulation and then call on Mr. Kawamoto to present some commercial turtle catch statistics as compiled by the Division of Fish and Game. He then proceeded to read the proposed regulation and offered clarifying comments at the end of each section read.

Mr. Kawamoto presented turtle catch information from three tables on a blackboard: (1) Annual Statewide Marine Turtle Landings from 1948 to 1972; (2) Annual Marine Turtle Landings by Islands from 1965 to 1972; and (3) Average Monthly Marine Turtle Landings from 1970 to 1972. He pointed out that these figures were obtained from commercial fishermen who are required by law to turn in monthly fish catch reports and do not include non-commercial harvests.

Mr. Peter Connally inquired if the division had any estimates of turtles taken for home use and of unreported commercial takes.

Mr. Kawamoto replied that there is no reliable means of determining that, but Mr. Takata pointed out that with the proposed permit system, this information would hopefully become available.

Mr. Rene Sylva asked about the duration of the permit and the bag limit.

Mr. Takata replied that the permit would be good for one year, that there was no bag limit, but that only green sea turtles 36 inches or longer (straight line measurement) could be taken for home consumption. This would permit the turtles to spawn at least once, since spawning commences between 33 and 36 inches in length.

Mr. Connally wanted to know how to distinguish the three turtles.

After some dialogue, Mr. Takata stated that a flier could be prepared advising the public of the distinguishing characteristics of the three turtles involved.

Mrs. Janet Dapitan asked if nets could be used to collect the leatherback and hawksbill for scientific and propagational purposes?

Mr. Takata replied yes, if the permit so stipulates.

Mr. Ronald Lau wanted to know if the permittee would be limited to turtles of 36 inches or larger.

Mr. Takata replied that any size could be permitted, but that the value of the research to be done would be weighed against the effects of removal on the population in determining the conditions of the permit.

Mr. Al Gaddis suggested that paragraph 2(b) provides a loophole for people taking turtles to sell them commercially.

Mr. Takata agreed that a possibility exists, but noted that a violation occurs when a restaurant buys a green sea turtle. We will look into prohibiting the purchase of turtles, so as to tighten the regulation.

Mr. Lau asked about the propagation of turtles under a controlled situation.

Mr. Takata replied that section 2(c) permits this.

Having answered all questions regarding the interpretation of the proposed regulation, Mr. Takata proceeded with the receipt of testimonies. He asked that each person wishing to testify be recognized by the Chair, state his name and the organization he represents, and submit a copy of his testimony, if it's in writing.

Mr. Lau, representing himself, suggested the elimination of section 2(c). In section 3, make it unlawful to use nets for the taking of any marine turtles, be it green sea, hawksbill or leatherback. In section 5, specify a minimum fine of \$200.00. In section 1, add the word "commercially" after the word sell.

Mr. Takata pointed out that the law does not permit the setting of a minimum fine and that the minimum is left to the discretion of the court.

Mr. Connally, representing the Maui Chapter of the Conservation Council of Hawaii, suggested a moratorium on the taking of turtles until strong guidelines are established for the taking of turtles for home consumption. Regarding section 2(d), he suggested that all turtle products be required to be out of restaurants and shops within 30 days of the effective date of the regulation. He also felt that anyone in possession of a live turtle should have a permit, regard-

less of date of acquisition. Regarding section 5, he felt that the fine is adequate for home consumption violations, but recommended that for commercial violations, a minimum of \$500.00 and a maximum of \$1,000.00 be imposed. He further recommended that the Department create two new Fish and Game Warden positions within Maui County.

Mr. Sylva, representing himself, said that he had sent in a written testimony for the September 21st hearing on Oahu. He asked for a moratorium until we are absolutely sure that the turtle population has stabilized and on an increase. Regulation 36 slows but does not stop the decreasing turtle population. He suggested a program such as being carried out on Grand Cayman Island where eggs are raised to hatchling size.

Mr. Takata quoted George Balzas "...no real evidence was ever obtained showing that such practices were beneficial..." He further stated that there is a holdover bill in the legislature providing for a study of the green sea turtle including experimental propagation and that he and his staff are prepared to testify in favor of it.

Mr. Gaddis, representing himself, proposed that section 3 be changed to read as follows: "It shall be unlawful to use nets or snares for the taking of green sea turtles." He endorsed the idea of a two-year moratorium.

Mrs. Dapitan, representing herself, agreed with the proponents of a two-year moratorium.

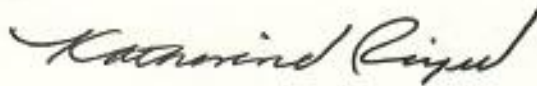
Ms. Betty Harrison read and endorsed Mr. Russ Cahill's written testimony supporting Regulation 36 and suggesting that section 2(b) be changed to permit the cleaning of entrails out at sea so as to prevent spoilage and waste. He felt that it would be sufficient to require that the meat be attached to the upper shell.

Mr. Lau on being advised that female green sea turtles commence spawning at a length of 33 to 36 inches, also went on record as favoring a two year moratorium.

There being no further comments, Mr. Takata explained the process by which the proposed regulation would become effective. He further stated that the Division of Fish and Game will continue to receive written testimonies until December 21, 1973.

The Public Hearing was adjourned at 8:20 p.m.

Respectfully submitted,



KATHERINE RIYU  
Secretary Pro-Tem



JOSEPH S. MEDEIROS  
Secretary Pro-Tem

APPROVED:



MICHIO TAKATA, Master  
Division of Fish and Game



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MINUTES OF PUBLIC HEARING  
OF THE BOARD OF LAND AND NATURAL RESOURCES  
DIVISION OF FISH AND GAME

DATE, TIME AND PLACE

The public hearing was called to order by Mr. Michio Takata, the presiding officer, at 7:20 p.m., Thursday, December 6, 1973, at the Hawaii County Council Room, Hilo, Hawaii, who promptly identified himself and introduced the Department of Land and Natural Resources staff members present.

ATTENDANCE

Staff Present:

Michio Takata, Director, Division of Fish and Game, Master  
Paul Kawamoto, Aquatic Biologist, Resource Personnel  
Albert Ignacio, District Fish and Wildlife Enforcement Officer  
Laura R. Corpuz, Secretary Pro-tem

Others Present:

Helen S. Baldwin  
Arnold L. Howard  
William P. Mull  
Mae E. Mull  
Jo Mitchell  
Alfred Tong

PURPOSE OF HEARING

The purpose of the public hearing was to discuss and receive testimonies on proposed Division of Fish and Game Regulation 36 relating to the protection of marine turtles in Hawaii.

NOTICE OF PUBLIC HEARING

Mr. Takata stated that the Notice of Public Hearing was published in accordance with the administrative procedures act of the State in the Star Bulletin and the Hawaii Tribune-Herald on November 9, 1973, and read pertinent portions of the notice.

ORDER OF PROCEEDING

Mr. Takata read draft #6 of proposed Regulation 36 in its entirety and offered explanation after each section.

Mr. Kawamoto presented the commercial turtle catch statistics as compiled by the Division of Fish and Game. Mr. Takata commented that the most significant thing about these tables is the increasing trend in the volume of turtles harvested commercially, and this is what is alarming to the conservationists. In the first 6 months of this year, 14,846 pounds of turtles were harvested. At this rate, 1973 will be the highest year. He added that the Division has no idea of what the take is for the noncommercial fishermen. However, the Division would like to get that information since it would be meaningful from the management standpoint.

COMMENTS

The following summarizes the testimonies, comments and discussion concerning the proposed regulation.

Mrs. Baldwin suggested a provision be included that no turtles be taken during the breeding season, May 1 to September 30.

Mr. Takata explained that according to the work done by George Balazs, turtles generally migrate from the feeding areas around the main Hawaiian Islands beginning in April and May to French Frigate Shoals, which is the most important turtle nesting area in the Hawaiian chain. The turtles breed during the summer, lay their eggs and one individual may lay several times. In August and September, they leave the nesting grounds and migrate back to the feeding grounds. So, during the summer those turtles that would be laying eggs are away from the main Hawaiian Islands. The reason why some large turtles are seen even during the summer in the main Hawaiian Islands is that a female turtle would breed only once in every 2 to 4 years, an average of once every 3 years. So, all of the mature adult turtles do not migrate to French Frigate Shoals every year. Only about 1/3 of the adult mature population migrates each year. Thus, the same individual does not migrate every year.

Mr. Howard (net fisherman) inquired whether the State would reimburse him since he invested a lot of money in his nets. He said that 9 out of 10 turtles caught in his nets are males, and his nets are set so that drowning is minimized to about 1 out of a 100. He further stated that a turtle has to be alive to have its meat removed. He asked if more turtles are being harvested because of more fishermen or because of more turtles. He questioned why the Federal Government is not concerned.

Mr. Takata replied the Federal Government is concerned. However, the principal responsibility of the management of the marine resources rests with the State within the 3-mile limit. As a matter of fact, the hawksbill and leatherback turtles are on the U.S. list of endangered foreign fish and wildlife. The green sea turtle is considered by the International Union for the Conservation of Nature as being depleted. There is international concern for the preservation of this turtle. We have the most important nesting area in the United States; namely, the French Frigate Shoals. Taking of turtles in the Northwestern Islands is prohibited. The only exception to the general prohibition is that you may take green sea turtles for home consumption only around the main Hawaiian Islands.

Mr. Howard asked what method would a person be allowed to use in taking turtles for scientific purposes.

Mr. Takata replied, a person who applies for a scientific, educational or propagational permit would indicate what methods he would want to use. We would then specify an appropriate method depending on his purpose. Each application would be evaluated on its own merits. A permit will not be automatically issued to everyone who applies for a scientific permit. He would have to convince us that the value of the scientific work he is proposing to do will outweigh the danger of depleting the resource.

Mr. Howard asked what methods would a person be permitted to use in taking green sea turtles for home consumption.

Mr. Takata replied, any method except nets and firearms, which is already prohibited by law.

Mr. Howard asked why 36 inches was designated as the minimum size.

Mr. Takata replied that according to the literature based on Archie Carr's work, the foremost authority in the world on marine turtles, the green sea turtle attains sexual maturity between 33 to 36 inches. The minimum size of 36 inches was selected for Hawaii because the work done by Mr. Balazs on French Frigate Shoals this past breeding season (summer) indicated that turtles nesting there ranged in sizes from 32 to 41 inches. We selected 36 inches because we feel that a 36-inch minimum size limit would provide a female turtle an opportunity to lay her eggs at least once.

Mr. Mull said he supports the regulation as it stands. He suggested we encourage and support Mr. Balazs's efforts to do further research to determine the actual status of the green sea turtle.

Mr. Takata said that there is a holdover Bill in the Legislature appropriating \$30,000 to initiate such a study. The Division of Fish and Game does not have the personnel to do this work. In all probability, we will be contracting someone like George Balazs to carry on this work, should we get the appropriation.

Mrs. Mull asked what would happen if a turtle gets caught in a fish line accidentally and you have no permit? Must you return the turtle to the sea even if it would mean that the turtle will die?

Mr. Ignacio replied several people will hook turtles accidentally. The enforcement personnel will consider each case separately.

Mr. Takata added that if we were to permit people who accidentally catch turtles on their lines to keep them, this would be a loophole and would very well turn to be an excuse for fishermen to deliberately go out and try to hook a turtle. Even though fishermen would be required to return the turtles to the sea, which might eventually die, perhaps we would lose less through this means than if we were to permit all fishermen catching turtles on their lines to take them home. Furthermore, we would not be able to distinguish which ones were accidentally caught. It would pose a problem.

Mr. Takata stated that the permit will be free of charge. The purpose of the permit is to let us know who will be catching turtles. One of the conditions of the permit will be that the permittee who catches any turtle must report his catch. Even if a fisherman were to come in and get a permit, he can only take home turtles larger than 36 inches.

Mr. Howard stated that spears and shark killers are worse methods of taking turtles.

Mr. Takata asked if he was suggesting prohibiting the use of spears in the harvesting of turtles.

Mr. Howard replied harvesting turtles with spears in the water should be prohibited. He added fishermen gig or spear turtles while they are asleep on the bottom with no thought to size. He claimed by using nets, you can let the small ones go.

Mrs. Baldwin questioned how the regulation was going to be enforced.

Mr. Takata replied that the Division does not have adequate manpower, but will do its best and hopefully would get enough public support so that the fishermen themselves would want to abide by the regulation.

Mrs. Mitchell expressed that most people she has talked with don't want turtles fished out commercially. She believes the reason why more turtles are being harvested is because of better techniques and longer nets.

Mr. Takata explained that the total commercial catch itself does not tell us very much. It would be dangerous to conclude from the data presented that because more turtles are being caught there is an ample supply of turtles. In 1968, Dr. Henderson from the University of Arizona, who is an authority on turtles, did some work at French Frigate Shoals. He estimated that the breeding population that summer was between 2,600 and 5,200. This summer George Balazs estimated 1,000. So it might be that there is a real decline in the turtle population. It could be that Dr. Henderson did not spend enough time there and his estimate was off but the fact that he did work and arrived at an estimate is better than nothing.

Mr. Howard remarked that the people of Hawaii should not be deprived of turtle fishing.

Mr. Takata cited various regulations from other countries giving full protection to the turtle.

Mr. Tong asked if there is any evidence to indicate that the harvest data is up because there are better methods, more are being caught illegally, turtle population is increasing, or there is more demand from hotels and restaurants to serve turtles.

Mr. Takata commented that Mr. Balazs believes that because of the increase in tourism, the demand has increased accordingly. Therefore, more efforts are being made to satisfy the demand.

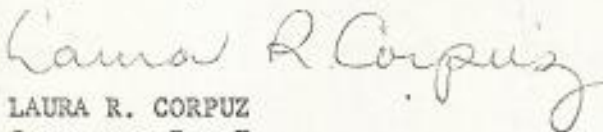
Mrs. Mull asked what the recovery rate was of meat from a turtle.

Mr. Howard replied about 1/3 of the body weight.

Having no further comments, Mr. Takata outlined the process by which the proposed regulation would become effective. He further stated that the Division of Fish and Game will continue to accept and consider all written testimonies up to December 21, 1973.

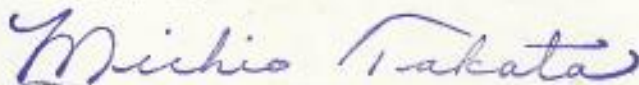
Mr. Takata thanked all those present for their attendance and participation and adjourned the public hearing at 8:25 p.m.

Respectfully submitted,



LAURA R. CORPUZ  
Secretary Pro-Tem

APPROVED BY:



MICHIO TAKATA, Master  
Division of Fish and Game

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MINUTES OF THE PUBLIC HEARING OF THE BOARD OF LAND AND NATURAL RESOURCES ON REGULATION  
36. RELATING TO THE PROTECTION OF MARINE TURTLES.

DATE, TIME AND PLACE

The public hearing was called to order by Mr. Michio Takata at 7:40 PM, Friday, September 21, 1973, in the Fourth Floor Conference Room of the Bishop Museum, 1355 Kalihi Street, Honolulu, Hawaii.

ATTENDANCE

Staff Present:

Michio Takata, Master, Director, Division of Fish and Game  
Kenji Ego, Chief, Fisheries Branch  
Henry Sakuda, Chief, Marine Section  
Paul Kawamoto, Aquatic Biologist, Hearing Secretary  
James Kikuchi, Fish and Wildlife Enforcement Officer  
\*George Balazs, Hawaii Institute of Marine Biology, \*Resource Personnel

Persons Presenting Testimony and/or Participating in Discussion:

Alan C. Kaawa	Pamela Muller	Leighton Taylor
William Kalipi	Wayne Gagne	Kim Holland
Linda Balazs	Robert W. Brick	John Carroll
Victor R. Faughnan	Anson Chong	Jacques Hough
Kilion S. Davis	Herbert Ching	Akira Saito
Alan C. Ziegler	Ralph Small	John Maciolek
Frank J. Radovsky	Karl Glerum	David Boynton
Rick Naish	Ernest Ross	James Manago
Rick Grigg	John H. Wheeler	Marilyn Lestage
Jeff Leis	Dennis Devaney	Elizabeth Leis
Dorothy Babineau	Jose Angel	

Others Present:

Judy Kaawa	Joe Stimbroski	John Beardsly
Andres Sagucio	Paul Breese	Ara H. Rooney
Kalfred Ho	Peter Major	Randall Chau
Bruce Benson	R. Scott Henderson	Eugenie Childress
Judy Williams	Philip Helfrich	Dennis T. Bower
Quentin Gohier	Gerald Higuchi	Vincent Dodge
William Watson	M. L. Breese	Jo Anne Kushima
Kelvin Char	Richard Wassai	John S. Corbin
Philip H. Johnson	Robert Muller	Becky Abildskov
Mozelle Angel	Javier F. Villilc	Johnathon Ross
Alice Elliott	J. Young	Pamela A. Worthington
Jan Takehara	Donald Aweau	David H. Cook
Wayne Nishiyama	Robin Lee	John Craft
Martha Hoverson	Taylor A. Pryor	Leslie Takao
Hilde K. Cleery	Sean Ross	Laura Moffat

PURPOSE OF HEARING

The purpose of the public hearing was to discuss a proposed Division of Fish and Game Regulation 36 relating to the protection of marine turtles in Hawaii, and to receive testimonies therefor.

ORDER OF PROCEEDING

Mr. Takata introduced himself and the panel members acting as resource personnel. The purpose of the hearing was then explained, i.e., to discuss the proposed Regulation 36 relating to the protection of marine turtles in Hawaii and to offer the public an opportunity to offer testimonies. The dates of publication in various island newspapers of the Notice of Public Hearing were given (Maui News, August 18, 1973; Honolulu Star Bulletin and Advertiser, August 19, 1973; Hawaii Tribune Herald, August 20, 1973; Garden Island, August 20, 1973) and this Notice, as it appeared in the Sunday edition of the Honolulu Star Bulletin and Advertiser on August 19, 1973, was read in its entirety.

Mr. Takata then explained the procedure that will be followed in the conduct of the hearing, and, following the recognition in the audience of House Representatives Anson Chong and Richard Wasai, he read the proposed regulation and offered explanations after each section. Questions regarding any clarification or interpretation of the proposed regulation as read, were then solicited.

Mr. Jacques Hough (net fisherman) asked for a classification of a turtle net.

