

Saturday, February 6, 2010

Ano'ai Keoki,

While clearing out my filing cabinets I trashed numerous files but among others did not have the heart to discard the enclosed two folders. One contains turtle tagging data from me to you, circa 1982 to 1992. The other folder holds stuff you've sent me over the years. After spending some time re-reading the files, I found the data related notes rather mundane but chuckled more than once over our personal correspondence and observations. Hence as a final gesture, I thought I'd send these two folders to you for your amusement. What you decided to do with them will be left to your discretion. I don't need, nor do I have any desire, to have them returned to me.

Also, I came across an abbreviated file listing in chronological order the sequence of job-related events I had to deal with during my tenure. I took the time to cull out the following turtle related incidents should you wish to include them as turtle strandings on Molokai.

- Nov-92 dead green turtle in Mapulehu Fishpond
- dead green turtle at Kamiloloa; missing all flippers; plates on both plastron and carapace
- Sep-92 starting to peel off
- Oct-91 turtle hatchlings at Kawaaloo Bay, Moomomi
- Sep-91 confirmed turtle remains at Molokai Police Department
- Mar-91 dead green turtle in Kanoa Fishpond
- Nov-90 dead green turtle at Kainalu; tumored
- Sep-90 dead green turtle at Wailua
- dead 18" juvenile turtle entangled in a boall of cargo nets which had drifted ashore;
- Jun-90 badly decomposed
- May-90 discarded butchered remains of two green sea turtles found at One Alii Park
- Feb-90 24" plastron of a presumably a green sea turtle retrieved at Kaunakakai Wharf
- Dec-89 very large dead green sea turtle at Ualapue
- badly tumored green sea turtle at Kaluaaha; still alive but emaciated and floundering
- Aug-89 very badly
- Jun-89 stranded dead green sea turtle at Kamiloloa
- Apr-89 sick and floundering green sea turtle at Honomuni
- Nov-88 confirmed three successful turtle hatching episodes at Kawaaloo Bay
- Aug-88 verified nine (9) nesting turtle pits at Kawaaloo Bay
- Jul-88 confirmed one turtle nesting attempt at Kawaaloo Bay
- dead green sea turtle recovered from Ualapue; packaged, frozen, and sent to NMFS in
- Jun-88 Honolulu
- Mar-88 remains of recently butchered sea turtle; plastron 14" in length
- Apr-87 sick and stranded green sea turtle at Pukoo Fishpond; strong enough to swim away on

its own

- Investigated report of a sea turtle stranding at Ohia; discovered instead a land tortoise
- Jan-87 apparently lost and wandering on its own; 12" curved carapace
- Nov-86 anonymous return of sea turtle tags
- Sep-86 several misguided and dead green sea turtle hatchlings found at Kawaaloo Bay
- Aug-86 confirmed a single turtle nesting incident at Kawaaloo Bay
- Jun-86 confirmed turtle nesting activities at Kawaaloo Bay
- Jun-85 found remains of 3-4 green sea turtles at Kawela; curved carapace length 24" to 42"
- Nov-84 recovered live hawksbill hatchling from local resident
- (1) anonymous return of sea turtle tags;
 - (2) (2) butchered remains of green sea turtle at
- Sep-84 Kaluaaha
- Feb-84 (1) dead green sea turtle at Kawela; all four flippers cut off; curved carapace 105 cm;
- (2) recently remains of at least 3 green sea turtles at Kalumaula landfill; straight carapace 70 cm to 85 cm
- Nov-83 two separate nesting incidents at Kalaupapa
- disposed of a tagged dead green sea turtle at Manae; later informed turtle initially tagged
- Jan-83 2-1/2 years ago at Whale Skate Island, FFS
- Nov-81 retrieved live olive ridley juvenile from local resident; 9" curved carapace

Keep in touch!

Brie
3

5 May 1982

Mr. Henry Sakuda, Director
Division of Aquatic Resources
1151 Punchbowl Street
Honolulu, HI 96813

Dear Henry:

Many thanks for your recent note. I was glad to hear that you and your staff found my Tokelau report to be of interest. It was an enjoyable, productive, but very short study visit. I hope to return at some point in the future to do follow-up work on my recommendations to the village councils.

I thought that I should send you a copy of the enclosed "review comments" which I distributed at a small meeting yesterday morning at the NMFS lab. I welcome any questions you may have, or corrections you feel should be made to the information presented in this write-up. Since much of my research in past years has been partly supported with State funds, I feel that it is only right to keep you and others informed about such matter.

