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The Editor
Honolulu Advertiser
605 Kapiolani Blvd
Honolulu, Hawaii 96813

Dear Sir:

Several points in Bruce Benson's recent article "Loophole Puts Sea Turtles Into The Frying Pan" (9/18/74) seem to need clarification if the general public is not to become further confused with what is already a complex issue. Division of Fish and Game Regulation 36 (relating to the protection of marine turtles), which became law on May 30, 1974, provides full protection for the Hawksbill and the Leatherback sea turtle. Both of these animals are already designated as "endangered species" by the U.S. Department of the Interior. The Green, which is considered to be "depleted", is the only other kind of sea turtle found in Hawaiian waters. Under the new regulation it is illegal for products from this animal to be used for commercial purposes. Green turtles may be captured for home consumption but only if they measure 36 inches or more in shell length and a permit has first been obtained. The law provides for two exceptions to the ban on selling and herein lies the loophole which has seriously weakened if not completely destroyed the protective value.

In order to prevent economic hardship, a provision was included that allows restaurants and fishermen to sell any existing supply of Green turtle meat that was acquired prior to the regulation's effective date. This supply can only be sold under permit and monthly reports must be filed indicating the amount of turtle remaining in stock. Over a period of time the supply on hand would, theoretically, become exhausted and sales would cease. Unfortunately, representatives of the foreign commercial turtle farm, Mariculture, Ltd., have seen fit to use this provision for their own personal gain. The State Attorney General's Office has been informed that turtle products now being marketed by Mariculture, Ltd. are the result of eggs that were removed from natural nesting beaches prior to the regulation's effective date and, therefore, should be considered as legal for sale. Incredibly enough, the Attorney General has gone along with this interpretation which runs counter to the primary intent and purpose of the law.

The second exception provided in the regulation is that the offspring of captive Green turtles may be used for commercial purposes. The products of Mariculture, Ltd. do not qualify under this provision and, in fact, it will be a number of years before even a small portion of their animals can meet this provision. The vast majority of the farm's stock is derived from the wild and the only successes in captive breeding have involved a small number of animals that were removed from

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natural breeding grounds as mature adults. The company has conducted an extensive promotional campaign emphasizing the conservation value of their activities, however, little if any scientific data has been offered to support their claims. Presently, a good deal of information has been compiled by sea turtle biologists which suggests that the operation represents an adverse factor to the survival of the Green turtle. Several attempts have been made by the company to legally market their products in California and Illinois, however, both of these states continue to ban all green turtle products.

In Bruce Benson's article, Hawaii deputy attorney general Russell Fukumoto is attributed with saying that the reasoning behind the provision that allows the sale of offspring of captive turtles was "to ensure that turtle farming could stay in business". This statement is not only incorrect but it serves to demonstrate that the Attorney General's Office is completely unaware of the true status of turtle farming. The provision was included so that possible future turtle farms that are founded on a sound biological basis would be able to market their products.

I can see little reason why one of our State's hard won conservation measures should be compromised and exploited. It would seem to be in the best interests of both the people of Hawaii and the world's vanishing sea turtles if the Attorney General's Office would cooperate with the Division of Fish and Game in fulfilling the intent and spirit of our newly enacted regulation.

Sincerely,

George H. Balazs
Jr. Marine Biologist

Incidentally, the photograph that accompanied Bruce Benson's article did not show a Green sea turtle, as you are probably already aware by this time. I have enclosed a picture of a Green for your files.