Mr. Sakuda replied that he believed there was no specific reference in the proposed regulation to turtle nets as such, but that turtle catches were reported by gill net fishermen together with various species of reef fishes in their monthly fish catch reports.

Mr. J. Hough then asked whether all types of nets will be prohibited for taking turtles.

Mr. Takata replied affirmatively.

Mr. Killiona S. Davis (Molokai Fisherman's Association) asked if a turtle net definition will be included in the final regulation as mentioned by Mr. Hough.

Mr. Takata replied that it would depend on the testimonies received, and if there is reasonable cause to define such nets. He further explained that the purpose of the net restriction was to prevent the drowning of turtles.

Mr. K. Davis inquired if any fee will be assessed against persons requesting permits to catch turtles for home use.

Mr. Takata replied negatively, and further explained that the permit is being proposed for purposes of control.

Mr. K. Davis then asked for a clarification of the word "control".

Mr. Takata explained that by "control", he referred to the compiling of information on how many people are catching turtles and who among them are not reporting their catches and not control relating to enforcement.

Mr. J. Hough asked whether everyone requesting a permit would have to purchase a commercial fishing license.

Mr. Takata replied that all commercial fishermen will have to purchase a commercial fishing license, but that this license has no bearing on the taking of turtles.

Question from floor: "Can you sell turtles commercially?"

To this, Mr. Takata answered that the sale of any turtle taken from Hawaiian waters would be prohibited, but taking turtles for home consumption would be allowed.

Question from floor: "Give me an example of the interpretation of Section 2 regarding other purposes as stated in the proposed regulation."

Mr. Takata explained that the term "other purposes" could include exhibition at an aquarium or for educational purposes.

Question from floor: "Could commercial production of turtles be considered as other purposes?"

Mr. Takata replied that it could fall within the propagation category which would still require a permit.

Having no other questions regarding the wording or interpretation of the proposed regulation, Mr. Takata then proceeded to take oral testimonies by first calling on Mr. George Balazs.

Mr. George Balazs (Hawaii Institute of Marine Biology) first outlined the context of his testimony. He then briefly summarized the life history and biology of marine turtles, more specifically green sea turtles. Information pertinent to the proposed regulation included: 1) Marine turtles attain sexual maturity within a period of 6-13 years; 2) Upon reaching sexual maturity, marine turtles measure 33 to 36 inches and weigh up to 250 pounds; 3) Marine turtles reproduce once every 2-4 years and have a high mortality, up to 99% in the first year of life; 4) After attaining adult size they have few predators except for sharks and man and are slow to recover from over-exploitation; 5) Marine turtles have not been successfully restocked by transplanting eggs and/or young into depleted areas.

Mr. Balazs then continued his testimony by presenting: 1) The status of three species of turtles found in Hawaiian waters; 2) Some conservation laws and regulations concerning marine turtles presently in effect in other states and countries; 3) Recommendations offered the State of Hawaii by qualified marine biologists; 4) Results of research conducted during this year's turtle breeding season at French Frigate Shoals; and 5) Commentary on turtle catch statistics compiled by the Division of Fish and Game. He concluded his testimony by endorsing the proposed turtle regulation.

Representative John Carroll opened his testimony by presenting some legislative background of bills introduced by him in the past that attempted to prohibit the taking of turtles from waters within the jurisdiction of the State of Hawaii. He concluded his testimony by urging the passage and implementation of the proposed regulation.

Mr. Alan Kaawa (prospective turtle farmer) began his testimony by presenting the nutritional values found in turtle meat. He then declared that he would want the proposed regulation to include under "other purposes" the commercial rearing of turtles. He further explained that he would favor the regulation if Section 2, under "other purposes", allowed the taking of female turtles for brooding purposes and the importation of turtle eggs for hatching. Otherwise, he said he would be entirely against the proposed regulation.

Mr. William Kalipi (Molokai Fisherman's Association) began his testimony by asking if public hearings on this regulation would be held on the neighbor islands.

Mr. Takata replied that plans had not been made to conduct hearings on the neighbor islands. He explained that the Notice of Public Hearing for this regulation was published in the newspapers of each major island.

Mr. W. Kalipi suggested that the State should provide for wider coverage of the Notice of Public Hearing, perhaps using the radio and TV media. He expressed concern over the lack of communication, particularly in regards to this public hearing. He further stated that although some of the people who could not attend this hearing will have a chance to write in their testimonies, there are others, especially in the poverty areas, who do not know how to write. Therefore, there would be no way for them to express their concerns if they cannot attend the public hearing. He then raised a question as to how the proposed regulation was drawn up.

Mr. Takata explained that the proposed regulation was brought about through a combination of suggestions and recommendations made by a great number of people, and added that there has not been any public meetings to discuss the proposed regulation as yet. However, he informed Mr. Kalipi that the Fish and Wildlife Advisory Committees of each county will be considering the proposed regulation and that they will arrange for any public meeting should they see a need for it.

Mr. W. Kalipi suggested that in order to reach and to obtain more input from the people, discussions on matters such as this regulation should first be held at the county level before being proposed at the state level. He said it appeared to him that the manner in which this public hearing was brought out implies that the State comes up with a decision and forces it onto the people, whereas, it really should work the other way around. He was concerned that should matters come up in this manner all the time, a lot of people at the county level will not be able to comment on the subject because of inopportune "timing". The "timing" he referred to implied the period between the time a regulation is proposed and when legislative action is taken.

Mr. Takata informed Mr. W. Kalipi that legislative action will not be required for this proposed regulation; rather, it would require adoption by the Board of Land and Natural Resources. He clarified the procedures involved in the adoption of a statute that requires legislative action as contrasted to a departmental regulation.

Mr. W. Kalipi questioned certain bills regarding marine turtles that were introduced during the last legislative session.

Mr. Takata answered by commenting on the bills that Representative Carroll mentioned earlier. He stated that the bills provided for appropriation of funds for research while certain others recommended prohibiting the taking of turtles.

Mr. W. Kalipi proceeded with his testimony by stating that he believed in conservation measures and was in favor of protecting certain endangered species, but disagreed with the section that banned the sale of turtles. As a member and manager of the Molokai Fisherman's Association, he said that they had agreed not to sell any turtles less than 200 pounds, and, eventually stopped selling all



turtles because the restaurants requested only the meat fillet and left the fishermen without a market for the backs or flippers. He then described various methods used by Molokai fishermen for capturing turtles. He closed his testimony by stating that banning the sale of turtles is wrong because it will deprive many people of a means of making a living.

Linda Balazs opened her testimony by stating that she favored the proposed regulation. Most of her testimony compared the advantages that marine turtles could provide through scientific, educational and aesthetic values, as opposed to the monetary gains that only a few people could enjoy through commercial turtle harvest.

Marilyn Lestage (Waikiki Aquarium) read a testimony for Mr. Victor R. Faughnan (Honolulu Zoo Caretaker) that recommended a tiger shark control program to be included with the proposed turtle regulation because of a high occurrence (13%) of turtle remains found in the stomach contents of this particular shark species during a previous shark control program.

She then spoke in behalf of the Waikiki Aquarium Staff, Mr. Jack Brock (Aquarium Collector) and Mr. Charles DeLuca (Aquarium Director), all of whom endorsed the proposed regulation. She said Mr. C. DeLuca suggested that a specified time limit (5 to 10 years) be attached to this regulation, after which an evaluation or assessment of the situation should be made. She concluded by relating Mr. J. Brock's message that there could be more than three species of marine turtles around Hawaii, as a Pacific Ridley was taken alive within the last five years.

Mr. Killiona S. Davis (Molokai Fisherman's Association) testified that the proposed turtle regulation was unrealistic in that if netting and spearing of turtles are declared illegal, how will the people be able to catch these animals.

Dr. Alan C. Ziegler (Vertebrate Zoologist at Bishop Museum) asked for clarification as to whether spearing turtles for home consumption was or was not permissible.

Mr. Takata replied that the spearing of turtles for home consumption is not prohibited and that it is the sale of turtles taken with a spear that is illegal.

Dr. A. Ziegler continued and ended his testimony by endorsing the proposed regulation stating that it appeared reasonable in that it did provide for the taking of turtles for home consumption purpose.

Dr. Frank J. Radovsky (Bishop Museum staff member) endorsed the proposed turtle regulation with possible modification to the section concerning the restriction on the netting of turtles. He concluded his testimony by stating that the regulation was constructive and carefully considered, and that it deserved the support of all concerned citizens in Hawaii.

Mr. Jacques Hough (net fisherman) spoke against the proposed regulation, particularly Section 4 prohibiting the use of nets for the taking of green sea turtles.

Mr. Akira Saito's (net fisherman) comments concerned the lack of research done in relation to turtles. In general, his opposition to the proposed turtle regulation concerned the restriction on the use of nets for the taking of green sea turtles.

Dr. John Maciolek (Hawaii Cooperative Fishery Unit) read a written testimony offered by Mr. Rene Sylva, a turtle fisherman for 30 years from Paia, Maui. In essence, Mr. Sylva's testimony expressed concern for the decrease in number of turtles he has noticed over the years. He then spoke in favor of the proposed regulation and offered the following suggestions:

- 1) Section 1 should also include a moratorium on turtles for one year.
- 2) Permits to be issued through Section 3 should be good for no more than one week and allow for two turtles to be taken per permit per party.
- 3) Section 4 should allow the use of nets with mesh size of 30 inches and having a length of about 150 feet. He claimed that together with the provisions of Section 3, turtles would be adequately protected, and, through the use of such a proposed net, older people could also participate in turtle catching.
- 4) Section 5 should be made more severe: that the word "imprisonment" be eliminated; that "not more than" be changed to "not less than \$100;" and that a maximum fine of \$500 be established.
- 5) Regulation 36 should be reviewed again one year from the effective date to eliminate unforeseen problems.

Dr. J. Maciolek concluded the testimony by personally supporting the proposed Regulation 36.

Mr. David Boynton supported the proposed regulation but suggested reducing the 36 inch minimum size restriction to perhaps 30 inches. He closed his testimony by commenting on the lack of enforcement he had noticed in recent years; enforcement that is necessary to make all regulations effective.

Mr. James Manago (net fisherman): "All I had to say has been said."

Elizabeth Leis (HIMB) read a testimony in behalf of Dr. John Bardach, Director of HIMB, that strongly supported the proposed Regulation 36 and requested a complete protection for marine turtles in Hawaii.

Mr. Rick Naish spoke in favor of the proposed regulation and requested that more enforcement be made available to make the regulation effective.

Mr. Rick Grigg (University of Hawaii) supported the proposed regulation. He mentioned that larger turtles caught by net are strong enough to pull the net to the surface for breathing, but that the smaller ones almost always drown. He concluded by stating that the section providing for a net restriction is therefore meaningful.

Mr. Ralph Small (Conservation Council - Oahu Chapter), as a representative of the Conservation Council on Oahu, supported the adoption of Regulation 36 protecting the marine turtles.

Mr. Carl Glerum (Glass Bottom Boat, Kaneohe): "Everything was said."

Mr. Ernest Ross (Animal Scientist, University of Hawaii) stated that the adoption of the proposed Regulation 36 will provide the necessary protection for sea turtles so that more studies on distribution, population size and more effective management of this resource can be achieved.

Mr. John Wheeler said the subject he was about to speak on was already presented in the previous testimonies and added that he was in favor of the proposed turtle regulation.

Mr. Dennis Devaney (Bishop Museum Zoologist) stated that he was in favor of the proposed regulation, and that much scientific thought, study and research had gone into considering the provisions of this regulation.

Dr. Wayne Gagne (Conservation Council for Hawaii) commented in favor of the proposed regulation and added that the State should pursue turtle farming as a means of preserving the species.

Mr. Jose Angel (Department of Education, Elementary School Principal) spoke in favor of Regulation 36 but suggested that the minimum size of 36 inches as referred to in Section 3 be reduced. His contention on this point was that 36 inch turtles are not numerous and if they reproduce between 33 to 36 inches, the minimum size for taking should perhaps be lowered to 34 inches which would still permit breeding and such a change would also provide more turtles for home use.

Mr. Robert Brick (HIMB) stated that he favored the proposed Regulation 36.

Dr. Leighton Taylor (Hawaii Cooperative Fishery Unit) read a testimony prepared by Mr. Eugene Kridler (U.S. Bureau of Sport Fisheries and Wildlife) that pointed out the declining nature of marine turtle population, especially around the Northwestern or Leeward Hawaiian Islands. In general, Mr. E. Kridler concurred with the provisions of the proposed Regulation 36, but suggested the following additions:

- 1) Add the words "disturb" after the word "possess", and "and nests" after after the word "eggs" in Section 1.
- 2) Add the sentence, "Prohibit the taking of all turtles in the territorial waters of the State of Hawaii and the Northwestern or Leeward Hawaiian Islands" to Section 2 with proper clarification.

Representative Anson Chong briefly commented that many members within the House of Representatives are in support of measures for the protection of marine turtles, and added that all evidence, as given through professional and scientific testimonies presented earlier, indicate that there is an urgent need to save the sea turtles.

Kim Holland (HIMB) spoke on the "practical application" of the proposed regulation, stating that by removing the commercial incentive for capturing turtles and establishing a minimum size, allowing the use of nets to catch turtles for home consumption may not be detrimental to the situation and may constitute a fairer regulation.

Mr. Herbert Ching (net fisherman) commented on the unfairness of the proposed regulation; that certain sections of it were impractical.

Mr. Jeff Leis questioned the wording of the proposed regulation regarding Section 3.

Mr. Takata said the area in question will be reviewed more closely and proceeded with the next testimony.

Mrs. Dorothy Babineau supported the proposed regulation, but suggested a more severe penalty (\$100 to \$500) for any infraction of the provisions. She also recommended that the minimum size be increased from 36 to 40 inches and concluded her testimony by indicating that the turtles should be protected now, or there will be no turtles to protect in the future.

Pamela Muller (Oceanography student) was concerned about the lack of public knowledge regarding existing Fish and Game regulations and State laws. She indicated that newspaper coverage alone may not be sufficient to educate the public. Her testimony recommended outlawing prepared turtle products (e.g. stuffed turtles, etc.) but allowing turtles to be sold for home consumption. She also encouraged turtle farming and requested that commercially grown turtles be allowed for sale.

Mr. Takata thanked Pamela Muller for her comments and asked if there were any other testimonies to be given.

Mr. Kilonia Davis (Molokai Fisherman's Association) commented that the proposed regulation was not realistic in that instead of protecting smaller turtles, the regulation should strive for conserving the larger sexually mature turtles.

Mr. Takata thanked Mr. K. Davis for his additional testimony and asked for any other comments from the floor.

Question from floor: "Why is a permit required to catch turtles for home use?"

Mr. Takata explained that through a permit system information can be compiled on how many turtles are taken within a given period of time, etc. (as replied earlier).

Question from floor: "Will there be a charge for the permit?"

To this, Mr. Takata explained that fees will not be assessed for turtle permits.

Mr. William Kalipi (Molokai Fisherman's Association) informed the audience that spearing large size turtles was inefficient. He claimed that gaffing of large turtles as presently being done by Molokai fishermen is a better method. He explained that the gaff is attached to a float line and that the turtle is retrieved after it has expired. Through this method, he indicated that turtles would not escape and die such as after being speared, and that very large turtles could be taken easily.

Having no further comments, Mr. Takata explained the process by which the proposed regulation would become effective. He further stated that the Division of Fish and Game will continue to receive and consider all written testimonies submitted before October 6, 1973.

The Public Hearing adjourned at 10:45 PM.

Respectfully submitted,

*Paul Kawamoto*

PAUL KAWAMOTO  
Secretary Pro-Tem

APPROVED:

/s/ Michio Takata  
MICHIO TAKATA, Master  
Division of Fish and Game

MINUTES OF THE PUBLIC HEARING OF THE BOARD OF LAND AND NATURAL RESOURCES

ON REGULATION 36. RELATING TO THE PROTECTION OF MARINE TURTLES

DATE, TIME AND PLACE

The public hearing was called to order by Mr. Michio Takata at 7:15 PM, Thursday, February 28, 1974, at the Molokai District Court House, Kaunakakai, Molokai.

ATTENDANCE

Staff Present:

Michio Takata, Master, Director, Division of Fish and Game  
Paul Kawamoto, Aquatic Biologist  
Michael Mangca, Game Management Assistant  
Noah Pekelo, Jr., Fish and Wildlife Enforcement Officer  
Leroy Mollena, Fish and Wildlife Enforcement Officer  
Sam Flores, Volunteer Fish and Wildlife Enforcement Officer  
Michael Tancayo, Volunteer Fish and Wildlife Enforcement Officer  
Russell, Fukumoto, Deputy Attorney General

Persons Presenting Testimony and/or Participating in Discussion:

William Kalipi  
James Prentice  
Joan Aidem

Gary Coats  
Kiliona Davis

Others Present:

Mervin Dudoit  
Pat McCoy  
Gladys Pekelo  
James Austin  
Myra Tomonari  
Aki Sinato  
Larry Rawlins  
James Mawae, Jr.  
David K. Kamakana

John Young  
Charlotte Rawlins  
D. Puailihau  
W. Meyes  
A. Puaa  
Glenn Borden  
Mary Kalilikane  
David Martin  
August Rawlins, Jr.

Wilford Lee  
S. W. Kent  
James K. Bishaw  
Hajime Nishimura  
Walter Rawlins  
Mickey McGuire  
John Shoemaker  
Phil Esterna  
B. Duffy

PURPOSE OF HEARING

The purpose of the public hearing was to discuss and receive testimonies on proposed Division of Fish and Game Regulation 36 relating to the protection of marine turtles in Hawaii.

ORDER OF PROCEEDING

Mr. Takata introduced himself and the staff members and explained the purpose of the hearing as given above. He then announced that the Notice of

Public Hearing was published in accordance with law in the Maui News and the Honolulu Star Bulletin on February 5, 1974 and stated the procedure to be followed in the conduct of the hearing. After reading each section of the proposed regulation, Mr. Takata offered explanations to clarify the provisions and solicited questions from the audience regarding any further clarification or interpretation of the proposed Regulation 36.

Mrs. Joan Aidem asked if under Section 2a, turtle eggs could be collected with a permit for scientific, educational or propagational purposes.

Mr. Takata stated that although Section 2a does not mention turtle eggs, the intent is to allow collection of eggs under this section and that consideration will be given to amending this section to correct this omission.

Question: "What is the estimated weight of a turtle having 36 inches in upper shell length?"