Best regards,

George H. Balazs

HIMB
PO Box 1346
Kaneohe 96744

or

NMFS
PO Box 3830
Honolulu 96812

Blind carbon copy

*Bill - I would also appreciate
any comments you have
to offer* *GB*

SOME REVIEW COMMENTS BY GEORGE H. BALAZS PERTAINING TO THE WRITTEN
REQUESTS MADE BY MR. COOPER OF HAWAII AND GOVERNOR CALVO OF GUAM
TO TAKE GREEN SEA TURTLES

May 1, 1982

1. Absence of new or any other data or evidence to support the request for action by the Southwest Region.--Requests for exemptions, changes, or delistings of the Endangered Species Act (ESA) listed species are usually made in the form of petitions that contain supporting data and other substance. Such material has not been provided in these cases. It is my understanding that any petition so filed must be submitted, or at least forwarded, to the National Marine Fisheries Service and U.S. Fish and Wildlife Service in Washington, D.C., for evaluation and publication in the Federal Register.
2. Absence of a request by the Southwest Region for relevant basic facts.--Some very fundamental and important questions were left unanswered in relation to the initial letter of November 12, 1981 sent by Mr. Cooper to the Southwest Region. There is no indication in the copied letters I have received that an effort was made by the Southwest Region to obtain these facts. It seems to me that at least the following should have been requested at the onset:
 - a. Does the petitioner have a history of subsistence use of turtles, as opposed to being a commercial turtle fisherman?
 - b. Does the petitioner follow a subsistence lifestyle, as opposed to being in the mainstream market economy of modern life? (See M. McCoy's 1974 paper on the Western Caroline Islands for a comparison.)
 - c. Did the petitioner exercise his legal right to take turtles when this was an authorized activity under State regulation between May 1974 and September 1978?
 - d. How does the petitioner define "aboriginal rights" and "aborigine" as he applies these descriptive terms to Hawaii? Does the petitioner qualify under these definitions?
 - e. What specific organizations or groups of people, or specific individuals, have authorized the petitioner to file and speak on their behalf? What is the nature of the organizations--private or commercial? What are the lifestyles being followed by the individuals--true subsistence or modern market economy? In this respect, it is appropriate to note that the petitioner's letterhead states "Commercial Fishing, Wholesale Retail, Oceanographic Research, Aquaculture" and Import & Export."

Some of the above questions should also have been asked of Governor Calvo in order to ascertain the situation in Guam.

3. Insinuation that the listing of Hawaiian and Pacific sea turtle populations was conducted in haste, was not justified by available data, and/or somehow did not give all interested parties the opportunity to make their views, needs, requests, and data known.--There is no factual basis for such beliefs. When the Threatened listing of green sea turtle populations in the U.S. Pacific islands became effective in September of 1978, it was the culmination of no less than 54 months (4-1/2 years) of evaluation. During this time, numerous comment periods were opened to the public and specifically brought to the attention of State, Territorial, and Federal government officials. All available data were evaluated several times over by both the the National Marine Fisheries Service and the U.S. Fish and Wildlife Service.

The Hawaii State Department of Land and Natural Resources also conducted an exhaustive review of the known status of Hawaiian sea turtles over a 14-month period leading up to May of 1974. Written testimony was repeatedly solicited and full public hearings were convened on each of the Hawaiian Islands so that verbal data could also be gathered. The information received led the State Board of Land and Natural Resources to adopt measures to ban all commercial turtle fishing and to restrict the noncommercial catch of green turtles to those over 90 cm for fishermen with a permit issued free of cost. If any requests were made to the State at that time for a "subsistence" or "traditional Hawaiian" take exemption of turtles (and I doubt if there were), then the State must have rejected them as being unwarranted since such provisions were not part of the final fishery regulation (DLNR-36) that was adopted. After the implementation of the State regulation in May of 1974, the records show that the following numbers of turtles were taken under the permit system. Please note that this constitutes the total legal take throughout the Hawaiian Islands.

May-Dec. 1974	- 9	- 8	
1975	- 6	- 12	
1976	- 21	- 12	
1977	- 32	- 12	
Jan-Sept. 1978	- 16	- 9	
Total	84	53	= 1 1/2 / month

The statistics available to the public do not show how many fishermen were actually involved; however, it is reasonable to assume that a number of these individuals were responsible for repeat catches. I therefore estimate that not more than 35 fishermen ever exercised their legal right to catch turtles under the State regulation. I have good reason to believe that most of these 35 people caught turtles for a) food preference, i.e., they like the flavor; b) sport or recreation; c) ornamental use of the carapace; or d) other reason, i.e., they accidentally encountered a turtle during other fishing activities and the opportunity was just too good to pass up. However, a few of these 35 people (not necessarily of native Hawaiian heritage) may have caught turtles for true subsistence purposes, as defined by regulatory provisions of the ESA. Under the auspices of the Hawaii Institute of Marine Biology, I submitted testimony to the National Marine Fisheries Service concerning these few possible people involved in a true subsistence take. To my knowledge, I was the only one to do so. The "rights and privileges" of these

few people needed to be and subsequently were considered by the National Marine Fisheries Service. However, there is something in excess of 950,000 people in Hawaii. After being involved in all aspects of research on Hawaiian sea turtles for the past 10 years, I am confident that the vast majority of these people want their own rights and privileges extended on behalf of securing the survival of Hawaiian sea turtles, instead of gambling through any further direct exploitation. Alternate sources of protein are available for subsistence purposes, and indeed certain practices have had to be altered on behalf of sea turtles by a number of people throughout the United States (e.g., shrimp fishermen, mariculture interests, beach resort developers, Army Corps of Engineers).

To my knowledge, during the 54 months of evaluating the proposed listing, no requests for a subsistence use exemption were received from Guam. However, such requests were submitted and found to have merit for native peoples living a traditional lifestyle in the Trust Territory.

4. Traditional Hawaiian usage of sea turtles within the context of the historic Polynesian society.--On the basis of Hawaiian scholars who have recorded the history of their own culture, the traditional consumption of green sea turtles is known to have been the exclusive privilege of male chiefs and priests. Turtles were occasionally kept in special stone enclosures along the shoreline, but only as a holding measure until they were ready to be eaten by the chiefs and priests. A total prohibition traditionally existed on the consumption of the hawksbill turtle (probably because of toxicity), but their scutes were sometimes used to make fishhooks and a certain medicine. The traditional Hawaiian usage of sea turtles declined after 1819 when prominent Hawaiian nobility abolished the traditional Hawaiian "kapu" system and adopted Christianity. Between 1819 and May of 1974, there were, in essence, no legal or traditional controls on the capture of green turtles in Hawaii. Any number of any size could be taken for any purpose--both commercial and noncommercial. Any method could be used to take them, except firearms and shark guns, but I have evidence to show that these were also regularly used by certain elements of the commercial trade.
5. The ESA listing has somehow reduced the quality and/or quantity of tagging and other research on Hawaiian sea turtles.--There is no factual basis for such beliefs. Actually the exact opposite is true because the listing made it possible for the Honolulu Laboratory (and the Southwest Region) to receive additional funds for the research, recovery, and protection of Hawaiian and other Pacific sea turtles. The State regulation that eliminated the commercial turtle fishery to some extent reduced the opportunities for certain types of research (mainly with dead turtles). However, in this case, the continued survival of the population was obviously more important than any research benefits and the State clearly made a wise choice.
6. Southwest Region's proposal and initial steps to form a "working group" to open and review the ESA listing record.--The letter from the Southwest Region, dated January 21, 1982, states that "...if [my emphasis] new information is available or if pertinent information was not considered during the rule-making process, we (NMFS) and the U.S. Fish and Wildlife Service

share a responsibility to open the record and review that information." Similar statements were made to Governor Calvo in a letter written by Assistant Administrator for Fisheries Gordon in Washington, D. C. As I outlined in items No. 1 and 2 above, no supporting information of substance, or even basic data, has been supplied to the Southwest Region by the petitioners. Nevertheless, without receiving this material and seemingly acting contrary to the stated prerequisite, the Southwest Region has proposed that the record be opened and a "working group" of government representatives be formed to review and collect information.

The more reasonable, prudent, and productive course of action, in my view, would be for the Southwest Region, or perhaps the U.S. Fish and Wildlife Service, to now constitute the formal Recovery Team needed for Hawaiian and Pacific sea turtles listed under the ESA. A Recovery Team composed of researchers and other scientific authorities on sea turtles was assembled over 2 years ago to address the problems of sea turtle populations in the southeastern United States. As indicated in the Southwest Region's letter of January 1, 1982, the ESA requires that the status of listed species be reviewed every 5 years. Sea turtles are, therefore, up for review in September of 1983, about 18 months from now. It is my understanding that the U.S. Fish and Wildlife Service is the designated lead agency for the review. If a Recovery Team is not appointed and functioning by that time, I believe that it will be very difficult to explain and justify to the many private and governmental organizations that have interests in sea turtles. Certainly a working group of government representatives cannot fulfill this need. It was not possible in the case of the Hawaiian monk seal (for which there is now a Recovery Team appointed by the Southwest Region), and it would even be less likely for Pacific sea turtles.

7. Possible reason for the Southwest Region's apparent absence of key information and a factual historic perspective, such as I have outlined in this review-- A considerable body of literature now exists dealing with Hawaiian sea turtles. The available information covers such aspects as reproductive biology, migrations, life history, historical overviews of exploitation and management, and pioneer findings on growth rates and movements within the breeding colony (to name several). A comprehensive bibliography of this published and unpublished material, current to September 1979, was included in my NOAA-TM-SWFC-7 synopsis report. It would appear that the Southwest Region office in California is not fully aware of the contents of this literature. Not having a good grasp of the literature may very well be the reason why many key points and questions were not contained in the letters written. I realize that there are many other important issues besides sea turtles to be dealt with by this administrative level. Nevertheless, when decisions are made and actions taken that are potentially farreaching, such as in this case, they should be founded on the very best and most complete background information available.