Mr. Takata replied, about 210 pounds. He then defined "carapace length-straight line measurement" and, through a brief resumé on the biology of the green sea turtle, explained the reason for selecting 36 inches as a minimum size.

Question: "Is it possible to pinpoint the breeding season of the green sea turtle?"

Mr. Takata answered affirmatively.

Question: "Then is it possible to close a season that will restrict the taking of turtles during the breeding or nesting season?"

Mr. Takata again replied affirmatively and informed the audience of the work of Mr. George Balazs of the University of Hawaii - Hawaii Institute of Marine Biology who did an intensive study on the nesting population of green sea turtles at French Frigate Shoals last summer (1973).

Mr. Kawamoto then presented some turtle catch statistics obtained through the monthly catch reports submitted by licensed commercial fishermen, and indicated that there were no estimates for the non-commercial turtle harvests at present.

Question: "What is the reason for the variation in the average monthly turtle catches as presented in the chart that described the average monthly turtle landings for the years 1970-1972?"

Mr. Kawamoto replied that the chart shows the average weight of turtles caught for each of the months of a year and merely reflects how the monthly commercial turtle catches were reported by licensed commercial fishermen during 1970-1972.

Question: "When is the breeding season of the green sea turtles?"

Mr. Takata indicated that Hawaii's green sea turtle population generally breed during the summer months of May through September at French Frigate Shoals.

Question: "Are they (turtles) supposed to be scarce at present?"

To this, Mr. Takata replied negatively and commented that at this time of the year, most of the Hawaiian green sea turtles should be at the feeding grounds located around the major Hawaiian Islands.

Question: "Is the French Frigate Shoals restricted (to entry)?"

Mr. Takata explained that all of the Northwestern Hawaiian Islands except Midway and Kure are within the Hawaiian Islands National Wildlife Refuge that is administered by the U. S. Bureau of Sport Fisheries and Wildlife, and that landing on any of these islands is strictly prohibited.

Question: "How long have they (the islands) been closed?"

Mr. Takata replied that the islands have been protected since the establishment of the Hawaiian Islands National Wildlife Refuge by Presidential Executive Order in the early 1900's, but that only in recent years has the Federal Government acquired the manpower capabilities to actively administer the Refuge.

Question: "How long will the proposed Regulation 36 be in effect and how would it be affected if the Federal Government steps into the picture as with the migratory birds?"

Mr. Takata stated that the Federal Government has already proposed to place the green sea turtle on the Secretary of the Interior's endangered species list. He commented that if the turtle is placed on this list without qualification the taking of green sea turtles will be permitted only in accordance with the Endangered Species Act of 1973 and its implementing regulation.

Question: "Why must we (in Hawaii) protect the turtles if certain other areas such as Mexico will continue to allow unrestricted taking of turtles or their eggs?" (Referred to an article in the National Geographic Magazine).

Mr. Takata explained that Hawaii is not the only state that is trying to protect the green sea turtles....other states and countries have also established laws to protect these turtles. Here, Mr. Takata deferred citing some of these laws until later, when all oral testimonies were received, and called for the first testimony.

Mr. William Kalipi (manager - Molokai Fisherman's Association) began his testimony by gratefully acknowledging the efforts of the Department of Land and Natural Resources in holding a public hearing on Molokai and offering the residents a chance to present their views on the proposed Regulation 36. He commented, however, that the proposed regulation will not be successful without adequate manpower to enforce the provisions. He continued the testimony by stating that the turtle regulation should not only be considered from the conservation aspect, but due consideration should also be given to the impact on economics involved with the buying and selling of turtles, and how the State and the people presently engaged in such activity will be affected by it. He therefore suggested the following major changes to the proposed regulation:

1) Allowing for the sale of commercially caught green sea turtles; 2) Requiring that all turtles taken must remain whole and alive while in transit and be checked at a Division of Fish and Game check-in station; 3) Requiring that if sold, the turtles should be accompanied by "sales transaction" and "purchasing transaction" slips to account for all turtles bought and sold commercially; 4) Allowing the use of floating nets (unanchored) having at least 12 inch mesh size for taking turtles; 5) Making it illegal to import turtles (stuffed or otherwise) that are smaller than the stipulated minimum size (36 inches upper shell length--straightline measurement); 6) Establishing a closed season on the taking of turtles during its breeding season; 7) Changing the maximum fine of \$500 to \$1,000 for any person violating any of the provisions as amended.

Mr. Takata thanked Mr. Kalipi for his presentation and commented that in regard to increasing the fine from \$500 to \$1,000 this will not be possible unless the existing law is amended to provide for the larger fine.

Mr. Kalipi then questioned who will decide as to whether or not the turtle regulation will become effective.

Mr. Takata replied that the regulation will require adoption by the Board of Land and Natural Resources who has the statutory authority to promulgate regulations such as this.

The next speaker, Mr. Mervin Dudoit, had to leave the hearing for work and consequently did not testify.

Mr. James Prentice asked for clarification of certain aspects of Mr. George Balazs' study regarding the breeding population of green sea turtles at French Frigate Shoals.

Mr. Takata provided clarification of Mr. Balazs' findings with respect to the breeding population of green sea turtles at French Frigate Shoals, and the rate of mortality of the hatchlings in their first year of life.

Mr. Takata then informed the audience of the laws and regulations pertaining to green sea turtles that are presently in effect under other jurisdictions, and concluded by stating that these actions show there is worldwide concern for the plight of the green sea turtle.

Mr. Kilonia Davis asked that consideration be given to allowing the taking of smaller sized turtles while protecting the mature turtles.

Question: "How does a person go about obtaining a turtle taking permit and what is involved in determining whether a permit is granted or not?"

Mr. Takata replied that anyone may obtain a permit to take turtles for home consumption from the Division of Fish and Game, however, a written application should be submitted to the Division of Fish and Game for a scientific collecting permit. Each application for scientific collecting is then processed by our staff and recommendations are submitted to the Department Chairman who makes the ultimate decision.



Mr. Gary Coats stressed the point that by eliminating the commercial incentive for the taking of turtles (i.e. ban the sale of turtles in markets, restaurants, etc.), this action alone would serve to effectively manage and protect the green sea turtles in Hawaii.

Mrs. Joan Aidem asked for a reason why most regulations do not include a clause that would make it illegal to buy as well as sell animals that we try to regulate.

Mr. Takata referred the question to Mr. Russell Fukumoto to determine if the statement "illegal to sell" also implied that it is illegal to buy.

Mr. Fukumoto replied negatively, but explained that the clause "It shall be unlawful to.....sell or offer to sell....." as written in Section 1, and the penalty as stipulated in Section 5 should deter people from selling turtles.

Question: "With the knowledge that there is a 99% mortality of turtle hatchlings in the first year of life, why hasn't the Division of Fish and Game begun any program for saving the hatchlings?"

Mr. Takata answered this question by summarizing the studies of two well-known turtle authorities who described the probable process of "imprinting" which may occur among hatchling turtles, and is the driving force that directs them back to their native beaches for spawning after attaining sexual maturity. Although greater survival can be achieved by collecting turtle eggs, artificially hatching them, rearing the turtle hatchlings in pens for about a year, and releasing them into the wild it is not certain if the turtles would know where to return for spawning, and therefore, this procedure may be more detrimental to the conservation of turtles than allowing them to hatch naturally.

Having no further comments or testimonies, Mr. Takata stated that written testimonies will be received for the next 15 days. He then outlined the process by which this regulation may become effective. He thanked the audience for their participation and adjourned the hearing at 8:22 PM.

Respectfully submitted,

*Paul Kawamoto*

PAUL KAWAMOTO  
Secretary Pro-Tem

Note: Two written testimonies endorsing the proposed Regulation 36 were received during the hearing (one unsigned).

MINUTES OF THE PUBLIC HEARING OF THE BOARD OF LAND AND NATURAL RESOURCES ON REGULATION  
36. RELATING TO THE PROTECTION OF MARINE TURTLES.

LIBRARY OF  
GEORGE H. BALAZS

DATE, TIME AND PLACE

The public hearing was called to order by Mr. Michio Takata at 7:40 PM, Friday, September 21, 1973, in the Fourth Floor Conference Room of the Bishop Museum, 1355 Kalihi Street, Honolulu, Hawaii.

ATTENDANCE

Staff Present:

Michio Takata, Master, Director, Division of Fish and Game  
Kenji Ego, Chief, Fisheries Branch  
Henry Sakuda, Chief, Marine Section  
Paul Kawamoto, Aquatic Biologist, Hearing Secretary  
James Kikuchi, Fish and Wildlife Enforcement Officer  
\*George Balazs, Hawaii Institute of Marine Biology, \*Resource Personnel

Persons Presenting Testimony and/or Participating in Discussion:

Alan C. Kaawa	Pamela Muller	Leighton Taylor
William Kalipi	Wayne Gagne	Kim Holland
Linda Balazs	Robert W. Brick	John Carroll
Victor R. Faughnan	Anson Chong	Jacques Hough
Kiliona S. Davis	Herbert Ching	Akira Saito
Alan C. Ziegler	Ralph Small	John Maciolek
Frank J. Radovsky	Karl Glerum	David Boynton
Rick Naish	Ernest Ross	James Manago
Rick Grigg	John H. Wheeler	Marilyn Lestage
Jeff Leis	Dennis Devaney	Elizabeth Leis
Dorothy Babineau	Jose Angel	

Others Present:

Judy Kaawa	Joe Stimbroski	John Beardsly
Andres Sagucio	Paul Breese	Ara H. Rooney
Kalfred Ho	Peter Major	Randall Chau
Bruce Benson	R. Scott Henderson	Eugenie Childress
Judy Williams	Philip Helfrich	Dennis T. Bower
Quentin Gohier	Gerald Higuchi	Vincent Dodge
William Watson	M. L. Breese	Jo Anne Kushima
Kelvin Char	Richard Wasai	John S. Corbin
Philip H. Johnson	Robert Muller	Becky Abildskov
Mozelle Angel	Javier F. Villilc	Johnathon Ross
Alice Elliott	J. Young	Pamela A. Worthington
Jan Takehara	Donald Aweau	David H. Cook
Wayne Nishiyama	Robin Lee	John Craft
Martha Hoverson	Taylor A. Pryor	Leslie Takao
Hilde K. Cleery	Sean Ross	Laura Moffat

PURPOSE OF HEARING

The purpose of the public hearing was to discuss a proposed Division of Fish and Game Regulation 36 relating to the protection of marine turtles in Hawaii, and to receive testimonies therefor.

ORDER OF PROCEEDING

Mr. Takata introduced himself and the panel members acting as resource personnel. The purpose of the hearing was then explained, i.e., to discuss the proposed Regulation 36 relating to the protection of marine turtles in Hawaii and to offer the public an opportunity to offer testimonies. The dates of publication in various island newspapers of the Notice of Public Hearing were given (Maui News, August 18, 1973; Honolulu Star Bulletin and Advertiser, August 19, 1973; Hawaii Tribune Herald, August 20, 1973; Garden Island, August 20, 1973) and this Notice, as it appeared in the Sunday edition of the Honolulu Star Bulletin and Advertiser on August 19, 1973, was read in its entirety.

Mr. Takata then explained the procedure that will be followed in the conduct of the hearing, and, following the recognition in the audience of House Representatives Anson Chong and Richard Wasai, he read the proposed regulation and offered explanations after each section. Questions regarding any clarification or interpretation of the proposed regulation as read, were then solicited.

Mr. Jacques Hough (net fisherman) asked for a classification of a turtle net.

Mr. Sakuda replied that he believed there was no specific reference in the proposed regulation to turtle nets as such, but that turtle catches were reported by gill net fishermen together with various species of reef fishes in their monthly fish catch reports.

Mr. J. Hough then asked whether all types of nets will be prohibited for taking turtles.

Mr. Takata replied affirmatively.

Mr. Killiona S. Davis (Molokai Fisherman's Association) asked if a turtle net definition will be included in the final regulation as mentioned by Mr. Hough.

Mr. Takata replied that it would depend on the testimonies received, and if there is reasonable cause to define such nets. He further explained that the purpose of the net restriction was to prevent the drowning of turtles.

Mr. K. Davis inquired if any fee will be assessed against persons requesting permits to catch turtles for home use.

Mr. Takata replied negatively, and further explained that the permit is being proposed for purposes of control.

Mr. K. Davis then asked for a clarification of the word "control".

Mr. Takata explained that by "control", he referred to the compiling of information on how many people are catching turtles and who among them are not reporting their catches and not control relating to enforcement.

Mr. J. Hough asked whether everyone requesting a permit would have to purchase a commercial fishing license.

Mr. Takata replied that all commercial fishermen will have to purchase a commercial fishing license, but that this license has no bearing on the taking of turtles.

Question from floor: "Can you sell turtles commercially?"

To this, Mr. Takata answered that the sale of any turtle taken from Hawaiian waters would be prohibited, but taking turtles for home consumption would be allowed.

Question from floor: "Give me an example of the interpretation of Section 2 regarding other purposes as stated in the proposed regulation."

Mr. Takata explained that the term "other purposes" could include exhibition at an aquarium or for educational purposes.

Question from floor: "Could commercial production of turtles be considered as other purposes?"

Mr. Takata replied that it could fall within the propagation category which would still require a permit.

Having no other questions regarding the wording or interpretation of the proposed regulation, Mr. Takata then proceeded to take oral testimonies by first calling on Mr. George Balazs.

Mr. George Balazs (Hawaii Institute of Marine Biology) first outlined the context of his testimony. He then briefly summarized the life history and biology of marine turtles, more specifically green sea turtles. Information pertinent to the proposed regulation included: 1) Marine turtles attain sexual maturity within a period of 6-13 years; 2) Upon reaching sexual maturity, marine turtles measure 33 to 36 inches and weigh up to 250 pounds; 3) Marine turtles reproduce once every 2-4 years and have a high mortality, up to 99% in the first year of life; 4) After attaining adult size they have few predators except for sharks and man and are slow to recover from over-exploitation; 5) Marine turtles have not been successfully restocked by transplanting eggs and/or young into depleted areas.

Mr. Balazs then continued his testimony by presenting: 1) The status of three species of turtles found in Hawaiian waters; 2) Some conservation laws and regulations concerning marine turtles presently in effect in other states and countries; 3) Recommendations offered the State of Hawaii by qualified marine biologists; 4) Results of research conducted during this year's turtle breeding season at French Frigate Shoals; and 5) Commentary on turtle catch statistics compiled by the Division of Fish and Game. He concluded his testimony by endorsing the proposed turtle regulation.

Representative John Carroll opened his testimony by presenting some legislative background of bills introduced by him in the past that attempted to prohibit the taking of turtles from waters within the jurisdiction of the State of Hawaii. He concluded his testimony by urging the passage and implementation of the proposed regulation.

Mr. Alan Kaawa (prospective turtle farmer) began his testimony by presenting the nutritional values found in turtle meat. He then declared that he would want the proposed regulation to include under "other purposes" the commercial rearing of turtles. He further explained that he would favor the regulation if Section 2, under "other purposes", allowed the taking of female turtles for brooding purposes and the importation of turtle eggs for hatching. Otherwise, he said he would be entirely against the proposed regulation.

Mr. William Kalipi (Molokai Fisherman's Association) began his testimony by asking if public hearings on this regulation would be held on the neighbor islands.

Mr. Takata replied that plans had not been made to conduct hearings on the neighbor islands. He explained that the Notice of Public Hearing for this regulation was published in the newspapers of each major island.

Mr. W. Kalipi suggested that the State should provide for wider coverage of the Notice of Public Hearing, perhaps using the radio and TV media. He expressed concern over the lack of communication, particularly in regards to this public hearing. He further stated that although some of the people who could not attend this hearing will have a chance to write in their testimonies, there are others, especially in the poverty areas, who do not know how to write. Therefore, there would be no way for them to express their concerns if they cannot attend the public hearing. He then raised a question as to how the proposed regulation was drawn up.

Mr. Takata explained that the proposed regulation was brought about through a combination of suggestions and recommendations made by a great number of people, and added that there has not been any public meetings to discuss the proposed regulation as yet. However, he informed Mr. Kalipi that the Fish and Wildlife Advisory Committees of each county will be considering the proposed regulation and that they will arrange for any public meeting should they see a need for it.

Mr. W. Kalipi suggested that in order to reach and to obtain more input from the people, discussions on matters such as this regulation should first be held at the county level before being proposed at the state level. He said it appeared to him that the manner in which this public hearing was brought out implies that the State comes up with a decision and forces it onto the people, whereas, it really should work the other way around. He was concerned that should matters come up in this manner all the time, a lot of people at the county level will not be able to comment on the subject because of inopportune "timing". The "timing" he referred to implied the period between the time a regulation is proposed and when legislative action is taken.

Mr. Takata informed Mr. W. Kalipi that legislative action will not be required for this proposed regulation; rather, it would require adoption by the Board of Land and Natural Resources. He clarified the procedures involved in the adoption of a statute that requires legislative action as contrasted to a departmental regulation.

Mr. W. Kalipi questioned certain bills regarding marine turtles that were introduced during the last legislative session.

Mr. Takata answered by commenting on the bills that Representative Carroll mentioned earlier. He stated that the bills provided for appropriation of funds for research while certain others recommended prohibiting the taking of turtles.

Mr. W. Kalipi proceeded with his testimony by stating that he believed in conservation measures and was in favor of protecting certain endangered species, but disagreed with the section that banned the sale of turtles. As a member and manager of the Molokai Fisherman's Association, he said that they had agreed not to sell any turtles less than 200 pounds, and, eventually stopped selling all

turtles because the restaurants requested only the meat fillet and left the fishermen without a market for the backs or flippers. He then described various methods used by Molokai fishermen for capturing turtles. He closed his testimony by stating that banning the sale of turtles is wrong because it will deprive many people of a means of making a living.

Linda Balazs opened her testimony by stating that she favored the proposed regulation. Most of her testimony compared the advantages that marine turtles could provide through scientific, educational and aesthetic values, as opposed to the monetary gains that only a few people could enjoy through commercial turtle harvest.

Marilyn Lestage (Waikiki Aquarium) read a testimony for Mr. Victor R. Faughnan (Honolulu Zoo Caretaker) that recommended a tiger shark control program to be included with the proposed turtle regulation because of a high occurrence (13%) of turtle remains found in the stomach contents of this particular shark species during a previous shark control program.

She then spoke in behalf of the Waikiki Aquarium Staff, Mr. Jack Brock (Aquarium Collector) and Mr. Charles DeLuca (Aquarium Director), all of whom endorsed the proposed regulation. She said Mr. C. DeLuca suggested that a specified time limit (5 to 10 years) be attached to this regulation, after which an evaluation or assessment of the situation should be made. She concluded by relating Mr. J. Brock's message that there could be more than three species of marine turtles around Hawaii, as a Pacific Ridley was taken alive within the last five years.

Mr. Kilonia S. Davis (Molokai Fisherman's Association) testified that the proposed turtle regulation was unrealistic in that if netting and spearing of turtles are declared illegal, how will the people be able to catch these animals.

Dr. Alan C. Ziegler (Vertebrate Zoologist at Bishop Museum) asked for clarification as to whether spearing turtles for home consumption was or was not permissible.

Mr. Takata replied that the spearing of turtles for home consumption is not prohibited and that it is the sale of turtles taken with a spear that is illegal.

Dr. A. Ziegler continued and ended his testimony by endorsing the proposed regulation stating that it appeared reasonable in that it did provide for the taking of turtles for home consumption purpose.

Dr. Frank J. Radovsky (Bishop Museum staff member) endorsed the proposed turtle regulation with possible modification to the section concerning the restriction on the netting of turtles. He concluded his testimony by stating that the regulation was constructive and carefully considered, and that it deserved the support of all concerned citizens in Hawaii.

Mr. Jacques Hough (net fisherman) spoke against the proposed regulation, particularly Section 4 prohibiting the use of nets for the taking of green sea turtles.

Mr. Akira Saito's (net fisherman) comments concerned the lack of research done in relation to turtles. In general, his opposition to the proposed turtle regulation concerned the restriction on the use of nets for the taking of green sea turtles.

Dr. John Maciolek (Hawaii Cooperative Fishery Unit) read a written testimony offered by Mr. Rene Sylva, a turtle fisherman for 30 years from Paia, Maui. In essence, Mr. Sylva's testimony expressed concern for the decrease in number of turtles he has noticed over the years. He then spoke in favor of the proposed regulation and offered the following suggestions:

- 1) Section 1 should also include a moratorium on turtles for one year.
- 2) Permits to be issued through Section 3 should be good for no more than one week and allow for two turtles to be taken per permit per party.
- 3) Section 4 should allow the use of nets with mesh size of 30 inches and having a length of about 150 feet. He claimed that together with the provisions of Section 3, turtles would be adequately protected, and, through the use of such a proposed net, older people could also participate in turtle catching.
- 4) Section 5 should be made more severe: that the word "imprisonment" be eliminated; that "not more than" be changed to "not less than \$100;" and that a maximum fine of \$500 be established.
- 5) Regulation 36 should be reviewed again one year from the effective date to eliminate unforeseen problems.

Dr. J. Maciolek concluded the testimony by personally supporting the proposed Regulation 36.

Mr. David Boynton supported the proposed regulation but suggested reducing the 36 inch minimum size restriction to perhaps 30 inches. He closed his testimony by commenting on the lack of enforcement he had noticed in recent years; enforcement that is necessary to make all regulations effective.

Mr. James Manago (net fisherman): "All I had to say has been said."

Elizabeth Leis (HIMB) read a testimony in behalf of Dr. John Bardach, Director of HIMB, that strongly supported the proposed Regulation 36 and requested a complete protection for marine turtles in Hawaii.

Mr. Rick Naish spoke in favor of the proposed regulation and requested that more enforcement be made available to make the regulation effective.

Mr. Rick Grigg (University of Hawaii) supported the proposed regulation. He mentioned that larger turtles caught by net are strong enough to pull the net to the surface for breathing, but that the smaller ones almost always drown. He concluded by stating that the section providing for a net restriction is therefore meaningful.

Mr. Ralph Small (Conservation Council - Oahu Chapter), as a representative of the Conservation Council on Oahu, supported the adoption of Regulation 36 protecting the marine turtles.

Mr. Carl Glerum (Glass Bottom Boat, Kaneohe): "Everything was said."

Mr. Ernest Ross (Animal Scientist, University of Hawaii) stated that the adoption of the proposed Regulation 36 will provide the necessary protection for sea turtles so that more studies on distribution, population size and more effective management of this resource can be achieved.

Mr. John Wheeler said the subject he was about to speak on was already presented in the previous testimonies and added that he was in favor of the proposed turtle regulation.

Mr. Dennis Devaney (Bishop Museum Zoologist) stated that he was in favor of the proposed regulation, and that much scientific thought, study and research had gone into considering the provisions of this regulation.

Dr. Wayne Gagne (Conservation Council for Hawaii) commented in favor of the proposed regulation and added that the State should pursue turtle farming as a means of preserving the species.

Mr. Jose Angel (Department of Education, Elementary School Principal) spoke in favor of Regulation 36 but suggested that the minimum size of 36 inches as referred to in Section 3 be reduced. His contention on this point was that 36 inch turtles are not numerous and if they reproduce between 33 to 36 inches, the minimum size for taking should perhaps be lowered to 34 inches which would still permit breeding and such a change would also provide more turtles for home use.

Mr. Robert Brick (HIMB) stated that he favored the proposed Regulation 36.

Dr. Leighton Taylor (Hawaii Cooperative Fishery Unit) read a testimony prepared by Mr. Eugene Kridler (U.S. Bureau of Sport Fisheries and Wildlife) that pointed out the declining nature of marine turtle population, especially around the Northwestern or Leeward Hawaiian Islands. In general, Mr. E. Kridler concurred with the provisions of the proposed Regulation 36, but suggested the following additions:

- 1) Add the words "disturb" after the word "possess", and "and nests" after after the word "eggs" in Section 1.
- 2) Add the sentence, "Prohibit the taking of all turtles in the territorial waters of the State of Hawaii and the Northwestern or Leeward Hawaiian Islands" to Section 2 with proper clarification.

Representative Anson Chong briefly commented that many members within the House of Representatives are in support of measures for the protection of marine turtles, and added that all evidence, as given through professional and scientific testimonies presented earlier, indicate that there is an urgent need to save the sea turtles.

Kim Holland (HIMB) spoke on the "practical application" of the proposed regulation, stating that by removing the commercial incentive for capturing turtles and establishing a minimum size, allowing the use of nets to catch turtles for home consumption may not be detrimental to the situation and may constitute a fairer regulation.

Mr. Herbert Ching (net fisherman) commented on the unfairness of the proposed regulation; that certain sections of it were impractical.

Mr. Jeff Leis questioned the wording of the proposed regulation regarding Section 3.

Mr. Takata said the area in question will be reviewed more closely and proceeded with the next testimony.



Mrs. Dorothy Babineau supported the proposed regulation, but suggested a more severe penalty (\$100 to \$500) for any infraction of the provisions. She also recommended that the minimum size be increased from 36 to 40 inches and concluded her testimony by indicating that the turtles should be protected now, or there will be no turtles to protect in the future.

Pamela Muller (Oceanography student) was concerned about the lack of public knowledge regarding existing Fish and Game regulations and State laws. She indicated that newspaper coverage alone may not be sufficient to educate the public. Her testimony recommended outlawing prepared turtle products (e.g. stuffed turtles, etc.) but allowing turtles to be sold for home consumption. She also encouraged turtle farming and requested that commercially grown turtles be allowed for sale.

Mr. Takata thanked Pamela Muller for her comments and asked if there were any other testimonies to be given.

Mr. Killiona Davis (Molokai Fisherman's Association) commented that the proposed regulation was not realistic in that instead of protecting smaller turtles, the regulation should strive for conserving the larger sexually mature turtles.

Mr. Takata thanked Mr. K. Davis for his additional testimony and asked for any other comments from the floor.

Question from floor: "Why is a permit required to catch turtles for home use?"

Mr. Takata explained that through a permit system information can be compiled on how many turtles are taken within a given period of time, etc. (as replied earlier).

Question from floor: "Will there be a charge for the permit?"

To this, Mr. Takata explained that fees will not be assessed for turtle permits.

Mr. William Kalipi (Molokai Fisherman's Association) informed the audience that spearing large size turtles was inefficient. He claimed that gaffing of large turtles as presently being done by Molokai fishermen is a better method. He explained that the gaff is attached to a float line and that the turtle is retrieved after it has expired. Through this method, he indicated that turtles would not escape and die such as after being speared, and that very large turtles could be taken easily..

Having no further comments, Mr. Takata explained the process by which the proposed regulation would become effective. He further stated that the Division of Fish and Game will continue to receive and consider all written testimonies submitted before October 6, 1973.

The Public Hearing adjourned at 10:45 PM.

Respectfully submitted,

*Paul Kawamoto*

PAUL KAWAMOTO  
Secretary Pro-Tem

APPROVED:

MICHIO TAKATA, Master  
Division of Fish and Game

as of June 30, 1976

REGULATION DECLARING THE ISLANDS OF MOKU MANU, MOKULUA AND MANANA OFF THE COAST OF OAHU AND MOKUHOONIKI OFF THE COAST OF MOLOKAI AS BIRD SANCTUARIES AND CLOSING OF SAME TO TRESPASS EXCEPT UNDER PERMIT.

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Section 1. It is hereby declared that the islands of Moku Manu, Moku-lua, Manana and Mokuhooniki are bird sanctuaries. It shall be unlawful for any person or persons to land upon, enter, or attempt to land upon or enter for any purpose whatsoever the islands of Moku Manu, Mokulua, Manana and Mokuhooniki and it shall be further unlawful for any person or persons to approach and attempt to land on or wade to any portion of any of said islands for any purpose whatsoever, without the prior consent and approval of the Board of Commissioners of Agriculture and Forestry.

Section 2. All applications for permits to enter upon the aforesaid islands must be submitted in writing to the Board of Commissioners of Agriculture and Forestry, and such applications must contain a clear statement as to the applicant's reasons and purposes for visiting the aforesaid islands.

Section 3. It shall be unlawful for any person or persons to take any dog or other animal upon the islands named in Section 1.

Section 4. PENALTY.

Any person who violates any of the provisions of this regulation shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) as provided in Section 18-18, Revised Laws of Hawaii 1955.

## REGULATION NO. 10

### REGULATION RELATING TO FISHING IN THE LEEWARD ISLANDS OF THE TERRITORY OF HAWAII AND AUTHORIZING TAKING OF MULLET AND LOBSTER DURING CLOSED SEASONS AND THE USE OF NON-PORTABLE FISH TRAPS.

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#### Section 1. PERMIT.

Any commercial fisherman who takes fish in the Leeward Island area during a closed season for such fish or uses fishing devices which are otherwise illegal shall first obtain from the Board of Commissioners of Agriculture and Forestry or a properly authorized employee of said Board a Leeward Island fishing permit. Where the Board has authorized the taking of a species of fish in the Leeward Island area during an established closed season or where the Board has authorized the use of fishing devices in the Leeward Island area which are otherwise illegal, the terms and conditions under which the permittee may take such species of fish or use such illegal fishing devices shall appear on said permit. A permit shall be required for each vessel or independent fishing operation even though several vessels or independent fishing operations are owned or conducted by the same person.

#### Section 2. LOBSTERS.

The restrictions forbidding the catching, possession or sale of lobsters or ula or ula papapa (Members of the families Palinuridae and Scyllaridae) in Section 21-90, Revised Laws of Hawaii 1955, shall not apply to lobsters taken in the waters of the Leeward Islands as defined by Section 21-70, Revised Laws of Hawaii 1955, provided such lobsters are taken by a commercial fisherman possessing a valid permit to fish the Leeward Islands issued by the Board of Commissioners of Agriculture and Forestry, and further provided that the lobster shall be landed entire and shall not weigh less than one pound or carry eggs as prohibited by Sections 21-73 and 21-91 of the Revised Laws of Hawaii 1955.

#### Section 3. MULLET.

The restrictions forbidding the catching, possession or sale of mullet or amaama or anaeholo (Mugil cephalus) in Section 21-77, Revised Laws of Hawaii 1955, shall not apply to mullet taken in the waters of the Leeward Islands as defined by Section 21-70, Revised Laws of Hawaii 1955, provided such mullet are taken by a commercial fisherman possessing a valid permit to fish the Leeward Islands issued by the Board of Commissioners of Agriculture and Forestry, and further provided that mullet less than seven (7) inches in length shall not be sold.

#### Section 4. FISH TRAPS.

It shall be lawful to use fish traps that are fixed or that are larger than provided by Section 21-62, Revised Laws of Hawaii 1955, in the Leeward Islands. Such Fish traps may be used only by a commercial fisherman

possessing a valid permit to fish the Leeward Islands issued by the Board of Commissioners of Agriculture and Forestry and the location, number and dimension of such traps operated by any fisherman shall be only in accord with the description of same on the Leeward Island fishing permit issued to said fisherman.

Section 5. PENALTY.

Any person who violates any of the provisions of this regulation shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) or imprisoned not more than ninety (90) days or both as provided in Section 21-72, Revised Laws of Hawaii 1955.

REGULATION NO. 11

REGULATION RELATING TO THE LICENSING OF THE POSSESSION AND SALE OF FISH, SHELLFISH, CRUSTACEANS OR OTHER MARINE ANIMALS OR PRODUCTS FROM NON-TERRITORIAL WATERS.

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Section 1. Licenses to possess and sell any imported fish, shellfish, crustacean or other marine animal or fishery product, of any size and at any time, when the taking, possessing and/or sale of same, if taken locally is illegal, may be issued by the Board of Commissioners of Agriculture and Forestry or its appointed agents upon application, and upon the payment of a fee of Two Dollars and Fifty Cents (\$2.50). Such license shall be effective for a fiscal year from July 1st to June 30th following.

Said application must state the name and address of the applicant, his business and location of same, and telephone number, if any. Forms of said application will be furnished by the Division of Fish and Game of said Board.

Section 2. Any person, firm or corporation holding a license issued under Section 1 shall furnish the Division of Fish and Game monthly statements on forms furnished by the said Division, containing the following information:

A. If licensee is importer:

- (1) Species imported.
- (2) Source of importation.
- (3) Quantity imported.
- (4) Date of arrival of imports.
- (5) Name and address of person or firm to whom imported fish or fishery products were sold and date of such sales.

B. If licensee is wholesaler:

- (1) Species sold.
- (2) Name of person or firm from whom obtained.
- (3) Quantity purchased.
- (4) Date of purchase.
- (5) Name of person or firm to whom sold and quantity sold.

C. If licensee is retailer or purveyor of prepared food:

- (1) Species retailed or sold.
- (2) Quantity retailed or sold.
- (3) Name of importer, wholesaler or retailer from whom purchase was made.
- (4) Date of such purchase.

Section 3. PENALTIES.

Any person, firm or corporation holding a license issued under this

regulation who violates any of the provisions of this regulation shall have such license revoked or suspended for a period to be determined by the Director of Fish and Game and shall be subject to criminal penalties as by law provided.

REGULATION RELATING TO THE PROTECTION OF MARINE TURTLES.

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Section 1. It shall be unlawful to mutilate, injure, take, kill, possess, disturb, sell or offer to sell leatherback turtles (Dermochelys sp.), hawksbill turtles (Eretmochelys sp.) and green sea turtles (Chelonia sp.) or any parts thereof or the eggs or nests thereof from or within the State of Hawaii and waters subject to its jurisdiction, except as provided in Sections 2 and 4 of this regulation.

Section 2. It shall be lawful with a permit issued by the Board of Land and Natural Resources to:

- A. Take or possess marine turtles or their eggs for scientific, educational or propagational purposes.
- B. Take or possess green sea turtles for home consumption from the waters surrounding the eight major islands (Hawaii, Maui, Kahoolawe, Lanai, Molokai, Oahu, Kauai and Niihau) provided that the upper shell length is 36 inches or more (straight line measurement) and provided further that the turtle may be gutted and/or cut up into not more than five parts with one of the parts being the whole upper shell with the entire head attached and all parts shall be kept together until the permittee leaves the shore area for his home.
- C. Possess or sell the eggs or offspring of captive green sea turtles or products thereof.
- D. Possess with intent to sell or to sell marine turtles or products thereof acquired prior to the effective date of this regulation.

Section 3. It shall be unlawful to use nets for the taking of green sea turtles.

Section 4. Nothing in Section 1 shall be construed as making it unlawful for any person to possess for purposes other than sale marine turtles or products thereof acquired prior to the effective date of this regulation.

Section 5. Any person violating the provisions of this regulation shall be fined not more than \$500 as provided in Section 187-20, Hawaii Revised Statutes.

(To be made one and ten copies)

HOUSE OF REPRESENTATIVES  
EIGHTH LEGISLATURE, 1975  
STATE OF HAWAII

H. R. NO. 538

## HOUSE RESOLUTION

REQUESTING A MORATORIUM ON THE CATCHING OF GREEN SEA TURTLES.

WHEREAS, the clear blue Pacific waters lying off of our panoramic coastline serves as the habitat for many friendly creatures of the deep sea; and

WHEREAS, these docile inhabitants of the underwater world are of no harm to anyone and provide an ecological balance and beauty for the ocean; and

WHEREAS, the green sea turtle is perhaps one of the most prominent members of the oceanic turtle family for its gracefulness and striking appearance; and

WHEREAS, it has come to the public's attention that the innocent green sea turtle (*Chelonia* species) is becoming an endangered species due to indiscriminate killing, capturing, and molestation; and

WHEREAS, the Department of Land and Natural Resources is responsible to promulgate rules for the preservation of indigenous animal species of our natural environment; now, therefore,

BE IT RESOLVED by the House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, that the Department of Land and Natural Resources is requested to adopt rules which prohibit the catching or killing of green sea turtles; and

BE IT FURTHER RESOLVED that all commercial fishermen in this State are requested to refrain from catching or killing green sea turtles; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Board of Land and Natural Resources and to all commercial fishermen in this State.

OFFERED BY:

John S. Cowell

MAR 4 1975



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## HOUSE CONCURRENT RESOLUTION

REQUESTING THE PEOPLE OF HAWAII TO AID IN THE PRESERVATION OF THE GREEN SEA TURTLE WHICH IS CONSIDERED AN ENDANGERED SPECIES THROUGHOUT THE WORLD.

WHEREAS, man has continually expanded his control of the environment and ecology of his surroundings and by doing so has already exterminated numerous birds and mammals; and

WHEREAS, man should learn to protect those birds, mammals, and water life left on this earth for their benefit and for the benefit of his children; and

WHEREAS, an endangered species is one whose prospects for survival and reproduction are in immediate jeopardy who needs help or extinction will result; and

WHEREAS, one of the endangered species which is frequently seen in the Hawaii waters is the green sea turtle (Chelonia species); and

WHEREAS, the Legislature of the State of Hawaii is concerned with endangered species and has placed certain species under legal protection in accordance with Part II of Chapter 191; and

WHEREAS, the Legislature feels that the green sea turtle should also be protected as an endangered species; now, therefore,

BE IT RESOLVED by the House of Representatives of the Seventh Legislature of the State of Hawaii, Regular Session of 1973, the Senate concurring, that the people of the State of Hawaii are urged not to molest, kill, or capture the green sea turtle (Chelonia species) and are urged not to take, collect, molest, or destroy any eggs of the green sea turtle; and

BE IT FURTHER RESOLVED that the Department of Land and Natural Resources is requested to promulgate rules and regulations pursuant to Chapter 190-3 of the Hawaii Revised Statutes to limit the sale and taking of the green sea turtle; and

BE IT FURTHER RESOLVED that a certified copy of this Concurrent Resolution be transmitted to the Chairman of the Board of Land and Natural Resources.

OFFERED BY:

John S. Canoll

*Victor S. ...*  
*John S. ...*

*Andrew K. ...*

*Alvin P. Amara*

*Wing Hong ...*

*Glenn E. ...*

*Jack H. ...*  
*... Chong*

*Carl ...*

JAN 23 1973

(To be made one and ten copies)

HOUSE OF REPRESENTATIVES  
SEVENTH LEGISLATURE, 1973.  
STATE OF HAWAII

# A BILL FOR AN ACT

MAKING AN APPROPRIATION FOR A RESEARCH MANAGEMENT STUDY OF THE  
POPULATION OF THE GREEN SEA TURTLE IN HAWAIIAN WATERS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the green sea turtle  
2 is in danger of becoming an "endangered species" in Hawaiian  
3 waters because of the indiscriminate killing, capturing, molest-  
4 ing, and possessing of the green sea turtle. The purpose of  
5 this Act is to provide for a research management study of the  
6 population of the green sea turtle in Hawaiian waters.

7           SECTION 2. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$50,000, or so much  
9 thereof as may be necessary, for a research management study  
10 of the population of the green sea turtle (Chelonia species)  
11 in Hawaiian waters. The study shall include an inventory of  
12 the green sea turtle population in Hawaii waters and a program  
13 to insure the preservation of the green sea turtle (Chelonia  
14 species).

15           SECTION 3. The sum appropriated shall be expended by  
16 the department of land and natural resources for the purpose  
17 of this Act.  
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SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

John S. Carroll

Victor C. ...  
Francis ...  
Yuri ...  
W. L. ...  
Andrew K. ...  
Alvin P. ...  
Joseph R. ...  
Bing ...  
Clarence V. ...  
Paul ...  
Anson ...  
Leo ...

JAN 22 1973

## HOUSE RESOLUTION

REQUESTING THE PEOPLE OF HAWAII TO AID IN THE PRESERVATION OF THE GREEN SEA TURTLE WHICH IS CONSIDERED AN ENDANGERED SPECIES THROUGHOUT THE WORLD.

WHEREAS, man has continually expanded his control of the environment and ecology of his surroundings and by doing so has already exterminated numerous birds and mammals; and

WHEREAS, man should learn to protect those birds, mammals, and water life left on this earth for their benefit and for the benefit of his children; and

WHEREAS, an endangered species is one whose prospects for survival and reproduction are in immediate jeopardy who needs help or extinction will result; and

WHEREAS, one of the endangered species which is frequently seen in the Hawaii waters is the green sea turtle (Chelonia species); and

WHEREAS, the Legislature of the State of Hawaii is concerned with endangered species and has placed certain species under legal protection in accordance with Part II of Chapter 191; and

WHEREAS, the Legislature feels that the green sea turtle should also be protected as an endangered species; now, therefore,

BE IT RESOLVED by the House of Representatives of the Seventh Legislature of the State of Hawaii, Regular Session of 1973, that the people of the State of Hawaii are urged not to molest, kill, or capture the green sea turtle (Chelonia species) and are urged not to take, collect, molest, or destroy any eggs of the green sea turtle; and

BE IT FURTHER RESOLVED that the Department of Land and Natural Resources is requested to promulgate rules and regulations pursuant to Chapter 190-3 of the Hawaii Revised Statutes to limit the sale and taking of the green sea turtle; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be transmitted to the Chairman of the Board of Land and Natural Resources.

OFFERED BY:

J. S. Carroll

*Richard Uecker*  
*Y. M. T. Tullman*  
*W. L. Lee*  
*Robert K. Pogue*  
*Alvin P. Amara*  
*Joseph R. Garcia Jr.*  
*Sing Hong Kong*  
*Glenn Y. Ukisaki*  
*Jack H. Howard*  
*Samson Wong*  
*Wesley J. ...*

JAN 23 1973

# A BILL FOR AN ACT

LIBRARY OF  
GEORGE H. BALAZS

RELATING TO THE PRESERVATION OF THE GREEN SEA TURTLE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 188, Hawaii Revised Statutes, is amended by adding a new section to be appropriately numbered and to read as follows:

"Sec. 188- Green sea turtle protected; penalty. It shall be unlawful for any person to molest, kill, capture, or possess the green sea turtle (chelonia mydas mydas) or to take, collect, molest, or destroy any eggs of the green sea turtle in any waters under the jurisdiction of the State. Any person violating this section shall be fined not more than \$500 or imprisoned not more than six months, or both."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

*Handwritten signatures and names:*

- Stanley H. Robinson
- James A. Baker
- John S. Carroll
- Peter A. Adair
- John Slapoff
- John J. ...
- James R. Garcia
- James A. ...
- ...

Amelanchier

Yale University

Arthur S. Peck

~~John S. Sargent~~

John J. E.

Quadrant. Vestigium

Richard Kent

○ Dr. Kent

MAR 8 1976



April 1, 1971

MEMORANDUM

To: Honorable Richard A. Kawakami, Chairman  
House Committee on Lands

From: Sunao Kido, Chairman  
Board of Land and Natural Resources

Subject: House Bill No. 1218 Relating to the Preservation of the Green Sea Turtle and House Resolution No. 196 Requesting People of the State of Hawaii to Preserve the Green Sea Turtle.

The purpose of Bill No. 1218 is to provide complete protection for the green sea turtle in any waters under the jurisdiction of the State of Hawaii and in the turtle nesting areas.

The purpose of House Resolution No. 196 is to urge all persons in the State of Hawaii not to harm the green sea turtle or its eggs.

Although green sea turtles are the worlds most important reptile from the economic standpoint, there is a great lack of scientific knowledge of these turtles throughout their range as well or in the waters of the State of Hawaii. In cooperation with the U. S. Bureau of Sport Fisheries and Wildlife, the Division of Fish and Game has conducted a tagging program of the green sea turtle in the leeward islands since 1950. Approximately 550 turtles have been tagged in the leeward islands and 11 of these have been recovered around the main Hawaiian islands. This data would indicate that at least a portion of the turtles that lay their eggs in the leeward islands travel to the main islands.

Again in cooperation with the Bureau of Sport Fisheries and Wildlife, the Division of Fish and Game has compiled observations of sea turtles nesting on beaches throughout the islands. Observations indicate that at this time almost no nesting occurs on the beaches of the main islands, and it is estimated that more than 95% of the nesting occurs in the leeward islands of the Hawaiian chain, which are part of a National Wildlife Refuge administered by the U. S. Department of Interior. On these islands turtles and their eggs are legally protected both ashore and in the shallow waters around the islands. Unauthorized trespassing is forbidden.

Inasmuch as scientific knowledge is lacking regarding the effect of the current and past turtle harvesting around the main islands upon the total population, as well as the movements of these animals, it is recommended that H. B. 1218 be amended to provide funds for a Research Management Study of the Green Sea Turtles in Hawaiian waters, and that \$40,000 for a two year study be provided for this purpose. Without the results of this study, we do not feel that we can recommend additional restrictions on the taking of the Green Sea Turtle at this time.

G. Balazs

Brown gutted bill.

As it stands, not really a good bill because:

1) by saying that Joe Blow can catch turtles, we are estimating the unestimatable - that is, how many turtles are being caught for personal use - the estimate on commercial catches is low - personal use may be more destructive.

2) Although, supposedly, turtles will not be sold;

restaurants may still buy from outside sources - so it can be offered on their menu. Naturally, Joe Blow is going to catch more, to sell more - it cannot be proven unless caught in the act.

In other words, the amendment to the bill must be struck — and an additional clause stating restaurants may not offer t. steaks on their menu.

Also, would like to see fine changed from small misdemeanor to 1,000 or more fine.

— Why in w + M. damn.

Call Brown ask him to push a waive of the bill. So it will go to the house — there it can be amended in our favor otherwise —

↓  
dead

Honolulu, Hawaii  
March // , 1974

The Honorable David C. McClung  
President of the Senate  
Seventh Legislature  
Regular Session, 1974  
State of Hawaii

Sir:

RE: S.B. No. 1530-74

Your Committee on Ecology, Environment and Recreation to which was referred Senate Bill No. 1530-74 entitled:

"A BILL FOR AN ACT RELATING TO THE PRESERVATION OF GREEN SEA TURTLES.",

begs leave to report as follows:

The purpose of this Bill is to amend Chapter 188, Hawaii Revised Statutes, to make it unlawful for any person to catch, kill, molest, or possess the green sea turtle (*Chelonia* species) in waters under the jurisdiction of the State.

Your Committee finds that the green sea turtle population in Hawaiian waters has decreased in recent years primarily as a result of increased commercial catches. Your Committee feels strongly that commercial catches represent the greatest threat to the dwindling turtle population, and not the catching of turtles by those who, like the ancient Hawaiians, use the sea for all or part of their domestic food needs and traditionally follow a conservation ethic known as "malama". Therefore, your Committee feels that the catching of turtles for home consumption should be allowed, and adds to Section 1, line 7 the phrase, "provided that any person may lawfully catch the green sea turtle for personal or family consumption so long as the shell of such turtle measures 36 inches or more in length, such length to be determined by measuring from the front of the shell to the back in a straight line." Also, the sentence, "The possession of a green sea turtle shall be prima facie evidence of the violation of this section." is deleted. Your Committee feels that by limiting the size and restricting the catching of turtles for home use only is sufficient protection.

Your Committee on Ecology, Environment and Recreation is in accord with the intent and purpose of S.B. No. 1530-74, as amended in the form attached hereto as S.B. No. 1530-74, S.D. 1, and recommends its passage on Second Reading and its referral to the Committee on Ways and Means for further consideration.

Respectfully submitted,

Kenneth F. Brown  
KENNETH F. BROWN, Chairman  
Committee on Ecology, Environment  
and Recreation

Mason Altiery (I disagree)  
MASON ALTIERY, Vice-Chairman

Donald Ching  
DONALD D. H. CHING, Member

John J. Hulten  
JOHN J. HULTEN, Member

John T. Ushijima  
JOHN T. USHIJIMA, Member

Percy K. Mirikitani  
PERCY K. MIRIKITANI, Member  
*I do not concur (should be total ban)*

Fred Rohlifing  
FREDERICK W. ROHLFING, Member

(To be made one and twelve copies)

THE SENATE

.....SEVENTH..... LEGISLATURE, 1974.

STATE OF HAWAII

S.B. NO.

1530-74  
S.D. 1

# A BILL FOR AN ACT

RELATING TO THE PRESERVATION OF GREEN SEA TURTLES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 188, Hawaii Revised Statutes, is amended  
2 by adding a new section to be appropriately designated and to  
3 read as follows:

4 "Sec. 188- Green sea turtle protected. It shall be  
5 unlawful for any person to molest, catch, take, kill, or possess  
6 the green sea turtle (Chelonia species) in all the waters under  
7 the jurisdiction of the State[.]; provided that any person may  
8 lawfully catch the green sea turtle for personal or family  
9 consumption so long as the shell of such turtle measures 36  
10 inches or more in length, such length to be determined by  
11 measuring from the front of the shell to the back in a straight  
12 line. The department of land and natural resources may adopt  
13 rules to effectuate the purpose of this section.

14 Any person violating this section shall be guilty of a  
15 petty misdemeanor."  
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1 SECTION 2. Statutory material to be repealed is bracketed.  
 2 New material is underscored. In printing this Act, the revisor  
 3 of statutes need not include the brackets, the bracketed  
 4 material or the underscoring.

5 SECTION 3. This Act shall take effect upon its approval.  
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Honolulu, Hawaii  
March 17, 1974

The Honorable David C. McClung  
President of the Senate  
Seventh Legislature  
Regular Session, 1974  
State of Hawaii

Sir:

RE: H.B. No. 1635, H.D. 2

Your Committee on Ecology, Environment and Recreation  
to which was referred H.B. No. 1635, H.D. 2 entitled:

"A BILL FOR AN ACT MAKING APPROPRIATIONS FOR RESEARCH  
MANAGEMENT STUDIES OF THE GREEN SEA TURTLES IN HAWAIIAN  
WATERS AND STEPS WHICH MAY LEAD TO THE PRESERVATION AND  
INCREASE OF THEIR POPULATION",

begs leave to report as follows:

The purpose of this Bill is to provide for a research management study of the population of green sea turtles with the hope of halting or reversing the decline of the green sea turtle population while still providing for the demands of the people. There is appropriated the sum of \$25,000, or so much as may be necessary, for a research study of the turtle population. There is also appropriated out of the general revenues a sum of \$5,000 for a study of the possibility of increasing the size of the turtle population, and \$5,000 for a study of the possibility of encouraging a commercial turtle industry.

Your Committee finds that with green sea turtle numbers now estimated at below 1,100 turtles there is a definite need for a research study to determine the actual numbers and what can be done to re-establish the turtle population to a number that will insure the preservation of the green sea turtles in Hawaiian waters. Your Committee also finds that if continued commercial exploitation is allowed the population of the green sea turtle will be endangered. While your Committee is in agreement with the intent of this Bill, it

cannot agree to the part which allows the continued commercial exploitation of the green sea turtle until such time as their numbers are considered secure. Thus, in Section I the phrase "while still supplying the appetites of the people of Hawaii and the visitor industry" and Section 4 which appropriates \$5,000 for a study of the possibility of encouraging a commercial turtle industry are deleted.

Your Committee on Ecology, Environment and Recreation is in accord with the intent and purpose of H.B. No. 1635, H.D. 2 in the form hereto attached as H.B. No. 1635, H.D. 2, S.D. 1 and recommends its referral to the Committee on Ways and Means for further consideration.

Respectfully submitted,

Kenneth F. Brown

KENNETH F. BROWN, Chairman  
Committee on Ecology,  
Environment and Recreation

Mason Altiery

MASON ALTIERY, Vice-Chairman

Donald D. H. Ching

DONALD D. H. CHING, Member

John J. Hulten

JOHN J. HULTEN, Member

John T. Ushijima

JOHN T. USHIJIMA, Member

Percy K. Mirikitani

PERCY K. MIRIKITANI, Member

Frederick W. Bohlring

FREDERICK W. BOHLRING, Member

(To be made one and ten copies)

HOUSE OF REPRESENTATIVES  
SEVENTH LEGISLATURE, 19...74  
STATE OF HAWAII

H. B. NO.

1635  
H. D. 2  
S. D. 1

# A BILL FOR AN ACT

MAKING APPROPRIATIONS FOR RESEARCH MANAGEMENT STUDIES OF THE  
POPULATION OF THE GREEN SEA TURTLE IN HAWAIIAN WATERS  
AND STEPS WHICH MAY LEAD TO THE PRESERVATION AND INCREASE  
OF THAT POPULATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the green sea turtle  
2 (Chelonia species) populations are declining and that such decline  
3 is a matter worthy of this body's concern and of efforts to study  
4 the causes of and to halt said decline and if possible, reverse it.  
5 The purposes of this Act are to provide for a research management  
6 study of the population of the green sea turtle in Hawaiian waters  
7 and to provide for preliminary feasibility studies which may lead  
8 to means of halting or reversing the decline of the populations.

9           SECTION 2. There is appropriated out of the general revenues  
10 of the State of Hawaii the sum of \$25,000, or so much thereof as  
11 may be necessary, for a research management study of the population  
12 of the green sea turtle in Hawaiian waters. The study shall include  
13 an inventory of the green sea turtle population and a program to  
14 insure the preservation of the green sea turtle in Hawaiian waters.  
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16  
17  
18

1 SECTION 3. There is appropriated out of the general revenues  
2 of the State of Hawaii a sum of \$5,000, or so much thereof as may  
3 be necessary, for a preliminary feasibility study of the possibili-  
4 ties of increasing the size of the population by locating and  
5 rendering protection against man and other predators to the nest-  
6 ing beaches or implementing hatcheries or such other means of  
7 increasing the size of the population as may be learned.

8 SECTION 4. The sums appropriated shall be expended by the  
9 department of land and natural resources for the purposes of this  
10 Act.

11 SECTION 5. This Act shall take effect upon its approval.  
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STAND. COM. REP. NO. 371

Honolulu, Hawaii  
March 22, 1973

RE: H. B. NO. 1635

The Honorable Tadao Beppu  
Speaker, House of Representatives  
Seventh Legislature  
Regular Session, 1973  
State of Hawaii

Sir:

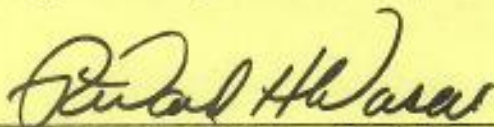
Your Committee on Parks, Fish and Game Management to which was referred H. B. No. 1635 entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR RESEARCH MANAGEMENT STUDIES OF THE POPULATION OF THE GREEN SEA TURTLE IN HAWAIIAN WATERS AND STEPS WHICH MAY LEAD TO THE PRESERVATION AND INCREASE OF THAT POPULATION", begs leave to report as follows:

The purpose of this bill is to appropriate \$65,000 to provide for a research management study of the population of the green sea turtle in Hawaiian waters and to provide for preliminary feasibility studies which may lead to means of halting or reversing the decline of these valuable and threatened animals.

Your Committee recognizes the potential of the green sea turtle as an important food item for the people of Hawaii. It appreciates the fact that although the plight and worth of this animal is widely known and efforts to learn more about them and slow their decline are in progress everywhere else, little effort has been undertaken to preserve this specie and to investigate its potential in this state.

Your Committee on Parks, Fish and Game Management is in accord with the intent and purpose of H. B. No. 1635 and recommends that it pass Second Reading and be referred to the Committee on Water, Land Use and Development.

Respectfully submitted,

  
\_\_\_\_\_  
RICHARD H. WASAI, Chairman

Hiram Fong, Jr.  
HIRAM FONG, JR., Member

John S. Carroll  
JOHN S. CARROLL, Member

Howard K. Oda  
HOWARD K. ODA, Member

Dennis Yamada  
DENNIS YAMADA, Member

Richard A. Kawakami  
RICHARD A. KAWAKAMI, Vice Chairman

Richard Garcia  
RICHARD GARCIA, Member

Jean King  
JEAN KING, Member

Rick Medina  
RICK MEDINA, Member

Stanley H. Boehrig  
STANLEY H. BOEHRIG, Member

Mitsuo Uechi  
MITSUO UECHI, Member

Ted Yap  
TED YAP, Member

T. C. Yim  
T. C. YIM, Member

Honolulu, Hawaii  
April 2, 1973RE: H. B. No. 1635  
H. D. 1

The Honorable Tadao Beppu  
Speaker, House of Representatives  
Seventh Legislature  
Regular Session, 1973  
State of Hawaii

Sir:

Your Committee on Water, Land Use and Development to which was referred H. B. No. 1635 entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR RESEARCH MANAGEMENT STUDIES OF THE POPULATION OF THE GREEN SEA TURTLE IN HAWAIIAN WATERS AND STEPS WHICH MAY LEAD TO THE PRESERVATION AND INCREASE OF THAT POPULATION", begs leave to report as follows:

The purpose of this bill is to appropriate \$65,000 to provide for a research management study of the population of the green sea turtle in Hawaiian waters and to provide for preliminary feasibility studies which may lead to means of halting or reversing the decline of these valuable and threatened animals.

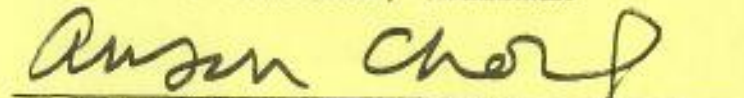
Hawaii State Fish and Game Division records show that the commercial exploitation of these salt water reptiles has increased drastically over the past nine years. A low of 380 pounds of sea turtle was reported taken in 1963 while a record high of 25,583 pounds was reported for 1972. A large portion of this commercial catch now enters the tourist industry to be sold as turtle steaks, thus increases in exploitation can be expected to continue so long as our visitors create a demand. Since turtles that are captured but not sold for profit need not be reported to the Fish and Game Division, it is unknown how many animals are taken each year just for home use.

The potential of the green sea turtle as an important food item is known. Unfortunately, little is known about the supply. Therefore, your Committee has amended this bill to provide a three-year moratorium on the taking and selling of the green sea turtle while the studies are being made and the supply determined. The amendment is contained in Section 6 of the bill and reads: "No person shall take green turtles or eggs for private or for commercial use for a period of three years beginning with the effective date of this Act. Any person violating the provisions of this section shall be fined not less than \$25 nor more than \$200, or imprisoned nor more than fifty days, or both". The previous section 6 of the bill dealing with the effective date is appropriately renumbered as section 7.

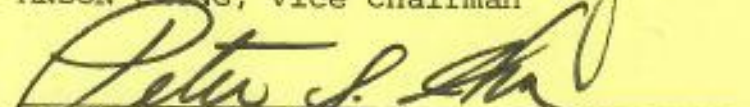
Your Committee on Water, Land Use and Development is in accord with the intent and purpose of H. B. No. 1635 as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H. B. No. 1635, H. D. 1.

Respectfully submitted,

  
RICHARD A. KAWAKAMI, Chairman

  
ANSON CHONG, Vice Chairman

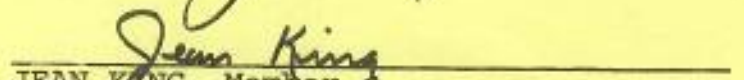
  
PETER A. ADUJA, Member


  
PETER S. IHA, Member


  
RALPH K. AJIE, Member

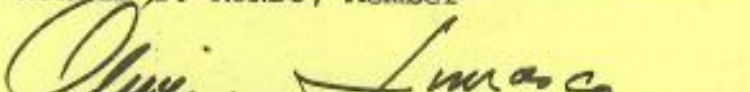
  
DANIEL J. KIHANO, Member

  
JOHN J. MEDEIROS, Member

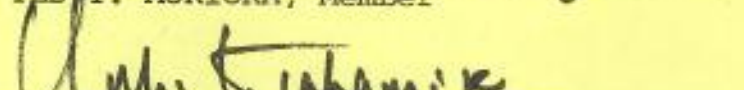
  
JEAN KING, Member

  
ANDREW K. POEPE, Member

  
RONALD T. KONDO, Member

  
OLIVER LUNASCO, Member

  
TED T. MORIOKA, Member

  
YOSHITO TAKAMINE, Member

  
HERMAN WEDEMEYER, Member



(To be made one and ten copies)

HOUSE OF REPRESENTATIVES  
SEVENTH LEGISLATURE, 1973  
STATE OF HAWAII

H. B. NO. 1635  
H. D. 1

# A BILL FOR AN ACT

MAKING APPROPRIATIONS FOR RESEARCH MANAGEMENT STUDIES OF THE  
POPULATION OF THE GREEN SEA TURTLE IN HAWAIIAN WATERS  
AND STEPS WHICH MAY LEAD TO THE PRESERVATION AND INCREASE  
OF THAT POPULATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1           SECTION 1. The legislature finds that the green sea turtle  
2 (Chelonia species) populations are declining and that such decline  
3 is a matter worthy of this body's concern and of efforts to study  
4 the causes of and to halt said decline and if possible, reverse it.  
5 The purposes of this Act are to provide for a research management  
6 study of the population of the green sea turtle in Hawaiian waters  
7 and to provide for preliminary feasibility studies which may lead  
8 to means of halting or reversing the decline of the populations  
9 while still supplying the appetites of the people of the State of  
10 Hawaii and the visitor industry.

11           SECTION 2. There is appropriated out of the general revenues  
12 of the State of Hawaii the sum of \$50,000, or so much thereof as  
13 may be necessary, for a research management study of the population  
14 of the green sea turtle in Hawaiian waters. The study shall include  
15 an inventory of the green sea turtle population and a program to  
16 insure the preservation of the green sea turtle in Hawaiian waters.

17           SECTION 3. There is appropriated out of the general revenues  
18 of the State of Hawaii a sum of \$10,000, or so much thereof as may  
19 be necessary, for a preliminary feasibility study of the possibili-

1 ties of increasing the size of the population by locating and  
2 rendering protection against man and other predators to the nest-  
3 ing beaches or implementing hatcheries or such other means of  
4 increasing the size of the population as may be learned.

5 SECTION 4. There is appropriated out of the general revenues  
6 of the State of Hawaii a sum of \$5,000, or so much thereof as may  
7 be necessary, for a preliminary feasibility study of the possibility  
8 of encouraging an industry comprised of commercial ventures which  
9 by raising turtles in captivity for food would supply the appetites  
10 of the people of the State of Hawaii and the visitor industry  
11 thereby relieving the existing natural indigeneous green sea turtle  
12 of the pressures of predations against it for this purpose.

13 SECTION 5. The sums appropriated shall be expended by the  
14 Department of Land and Natural Resources for the purposes of this  
15 Act.

16 SECTION 6. Chapter 188, Hawaii Revised Statutes, is amended  
17 by adding a new section to be appropriately numbered and to read as  
18 follows:

19 "Sec. 188-\_\_\_\_. Green Sea Turtles. No person shall take or  
20 sell green sea turtles or eggs for private or for commercial use  
21 for a period of three years beginning with the effective date of  
22 this Act. Any person violating the provisions of this section shall  
23 be fined not less than \$25 nor more than \$200, or imprisoned not  
24 more than fifty days, or both."

25 SECTION 7. This Act shall take effect upon its approval.

STAND. COM. REP. NO. 710

Honolulu, Hawaii  
April 4, 1973

Re: H. B. No. 1635  
H. D. 2

The Honorable Tadao Beppu  
Speaker, House of Representatives  
Seventh Legislature  
Regular Session, 1973  
State of Hawaii

Sir:

Your Committee on Finance to which was referred H. B. No. 1635, H. D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR RESEARCH MANAGEMENT STUDIES OF THE POPULATION OF THE GREEN SEA TURTLE IN HAWAIIAN WATERS AND STEPS WHICH MAY LEAD TO THE PRESERVATION AND INCREASE OF THAT POPULATION.", begs leave to report as follows:

The purpose of this bill is to appropriate funds to provide for a research management study of the population of the green sea turtle in Hawaiian waters and to provide for preliminary feasibility studies which may lead to means of (1) halting or reversing their decline, and (2) raising turtles in captivity for food.

Your Committee on Parks, Fish and Game Management, and Water, Land Use and Development in Stand. Com. Rep. Nos. 371 and 550, respectively, have well set forth the problems and plight of the green sea turtle in their recommendations upon this bill. It can be concluded therefrom that the decline in their numbers is attributable to commercial exploitation, and it is apparent that the three-year moratorium against their taking or selling and the imposition of sanctions therefor, included as an amendment to the bill by the latter Committee, so that their supply can be determined, is really directed at inhibiting commercialism. While we are in agreement with the spirit of this measure on that basis, to the extent that the amendment also prohibits private taking for home use, we cannot concur (unless the research management study discloses that it is warranted). Thus, section 6 of the bill, as amended, has been deleted.

The sums appropriated to the department of land and natural resources are recommended for adjustment: The research management

study in section 2, to \$25,000; the feasibility study for increasing population size in section 3, to \$5,000; while the feasibility study on raising turtles for food in section 4 remain intact.

Your Committee on Finance is in accord with the intent and purpose of H. B. No. 1635, H. D. 1, as amended herein, and recommends that it pass third reading in the form attached hereto as H. B. No. 1635, H. D. 2.

Respectfully submitted;

Jack K. Suwa  
JACK K. SUWA, Chairman

Anson Chong  
ANSON CHONG, Member

Clarence Y. Akizaki  
CLARENCE Y. AKIZAKI, Vice Chairman

Tats Kishinami  
TATS KISHINAMI, Member

Jann L. Yuen  
JANN L. YUEN, Member

Ronald Y. Kondo  
RONALD Y. KONDO, Member

Ralph K. Ajifu  
RALPH K. AJIFU, Member

Tony T. Kunitama  
TONY T. KUNITAMA, Member

Alvin T. Amaral  
ALVIN T. AMARAL, Member

Excused  
TED T. MORIOKA, Member

Wing Kong Chong  
WING KONG CHONG, Member

Keo Nakama  
KEO NAKAMA, Member

Andrew K. Poepe  
ANDREW K. POEPOE, Member

# A BILL FOR AN ACT

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12 by raising turtles in captivity for food would supply the appetites  
13 of the people of the State of Hawaii and the visitor industry  
14 thereby relieving the existing natural indigeneous green sea turtle  
15 of the pressures of predations against it for this purpose.

16 SECTION 5. The sums appropriated shall be expended by the  
17 department of land and natural resources for the purposes of this  
18 Act.

19 SECTION 6. This Act shall take effect upon its approval.  
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STAND. COM. REP. NO. 371

Honolulu, Hawaii

March 22, 1973

RE: H. B. NO. 1635

The Honorable Tadao Beppu  
Speaker, House of Representatives  
Seventh Legislature  
Regular Session, 1973  
State of Hawaii

Sir:

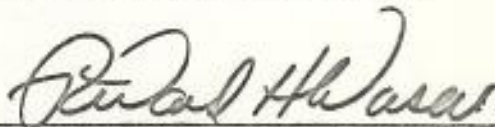
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Your Committee recognizes the potential of the green sea turtle as an important food item for the people of Hawaii. It appreciates the fact that although the plight and worth of this animal is widely known and efforts to learn more about them and slow their decline are in progress everywhere else, little effort has been undertaken to preserve this specie and to investigate its potential in this state.

Your Committee on Parks, Fish and Game Management is in accord with the intent and purpose of H. B. No. 1635 and recommends that it pass Second Reading and be referred to the Committee on Water, Land Use and Development.

Respectfully submitted,

  
RICHARD H. WASAI, Chairman



Hiram Fong, Jr.  
HIRAM FONG, JR., Member

John S. Carroll  
JOHN S. CARROLL, Member

Howard K. Oda  
HOWARD K. ODA, Member

Dennis Yamada  
DENNIS YAMADA, Member

Richard A. Kawakami  
RICHARD A. KAWAKAMI, Vice Chairman

Richard Garcia  
RICHARD GARCIA, Member

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JEAN KING, Member

Rick Medina  
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STANLEY H. BOEHRIG, Member

Mitsuo Uechi  
MITSUO UECHI, Member

Ted Yap  
TED YAP, Member

T. C. Yim  
T. C. YIM, Member

JOHN A. BURNS  
GOVERNOR OF HAWAII



DIVISIONS:  
CONVEYANCES  
FISH AND GAME  
FORESTRY  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
P. O. BOX 521  
HONOLULU, HAWAII 96809

March 19, 1973

MEMORANDUM

TO: Honorable Richard H. Wasai, Chairman  
Committee on Parks, Fish and Game Management

FROM: Sunao Kido, Chairman and Member  
Board of Land and Natural Resources

SUBJECT: House Resolution No. 41 and House Concurrent Resolution  
No. 9--Requesting the people of Hawaii to aid in the  
preservation of the Green Sea Turtle which is considered  
an endangered species throughout the World.

House Resolution No. 41 and House Concurrent Resolution No. 9 are companion resolutions urging the people within the State of Hawaii not to molest, kill, or capture the green sea turtle or its eggs. The resolutions further request the Department of Land and Natural Resources to promulgate rules and regulations limiting the sale and taking of the green sea turtle.

Although the green sea turtle is one of the world's most important reptiles from the economic standpoint, there is a great lack of scientific knowledge about this species throughout its range which includes the waters of the State of Hawaii. In cooperation with the U.S. Bureau of Sport Fisheries and Wildlife, the Division of Fish and Game has been engaged in a tagging program for the green sea turtle in the Leeward Islands since 1950. Approximately 700 turtles have been tagged in the Leeward Islands and 11 of these have been recovered around the main Hawaiian Islands. Thus we do know that turtles migrate from the Leeward Islands to the main islands but we still don't know if the turtles migrate in the opposite direction.

Again in cooperation with the Bureau of Sport Fisheries and Wildlife, the Division of Fish and Game has compiled reports of sea turtles nesting on beaches throughout the islands. Observations indicate that at this time almost no nesting occurs

March 19, 1973

on the beaches of the main islands, and it is estimated that more than 95% of the nesting occurs in the Leeward Islands, which are part of the Hawaiian Islands National Wildlife Refuge administered by the U.S. Department of the Interior. On these islands turtles and their eggs are legally protected and unauthorized trespassing is prohibited.

The commercial marine turtle catch reported for Hawaiian waters has increased during the last 10 years from 709 pounds in 1961 to 19,884 pounds in 1971. The total harvest is probably much greater if sport fishermen harvest is considered. Since this trend will most probably continue, there is a growing concern on the effects of current and future turtle harvesting around the main islands upon the total population as well as the movements of these turtles.

The Department of Land and Natural Resources has been cognizant of the increasing need for protection of the green sea turtle and is presently formulating regulations for the protection of the green sea turtle. Further, the Department is also meeting with research staff of the University of Hawaii in formulating a research plan for a study of the green sea turtle in order to gather necessary information for the protection and preservation of this species.

Inasmuch as the department is presently engaged in the formulation of rules and regulations for the protection of the green sea turtle, the intent of House Resolution No. 41 and House Concurrent Resolution No. 9 is being carried out.

LEONOR K. (MRS. JOHN B.) SULLIVAN, MD., CHAIRMAN

WENDELL H. CLARK, PA.  
 THOMAS L. ASHLEY, OHIO  
 JOHN D. DINGELL, MICH.  
 THOMAS H. DOWNING, VA.  
 PAUL G. ROGERS, FLA.  
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 WALTER B. JONES, N.C.  
 ROBERT L. LEGGETT, CALIF.  
 MARIO BIAGGI, N.Y.  
 GLENN M. ANDERSON, CALIF.  
 C. (KIKI) DE LA GARZA, TEX.  
 PETER A. KYROS, MAINE  
 RALPH H. METCALFE, ILL.  
 JOHN B. BREAU, LA.  
 FRED D. ROONEY, PA.  
 BOB ECKHART, TEX.  
 PAUL S. SARBANES, MD.  
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 GEORGE A. GOODLING, PA.  
 PAUL H. McCLOSKEY, JR., CALIF.  
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 ROBERT H. STEEL, CONN.  
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 PIERRE S. (PATR) DUPONT, DEL.  
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 TRENT LOFF, MISS.  
 DAVID C. TREEN, LA.  
 JOEL FRITZHARD, WASH.  
 ED YOUNG, S.C.  
 DON YOUNG, ALASKA

U.S. House of Representatives  
 Committee on  
 Merchant Marine and Fisheries  
 Room 1334, Longworth House Office Building  
 Washington, D.C. 20515

CHIEF COUNSEL  
 ERNEST J. CONRADO

COUNSEL  
 NED P. EVERETT  
 LEN SUTTER  
 FRANCIS D. HEYWARD  
 MARY C. MCCONNELL

MINORITY COUNSEL  
 RICHARD H. SHARROD  
 WILLIAM C. HOUNTREE

February 8, 1974

FRANCES STILL, CHIEF CLERK

Mr. George H. Balazs  
 Junior Marine Biologist  
 Hawaii Institute of Marine Biology  
 University of Hawaii at Manoa  
 P. O. Box 1346, Coconut Island  
 Kaneohe, Hawaii 96744

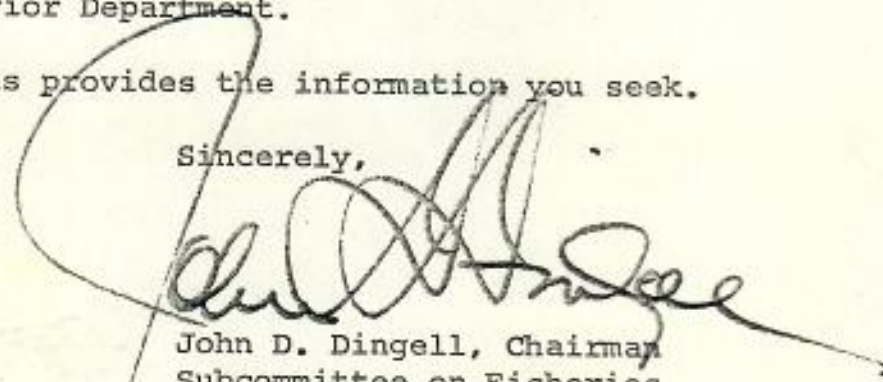
Dear Mr. Balazs:

This is in further reference to your inquiry concerning possible funding for green turtle research.

Enclosed herewith is a letter which I have received from the Department of the Interior in response to my inquiry in your behalf on this subject. You will note that these turtles are, in fact, excluded from both the Dingell-Johnson and the Pittman-Robertson Acts by definition. However, as the Department notes, it is possible that financial assistance for this purpose may be possible under the recently enacted Endangered Species Act. You may wish to investigate this vehicle through your State agency after the appropriate procedures have been worked out by the Interior Department.

I trust this provides the information you seek.

Sincerely,

  
 John D. Dingell, Chairman  
 Subcommittee on Fisheries  
 and Wildlife Conservation  
 and the Environment

Enclosures



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

70d

JAN 22 1974

In Reply Refer To:  
FSF/FA  
SCSO - S 59273

Dear Mr. Dingell:

This responds to your letter on behalf of Mr. George H. Balazs concerning the green turtle (Chelonia sp.) in the Hawaiian Archipelago.

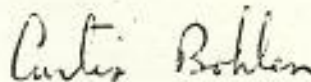
The Federal Aid in Sport Fish Restoration Act (Dingell-Johnson) by definition excludes turtles. For the purposes of this act, the term fish is defined as "aquatic, gill breathing, vertebrate animals bearing paired fins." By the same token, the Federal Aid in Wildlife Restoration Act (Pittman-Robertson) also excludes the turtles. The term wildlife is limited to "wild birds and wild mammals."

The Endangered Species Act of 1973, Public Law 93-205--which was recently signed by President Nixon--may be the vehicle for financial assistance to the State of Hawaii and Mr. Balazs. Enclosed is a copy of the January 3 news release concerning this act. At this time, the many ramifications of this new legislation are being reviewed so that this Department and other Federal agencies involved can obtain funds in Fiscal Year 1975 and establish, among other things, the rules, regulations, manuals and documentation procedures needed for all participants in the grant-in-aid program.

We are also enclosing a copy of the January 4 news release announcing this Department's proposal to add green turtles to our list of foreign endangered fish and wildlife.

We hope that this information is helpful to Mr. Balazs. If we can be of further assistance to you, please call on us.

Sincerely yours,



Deputy

Assistant Secretary for Fish  
and Wildlife and Parks

Honorable John D. Dingell  
Chairman, Subcommittee on Fisheries  
and Wildlife Conservation and  
the Environment  
House of Representatives  
Washington, D.C. 20515

Enclosures

## UNIVERSITY OF HAWAII

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Hawaii Institute of Marine Biology

P.O. Box 1346, Kaneohe, HI 96744 Telephone 247-6631

### MEMORANDUM

January 24, 1975

TO: SENATOR JEAN KING  
SENATOR ANSON CHONG

FROM: GEORGE H. BALAZS

Your joint introduction of legislation that would prohibit the sale of "endangered" wildlife and their products within the State of Hawaii is most commendable. I am confident that this measure will receive wide support from the community once the issue has been explained. The inclusion of a 12 month grace period before enactment will allow those stores that now possess such wildlife products ample time to liquidate their existing stock.

For your joint consideration, I have enclosed draft legislation which I prepared relating to a green sea turtle management study. As you will note, I have attempted to stress the value of Hawaii's unique turtle population as a supplemental home food source. I have always been in full agreement with this point of view, provided of course that harvesting takes place in such a way as to not destroy the resource for future generations of Hawaii's people. Only through a comprehensive management study can such a program be devised. I hope that the two of you will also find merit in this proposal and, hopefully, take action for introduction during this session.



HOUSE OF REPRESENTATIVES  
STATE CAPITOL  
HONOLULU, HAWAII 96813

ANSON CHONG

May 16, 1973

Vice-Chairman:  
Water/Land Use & Development  
Public Employment

Member:  
Finance  
Labor  
Tourism  
Agriculture

Dr. George Balazs  
Hawaii Institute of  
Marine Biology  
P.O. Box 8195  
Coconut Island  
Kaneohe, Hawaii 96744

Dear Dr. Balazs,

This is a summary report on HB 1635, the Preservation of the Green Sea Turtle Bill that I introduced on March 5th. We have a good chance of getting it through the next session because, after passing the House, it went to the Senate which passed it without changes on first and second readings on April 5th and 6th, respectively. Thus, the bill can become law with only one more reading in the Senate.

I suggest that we now quietly plan a strategy that will maximise the chances of the bill passing its final hurdle in the Senate. Would it be possible for you and anyone you feel is interested in this legislation to meet with me in my office to plan strategy? I suggest that we get together on Tuesday, May 29th at 7 p.m. for an hour or so. Please feel free to invite your friends. I look forward to seeing you!

Sincere aloha,

ANSON CHONG  
State Representative

P.S. Enclosed, as background information, is the House Finance Committee report, along with the ammended bill that went to the Senate. Also enclosed (last 3 pages of the "packet") is the original bill that I introduced.



page 2

You will note that the overall intent and thrust was not changed. A bit more on background: The bill went through 3 public hearings in the House and survived all of them. First, the Parks, Fish and Games Committee had a hearing and passed it on to the Water, Land Use and Development Committee. The Development Committee had a hearing on it and passed it to Finance on April 2nd. After a Hearing, Finance shot it out favorably on April 4th, and as mentioned above, the Senate whipped it through its two readings on April 5th and 6th, This bill really has come a long way and at this point, I don't think that we should laeve anything to chance! See you on the 29th!

Enclosure



*Delayed  
for your info*

## University of Hawaii at Manoa

Hawaii Institute of Marine Biology  
P.O.Box 1346 • Coconut Island • Kaneohe, Hawaii 96744  
Cable Address: UNIHAW

February 28, 1974

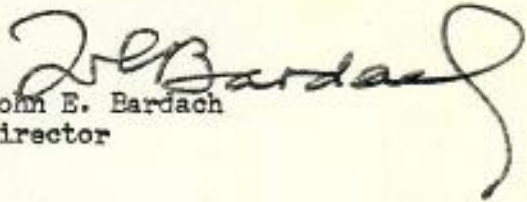
The Honorable Kenneth F. Brown  
The State Senate  
Committee on Ecology, Environment  
and Recreation  
Room 224 State Capitol  
Honolulu, Hawaii 96813

Dear Senator Brown:

I regret that I have been unable to appear at the hearing on House Bill 1635 (Conservation of Green Sea Turtles) on 27 February 1974.

Dr. Helfrich has told me of your comments regarding HIMB's putative shortcomings with the handling of turtle research. Please be advised that he and I have fully discussed the letter concerning this matter which expresses also my position as the Director of this laboratory.

Sincerely yours,

  
John E. Bardach  
Director

mk



For the Better Protection of Wildlife in Hawaii

# HAWAII AUDUBON SOCIETY

P. O. Box 5052  
HONOLULU, HAWAII 96814

March 19, 1973

- TO: Representative Richard H. Wasai, Chairman, and Members of the Committee on Parks and Fish and Game Management
- RE: House Resolution 41 - REQUESTING THE PEOPLE OF HAWAII TO AID IN THE PRESERVATION OF THE GREEN SEA TURTLE WHICH IS CONSIDERED AN ENDANGERED SPECIES THROUGHOUT THE WORLD.  
House Bill 1635 - MAKING AN APPROPRIATION FOR RESEARCH MANAGEMENT STUDIES OF THE POPULATION OF THE GREEN SEA TURTLE IN HAWAIIAN WATERS AND STEPS WHICH MAY LEAD TO THE PRESERVATION AND INCREASE OF THAT POPULATION.

The Hawaii Audubon Society appreciates the opportunity to present its position on the protection of native wildlife before this Committee.

The sea turtles, like many native fishes and native birds are not as common as they used to be. Modern man has been using up the natural resources of these islands faster than they can be replenished. We are long overdue in taking stock of Hawaii's unique marine and land natural communities and planning for their conservation so that no more Hawaiian species needlessly become extinct.

The Hawaii Audubon Society supports the intent and substance of HR 41 and HB 1635. These two measures together are an important package in starting a green sea turtle conservation program now. Controlling the taking and sale of sea turtles can begin in a few months through regulations adopted by the Division of Fish and Game. Such prompt regulation will be encouraged by adoption of this resolution, even though the Division has authority to initiate such a regulation without a legislative resolution.

However, without more information about the ecology of the green sea turtle, regulation would be based on incomplete data. Research studies on the biology, life history and movement of sea turtles in Hawaiian waters is essential for effective management. Since almost all of the nesting of the Hawaiian turtle is thought to take place in the Leeward Islands, principally French Frigate Shoals, some of the research would be in cooperation with the US Bureau of Sport Fisheries and Wildlife that manages the Hawaiian Islands National Wildlife Refuge. Since the commercial value of the sea turtle catch has been increasing significantly in recent years and overexploitation may be the major factor in the decline of the turtle population, funding for research may be available also from the federal Commercial Fisheries Research and Development Fund. But the State has primary responsibility for its own resources and the people of Hawaii are the primary losers when a native resource is depleted, so a sufficient appropriation by this Legislature is necessary to start a research program this year.

It is useful to keep in mind the attitudes and practices of the ancient Hawaiian toward their natural resources. They had learned wisely how to live in harmony with the natural elements of land and sea, generation after generation. They were pragmatic conservationists. They understood their resources and used them with care -- they didn't use them up! Honu, the sea turtle was a useful resource. The dark greenish turtle meat, called lu'au, was relished as a delicacy. The Hawaiians ate turtles and left turtles for the next generation. The sea turtle was part of their life: "Turtle, turtle, come up to breathe -- e honu, e honu, e puha" -- a special turtle hula.

*Mae S. Mulla*, Secretary

STAND. COM. REP. NO. 710

Honolulu, Hawaii

April 4, 1973

Re: H. B. No. 1635  
H. D. 2

The Honorable Tadao Beppu  
Speaker, House of Representatives  
Seventh Legislature  
Regular Session, 1973  
State of Hawaii

Sir:

Your Committee on Finance to which was referred H. B. No. 1635, H. D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR RESEARCH MANAGEMENT STUDIES OF THE POPULATION OF THE GREEN SEA TURTLE IN HAWAIIAN WATERS AND STEPS WHICH MAY LEAD TO THE PRESERVATION AND INCREASE OF THAT POPULATION.", begs leave to report as follows:

The purpose of this bill is to appropriate funds to provide for a research management study of the population of the green sea turtle in Hawaiian waters and to provide for preliminary feasibility studies which may lead to means of (1) halting or reversing their decline, and (2) raising turtles in captivity for food.

Your Committee on Parks, Fish and Game Management, and Water, Land Use and Development in Stand. Com. Rep. Nos. 371 and 550, respectively, have well set forth the problems and plight of the green sea turtle in their recommendations upon this bill. It can be concluded therefrom that the decline in their numbers is attributable to commercial exploitation, and it is apparent that the three-year moratorium against their taking or selling and the imposition of sanctions therefor, included as an amendment to the bill by the latter Committee, so that their supply can be determined, is really directed at inhibiting commercialism. While we are in agreement with the spirit of this measure on that basis, to the extent that the amendment also prohibits private taking for home use, we cannot concur (unless the research management study discloses that it is warranted). Thus, section 6 of the bill, as amended, has been deleted.

The sums appropriated to the department of land and natural resources are recommended for adjustment: The research management

study in section 2, to \$25,000; the feasibility study for increasing population size in section 3, to \$5,000; while the feasibility study on raising turtles for food in section 4 remain intact.

Your Committee on Finance is in accord with the intent and purpose of H. B. No. 1635, H. D. 1, as amended herein, and recommends that it pass third reading in the form attached hereto as H. B. No. 1635, H. D. 2.

Respectfully submitted;

Jack K. Suwa  
JACK K. SUWA, Chairman

Anson Chong  
ANSON CHONG, Member

Clarence Y. Akizaki  
CLARENCE Y. AKIZAKI, Vice Chairman

Tats Kishinami  
TATS KISHINAMI, Member

Jann L. Yuen  
JANN L. YUEN, Member

Ronald Y. Kondo  
RONALD Y. KONDO, Member

Ralph K. Ajifu  
RALPH K. AJIFU, Member

Tony T. Kunitama  
TONY T. KUNITAMA, Member

Alvin T. Amaral  
ALVIN T. AMARAL, Member

Excused  
TED T. MORIOKA, Member

Wing Kong Chong  
WING KONG CHONG, Member

Keo Nakama  
KEO NAKAMA, Member

Andrew K. Poepoe  
ANDREW K. POEPOE, Member

# A BILL FOR AN ACT

MAKING APPROPRIATIONS FOR RESEARCH MANAGEMENT STUDIES OF THE  
POPULATION OF THE GREEN SEA TURTLE IN HAWAIIAN WATERS  
AND STEPS WHICH MAY LEAD TO THE PRESERVATION AND INCREASE  
OF THAT POPULATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the green sea turtle  
2 (Chelonia species) populations are declining and that such decline  
3 is a matter worthy of this body's concern and of efforts to study  
4 the causes of and to halt said decline and if possible, reverse it.  
5 The purposes of this Act are to provide for a research management  
6 study of the population of the green sea turtle in Hawaiian waters  
7 and to provide for preliminary feasibility studies which may lead  
8 to means of halting or reversing the decline of the populations  
9 while still supplying the appetites of the people of the State of  
10 Hawaii and the visitor industry.

11           SECTION 2. There is appropriated out of the general revenues  
12 of the State of Hawaii the sum of \$25,000, or so much thereof as  
13 may be necessary, for a research management study of the population  
14 of the green sea turtle in Hawaiian waters. The study shall include  
15 an inventory of the green sea turtle population and a program to  
16 insure the preservation of the green sea turtle in Hawaiian waters.

1 SECTION 3. There is appropriated out of the general revenues  
2 of the State of Hawaii a sum of \$5,000, or so much thereof as may  
3 be necessary, for a preliminary feasibility study of the possibili-  
4 ties of increasing the size of the population by locating and  
5 rendering protection against man and other predators to the nest-  
6 ing beaches or implementing hatcheries or such other means of  
7 increasing the size of the population as may be learned.

8 SECTION 4. There is appropriated out of the general revenues  
9 of the State of Hawaii a sum of \$5,000, or so much thereof as may  
10 be necessary, for a preliminary feasibility study of the possibility  
11 of encouraging an industry comprised of commercial ventures which  
12 by raising turtles in captivity for food would supply the appetites  
13 of the people of the State of Hawaii and the visitor industry  
14 thereby relieving the existing natural indigeneous green sea turtle  
15 of the pressures of predations against it for this purpose.

16 SECTION 5. The sums appropriated shall be expended by the  
17 department of land and natural resources for the purposes of this  
18 Act.

19 SECTION 6. This Act shall take effect upon its approval.  
20  
21  
22  
23  
24  
25



# A BILL FOR AN ACT

MAKING APPROPRIATIONS FOR RESEARCH MANAGEMENT STUDIES OF THE  
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16 SECTION 5. The sums appropriated shall be expended by the  
17 department of land and natural resources for the purposes of this  
18 Act.

19 SECTION 6. This Act shall take effect upon its approval.  
20  
21  
22  
23  
24  
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# A BILL FOR AN ACT

RELATING TO THE PRESERVATION OF GREEN SEA TURTLES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 188, Hawaii Revised Statutes, is amended  
2 by adding a new section to be appropriately designated and to  
3 read as follows:

4 "Sec. 188- Green sea turtle protected. It shall be  
5 unlawful for any person to molest, catch, take, kill, or possess  
6 the green sea turtle (Chelonia species) in all the waters under  
7 the jurisdiction of the State. The department of land and  
8 natural resources may adopt rules to effectuate the purpose of  
9 this section.

10 The possession of a green sea turtle shall be prima facie  
11 evidence of the violation of this section.

12 Any person violating this section shall be guilty of a petty  
13 misdemeanor."

14 SECTION 2. New statutory material is underscored. In  
15 printing this Act, the revisor of statutes need not include the  
16 underscoring.

17

18

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

*Marion Attery*  
*Sierra K. Minkley*  
*K. J. Brown*  
*John F. Sullivan*  
*Fred K. Lohf*  
*Donald Ching*

1/28/74

GREEN TURTLE REGS TO BE CONSIDERED BY BOARD OF LAND & NATURAL RESOURCES THIS FRIDAY: At 10 a.m., in the Board Room of the Department of Land & Natural Resources, Regulation 36 "Relating to the Protection of Marine Turtles" will be considered for final adoption by the Board of Land & Natural Resources. The final draft (below) remains essentially untouched from the original draft sent to you in our July 20th newsletter with the exception that the fine for violating the regulation was increased to \$500 from \$100.

A note or phone call to Sunao Kido, Chairman of the Board of Land and Natural Resources (548-6550) (address: 465 S. King St., Honolulu, Hi. 96813) would be appreciated.

State of Hawaii  
Department of Land and Natural Resources  
Honolulu

Draft #4  
(9/25/73)

DIVISION OF FISH AND GAME

(This is the final draft submitted to BLNR for action, by Div. Fish & Game, 15 Oct. 1973.)

\*\*\*\*\*

The Board of Land and Natural Resources, in conformity with and pursuant to Chapters 187 and 190, Hawaii Revised Statutes, and every other law hereunto enabling does hereby adopt the following regulation relating to the protection of marine turtles.

REGULATION 36. RELATING TO THE PROTECTION OF MARINE TURTLES.

- SECTION 1. It shall be unlawful to mutilate, injure, take, kill, possess, disturb, sell or offer to sell leatherback turtles (*Dermochelys* sp.), hawksbill turtles (*Eretmochelys* sp.) and green sea turtles (*Chelonia* sp.) or any parts thereof or the eggs or nests thereof from or within the State of Hawaii and waters subject to its jurisdiction, except as provided in Section 2 of this regulation.
- SECTION 2. It shall be lawful with a permit issued by the Board of Land and Natural Resources in accordance with Section 187-4, Hawaii Revised Statutes to take:
- a. Marine turtles for scientific or propagation purposes.
  - b. Green sea turtles for home consumption from the waters surrounding the eight major islands (Hawaii, Maui, Kahoolawe, Lanai, Molokai, Oahu, Kauai and Nihoa) provided that the upper shell length is 36 inches or more (straight line measurement) and the turtle is kept whole or unbutchered while in transit over sea or land from the fishing area to the permittee's residence.
- SECTION 3. It shall be unlawful to use nets for the taking of green sea turtles.
- SECTION 4. Any person violating the provisions of this regulation shall be fined not more than \$500 as provided in Section 187-20, Hawaii Revised Statutes.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1973 by the Board of Land and Natural Resources.

**EEL CONTROVERSY:** Background information on this vital issue has been amply reported by the local press and recent clippings are attached. Suffice to say that the battle is not lost. Residents of Laie simply do not want the facility and can block it.

An interesting point brought out by perceptive questioning at recent meetings at Laie, is that Pacific Aquaculture (the firm that wants to import the eels) wanted to ship in North American and European eels (also known as the "mud snake" on the east coast of the mainland) by way of Japan and then market them as Asian unagi. Needless to say, the N. American and European eels are not of the Asian species.

Opponents to eel importation are urging like minded people to call upon Fred Erskin (941-3071), Board Chairman of the Agriculture Board, to reconsider the decision to issue the eel import permit. It should be pointed out that a new 9 member Advisory Committee was appointed on October 5th and did not have the opportunity to make its feelings known to the Agriculture Board about the eel situation.

*Finally, we note a community meeting at the Laie Elementary School scheduled for Wednesday, October 24th at 7:30 p.m. (hope this gets to you on time!!)*

H.B. 1635, THE GREEN TURTLE BILL: A reminder: The bill is quite alive and now sits in Senator Ken Brown's committee on the Ecology, Environment & Recreation. Vice Chairperson is Mason Altiery. Members include, Senators Don Ching, John Hulten, John Ushijima, Percy Mirikitani and Fred Rohlfing. The Bill (mailed to you in previous newsletters) is supportive of REG 36 (over) and has only one more reading to go in the Senate, having passed the House after three separate hearings during the last session. BE SURE TO REGISTER YOUR SUPPORT OF H.B. 1635 H.D. 1 with the above senators. Phone number is 548-7444 for Senator Brown.

----Mahalo to Alan Zeigler for a very informative briefing on the eel situation and for supplying a complete set of clippings (enclosed) -----

From the Office of  
ANSON CHONG  
State Capitol, Suite 305  
Honolulu, Hawaii 96813  
Phone 548-4183



# eels to be marketed here, Fishfarms Laie exec says

By BRUCE BENSON  
Advertiser Staff Writer

THE EELS do not occur here in nature, and it is next to impossible to purchase them in their natural state in any quantity here.

One hundred thousand fresh-water baby eels to be raised as a commercial aquaculture crop on Oahu will be marketed in Hawaii and not Japan, a spokesman of the venture said yesterday.

Dr. Ken Kato, a zoologist for a firm to be known as Fishfarms Laie, said the 100,000 eels should produce \$15 million should they be sold for marketing in local restaurants.

The eels have been served up as a delicacy in Japan for centuries. Part of the controversy surrounding a swift decision by the State Board of Agriculture last week to allow importation of the eels was that they would be raised here for export and sale in Japan.

The agriculture board, made up of businessmen, said for the first time since the 1950s an overseas official from the foreigner community had been invited to lead a business group of eels in Hawaii ready to purchase for animal life in fresh-water streams and lakes in the islands.

It is not clear how long it will take to get the eels to market, but Kato said that the eels would be ready to ship to Japan in about a year.

Kato said the distribution of the eels would be handled by Fishfarms Laie, which would be responsible for the eels' health and growth in the tanks.

One condition imposed on the venture is that the eels must be sold within 100 miles of the farm, and other eels have been sold in local markets. Other eels will be sold in the state.

The agriculture board, however, gave the new eel business an okay to export eels now.

"This business will certainly help Hawaii with its latest aquaculture industry," Kato said. "The State has talked about getting into diversified agriculture, and this is just one part of that program. In this case we'll be borrowing from Japan instead of the other way around. We're using Japan's technical ability and know-how in raising eels to our benefit."

and do the eel operations rather than talk about it," Kato said. "We're looking at it as a crop that can be utilized by man. It's as simple as that."

Kato said he expects to have eel tanks and other facilities built and growing the animals by the end of this year.

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"This business will certainly help Hawaii with its latest aquaculture industry," Kato said. "The State has talked about getting into diversified agriculture, and this is just one part of that program. In this case we'll be borrowing from Japan instead of the other way around. We're using Japan's technical ability and know-how in raising eels to our benefit."

Kato has countered the argument about the danger of the eels escaping to the wild by stating that it is difficult to grow them in captivity under controlled conditions, let alone allow them to escape into the wild.

Concerning the marketplace, he said: "There should be a market for them in our local Japanese markets and restaurants. Many restaurants here don't even consider serving them because it's hard to obtain them from Japan."

A SURVEY of local fish

Kato said Arashida approached officials in Honolulu about raising eels here. "He approached us, saying he has the technology that there is a market for eels in Hawaii," Kato said.

"We'd either get started

# commercial eel venture approved

By BRUCE BENSON  
Advertiser Staff Writer

The State Board of Agriculture overrode strong objections from the scientific community yesterday and approved a request to import 100,000 young eels to be raised commercially on Oahu.

In letters to the board, scientists warned that the eels eventually would escape from captivity and enter the freshwater streams and lakes of Hawaii, where they would prey on fish species that already are established.

Backers of the eel enterprise, however, countered that all eels sold within the State would be dead when delivered to market. They also said expensive precautions would be taken to ensure that the eels remain in captivity while being grown in tanks.

Dr. Conm Nash, director of the Oceanic Foundation at Manoa, who said aquaculture in Hawaii should deal with the raising of indigenous fish species instead of exotic, or nonnative ones.

Agriculture Board Chairman Fred Erskine took strong exception to Nash's position. Erskine said aquaculture in Hawaii would be a losing proposition if only indigenous fishes were raised.

"If that's the case I think we should do away with the Oceanic Foundation," he said.

Nash said afterwards in a telephone interview with The Advertiser. "I just think he's wrong, that's all. I've said before that I think aquaculture is very limited in Hawaii because we've got a limited number of indigenous fish species."

Nash called the board's decision "foolish," adding, "I've worked with eels in England and quite honestly we know they're a great deal of trouble. You try your hardest to keep control over them but we did find it was impossible."

Dr. Ken Kato, a zoologist employed by the firm to raise the eels, said the warnings sounded by the other scientists were "unobjectionable" and based on "simulations."

Kato said the eels will be raised by the Pacific Aquaculture Corp., doing business as Fishfarms Laie, in conjunction with Sobara Arashida of Tokyo, Japan.

Kato said the business will employ two persons at the Laie on Oahu. He said he didn't know how much will be spent on facilities for growing the eels.

Kato did not say, nor did the board ask, how much the new eel business will add to Hawaii's economy. At least a portion of the eel crops probably will be exported to Japan, according to Arashida.

KATO, THE fishfarm scientist, told The Advertiser that while he feels it is impossible to guarantee that eels will never escape from their tanks and into the wild, there is no evidence to show they automatically will become established in native stream ecosystems as a definite to other fish species.

For said young eels will be preyed upon by other fish as well as by native predators and scavengers.

Kato of the firm to be raised on Oahu include species that grow to less than 10 inches in length and weigh 30 pounds or more.

THE ENTERING was the approval of Mariko Takahashi, head of the State Division of Fishery. Those who had recommended against it until Arashida amended his application to state that the eels would be dead when marketed within Hawaii.

Takahashi also said that Arashida "must maintain adequate control and security over the farm to prevent accidental escapes or poaching of live specimens in the Japanese word for eel. Application should be held liable for costs incurred in eradication of eels in the wild should any escape or be attributable to his operation."

The board was ready to take action on the request without holding the business accountable for eradication of escaped eels until Steve Montgomery, a board member,

From the Office of  
**ANSON CHONG**  
State Capitol, Suite 305  
Honolulu, Hawaii 96813  
Phone 548-4182

# ag board to ponder eel imports

By ERLE BENSON  
Advertiser Staff Writer

The State Board of Agriculture will take up a slippery issue this morning when its members debate whether to allow the importation of thousands of live eels to Oahu, where they would be raised in a commercial fish-farming operation.

An expert has warned that the eels almost certainly would escape to the wild and become a pest in the fresh-water streams and water reservoirs of Oahu. He said the importation would be as dangerous as the importation of thousands of young rattlesnakes.

**THE STAFF** recommendation of the Department of Agriculture, however, favors approval of the eel import request.

A department spokesman yesterday refused to release a copy of the staff report.

The spokesman did say the staff recommended approving the import request on the condition that specific safeguards are taken to prevent the eels from escaping to the wild.

The request was filed by Fishermen Hawaii, an enterprise engaged in commercial aquaculture on Maui. Its eel operations would take place at a site near Kaneohe on the Kaula side of Oahu.

**THE WARNING** about the hazards of allowing eels on Oahu was registered by Dr. John A. Maciulek, leader of the Hawaii Cooperative Fishery Unit. Maciulek, an aquatic biologist, said in a letter to the Department of Agriculture.



Should Hawaii import this eel?

inhibition are greater, and the damage it could cause to native species is infinitely greater," he said.

Maciulek said native eelmakia in Hawaii's fresh-water ecosystems would be "extremely susceptible to Anyella predation because they evolved in the eel's absence."

**THE EEL** could become as much of a pest as the mosquito, an animal imported many years ago in the hopes of eradicating rats, he said. It failed to do so and went on to become a pest itself.

One of Maciulek's basic worries about the introduction of eels to Hawaii was that the eel would prey on the native fish. He said that the eel's remarkable ability to migrate over land for miles in search of water.

Usual grow to lengths greater than 5 feet and weigh as much as 20 pounds.

Maciulek quoted one authority on the usual as saying: "But how does it come about that large eels may appear in ditches and water-bodies that have no con-

# Eel Farm Okd Despite Warning by Biologist

The State Board of Agriculture yesterday approved a Pacific Aquaculture Corp. application to import eels for an eel farm in Kaneohe, a marine biologist's warning that the action would be as dangerous as importing thousands of young rattlesnakes into the islands.

The approval was unanimous. The board was unanimous in its decision to approve the application to import eels for an eel farm in Kaneohe, a marine biologist's warning that the action would be as dangerous as importing thousands of young rattlesnakes into the islands.

Maciulek said the eels would be raised in a commercial fish-farming operation. He said the eels almost certainly would escape to the wild and become a pest in the fresh-water streams and water reservoirs of Oahu. He said the importation would be as dangerous as the importation of thousands of young rattlesnakes.

The eel would be protected with fences and guards against unauthorized removal of the eels. Semi-closed filtration systems would prevent escape from the tanks in which they are to be raised.

He said if they "escape" it's likely that they would infect fresh water streams and reservoirs on Oahu. He said such eels eaten "leave rivers or creeks and whole overland drainage basins overflowing with eels."

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**BEFORE THE BOARD** took action, Joan A. Maciulek, a marine biologist, warned that the usual would inevitably escape from the tanks in which they are to be raised.

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**MACIULEK** cautioned that the State of Hawaii is a member of a treaty that contains a provision that can cause serious infection if it gets into cuts when the eels are being prepared for market.

He said allowing the eels into the islands would be as dangerous as importing thousands of young rattlesnakes.

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## HONOLULU ADVERTISER, Monday, October 15, 1973, A-13

### gel toxin clarified

My original statement against importation of anguilla eels contained the following quote from Dr. Earl S. Herick, noted fish authority:

"Anguilla blood, especially enough, contains a powerful neurotoxin that causes a serious infection if it gets into a cut or wound when the eel is being prepared for market. The word 'infection' is inappropriate because it would be more correct, in your science writer, Bruce Ben-

However, the nature of many poisons seems to be misunderstood by many people. I would like to further explain this aspect of the great controversy in the interest of objectivity.

Anguilla is not venomous. That is, its bite is not definitely characteristic of all species of the genus, is contained in the eel's blood. The character of this venomous, but non-venomous, may be systemic (as from bites) or locally (as from scratches or cuts). The character of this venomous, but non-venomous, may be systemic (as from bites) or locally (as from scratches or cuts).

**HE ASSURED** the board of the Japanese and Chinese.

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From the Office of  
**ANSON CHONG**  
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Honolulu, Hawaii 96813  
Phone 548-4183



# Laie hopes to wiggle out of eel farm

From the Office of ANSON CHONG  
State Capitol, Suite 305  
Honolulu, Hawaii 96813  
Phone 548-4183

By BRUCE BENSON  
Advertiser Staff Writer

Residents of Laie turned out last night to listen to a proposal that would bring 100,000 baby eels to their community for a new fishing farming business.

They decided the whole idea was about as much fun as a barrel of snakes.

Some 100 residents listened to a presentation by scientist's at a meeting that the eels probably would escape to the wild, possibly preying on native fresh water fish and seriously upsetting nature's balance.

THE MEETING was called by the Laie Community Association and amounted to an attempt by the residents to get back ground data for an official public meeting to be held in Laie next week by the State Department of Agriculture.

After considerable discussion the association unanimously passed a resolution opposing the eel project.

The agriculture board already has approved the importation of the baby eels at the request of Pacific Aquaculture Corp. action. One of the company's chief officers, zoologist Kenneth Kato, was present at the meeting to explain the project, but he met with overwhelming opposition.

Chief concern of the residents centered on what would happen if the eels escaped from the company's holding tanks at Laie, and how Kato would guarantee that the serpent-like fishes could be removed from streams after they escaped.

KATO persistently declined to explain how his company would eradicate eels from the wild but eventually suggested they would go fishing for them.

The audience listened to Kato's presentation in moods alternating from laughter to despair. There were frequent groans.

The new fish farm hopes to eliminate itself on 10 acres leased from Zion Securities, the business arm of the Mormon church, which operates Hawaii Church College and the Puuwaia Cultural Center at Laie.

One board member of Zion Securities told the audience Kato said nothing about raising eels when the lease was being negotiated. He said the lease granted for diversified agriculture would include aquaculture but said no specific reference to eels was made.

"I'm wondering now if the lease would have been granted if we knew then what we know now," the Zion board member said.

ONE CITIZEN asked Kato, "What would you do if the community votes that it doesn't like the eel?" Kato replied that he hadn't yet heard a sound objection to the project. He said, "I don't know what we would do yet."

Another member of the audience, after failing to elicit from Kato just how his business would eradicate eels if they escape, took the floor and said angrily to the audience, "I want to encourage you folks to vote against this because this man isn't giving us the right answers."

The eels Kato hopes to bring to Laie live in fresh water streams and lakes, can migrate over land without water and go to sea to spawn. They are not found naturally in Hawaii. Kato said the likelihood of the eels becoming established — if they do escape — was quite small.

KATO SAID that toxicity of eel blood would present little if any danger to public health. He said a person would have to consume great quantities of the eel's blood or drink the blood into his own bloodstream before suffering adverse effects.

Kato said that if blood of the eel were to get on an open wound, however, a person could suffer an infection.

Also speaking last night was Dr. Allen Ziegler of the Bishop Museum, a member of the State Animal Special Advisory Commission who has taken a strong stand against Kato and his eel project.

"I DO KNOW two things," Ziegler said. "If eels do come into Hawaii, they're going to get loose, and they aren't natives to these Islands."

He said, "If Mr. Fred Erskine (State Agriculture Board chairman) for some God-awful reason has to have eels, he can go buy them in a can. Let's make aquaculture go in Hawaii, but let's use our native species. Let's do it in the spirit of Hawaiian manaia, or cooperation, and not in the spirit of outside kahaia."

## information only

# State bans public hearing on baby eel importation

By BRUCE BENSON  
Advertiser Staff Writer

Chairman Fred Erskine yesterday rejected a call from Life of the Land to convene a public hearing on the recent controversial decision to allow the importation of 100,000 baby eels to Oahu.

Erskine said the agriculture board has agreed to conduct a public hearing, but he said: "We're not authorized to conduct a public hearing, our attorneys tell us."

The distinction between a meeting and a hearing is that the first is informational while the latter could reopen the question of whether to import the eels.

The scientific commission has opposed the eel importation, arguing that eels inevitably will escape to the wild, possibly upsetting nature's balance in the fresh-water streams and lakes of Oahu.

The agriculture board gave permission to Pacific Aquaculture Corp. to raise the eels in tanks at Laie on the Kahuku side of Oahu. They will be sold as a food product.

Dr. Ken Kato, a zoologist for the firm, pledged that the business would assume financial liability for eradicating eels from the wild if they should escape, but the terms and conditions of the liability were not spelled out.

The eels do not occur in nature in Hawaii, although there are unconfirmed reports that some of the animals already are living in Oahu streams. They grow to more than 5 feet in length, and are serpent-like in appearance.

Life of the Land, the ecology group, said in a letter to Erskine asking for a public hearing:

"We fear that the upcoming meeting on Oct. 24, which is meant to inform the public, will in fact be only a standard operating procedure to those opposed to year decision of Sept. 26."

The Oct. 24 meeting will be held at Laie Elementary School at 7:30 p.m. It has not yet officially been announced by Erskine's office.

Life of the Land's letter also said: "Too much is at stake here. Such an important and controversial issue should not be treated so lightly. We do, of course, expect and assume that all members of the State Board for Agriculture will be present at the meeting on Oct. 24."

The letter, signed by Sophie Ann Aoki and Fritz Snyder, asked the agriculture board to require the eel firm to post a bond holding it financially responsible for damage to Hawaii's environment from any escaped eels.

Erskine said his department is tending to move away from requiring bonds on potentially damaging projects because past experience has proved bonding to be unworkable for various reasons.

The vet venture met with nearly unanimous disapproval from the State Animal Species Advisory Commission. The only member to give his okay was Michio Takata, head of the State Division of Fish and Game.

Erskine said yesterday that another advisory committee — one that reports directly to the Department of Agriculture — split on its vote on the issue. He said two members were opposed, two in favor, and the fifth was unopposed since he was out of town.

Erskine also discounted negative opinions expressed by scientists, saying he didn't think there is "a single eel expert in town. I'd like you to show me one."

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