MILTON

PLACE = JTS-8182



University of Hawaii at Manoa

Hawaii Institute of Marine Biology

P.O.Box 1346 • Coconut Island • Kaneohe, Hawaii 96744

Cable Address: UNIHAW

May 5, 1982

Mr. Bill Puleloa
P. O. Box 175
Kualapuu, Molokai, HI 96757

Dear Bill:

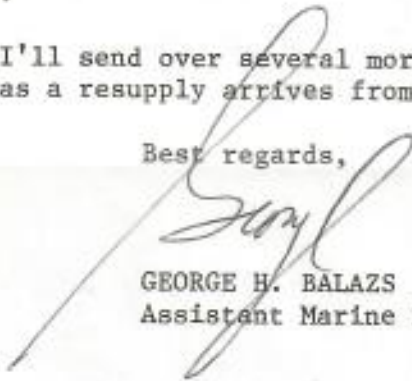
The 13 turtle sighting forms that you recently sent me really did contain some interesting information and comments. I appreciate the effort you are putting into this small project.

Within the next week I will definitely be mailing you 10 turtle tags, special applicators, and illustrated directions on how to apply the tags. It will be good for you to have these on hand in the event that a live turtle becomes available (stranding, incidental capture in net, etc.).

So we can have a tentative schedule, how about if we plan for 5 days of turtle work during the latter part of July or early August? Pick 5 days out that are convenient for you and our research associate, and let me know the dates.

If you can use them, I'll send over several more of the sea turtle ID posters just as soon as a resupply arrives from Florida.

Best regards,


GEORGE H. BALAZS
Assistant Marine Biologist

GHB:ec

KAHANAHOU HAWAIIAN FOUNDATION
A NON-PROFIT HAWAIIAN CULTURAL CORPORATION
KEALAKEKUA, HAWAII 96750
TELEPHONE (808) 322-3801

15 October 1982

Mr. Alan W. Ford, Regional Director
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
300 South Ferry Street
Terminal Island, CA 90731

Aloha Mr. Ford!

This is a letter of support for the urgent, and oft-repeated, pleas of Mr. Alike Cooper of Alike Cooper & Sons, Inc., 163 Keiulani Street, Hilo, Hawaii—that your agency immediately act to remove the exceedingly unfair prohibition NMFS has imposed upon our native Hawaiian people, enjoining us against the taking of green sea turtles (Honu Mams'o) for subsistence, and for ritual use.

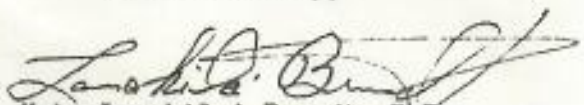
I wholeheartedly and authoritatively endorse Mr. Cooper's assertion that the green sea turtle is one of our people's traditional staples. And also his contention that, due to the depressed financial circumstances in which the majority of native Hawaiians have labored ever since the abrogation of our land and konohiki rights by the United States Government—the real need of our (basically) fisher people to take the green sea turtle for subsistence is urgent!

Also, as prelate of the statewide Hawaiian Rite Church, Hale o Lono, and cultural director of Kahanahou Hawaiian Foundation, with units on three islands, I must also lend support to Mr. Cooper's assertion that 'many islanders do indeed employ the Honu Mams'o in certain aspects of our ancient worship. And, of course, these traditional usages are guaranteed us under provision of Public Law 95-341, 95th Congress, 11 August 1978.

Further, Mr. Ford—although I see absolutely no reason why we Hawaiians should be compelled to present any sort of rationalization for our historic claims, yet, on December 22, 1981, Mr. Kenji Ego, Director (Ret), Division of Aquatic Resources, State of Hawaii, did supply such substantive evidence of the testimony of Governor George Ariyoshi supporting the lifting of restrictions, as relating to native Hawaiians.

Lastly, sir, that which is fair for natives of the Trust Territory, Guam, and the Northern Marianas, is equally fair for native Hawaiians. We urge you to have your agency lift the stricture, and grant our people their legal rights, immediately.

Most sincerely,


Kahu Lanakila Brandt, D.D.
KAHANAHOU HAWAIIAN FOUNDATION (and)
Hale o Lono

LB/k1

ccs
Mr. Sue Ono, Director, DLNR,
Division of Aquatic Resources
Mr. Alike Cooper, Alike Cooper & Sons
Mr. Doyle Gates, Director, NMFS, Honolulu
Office of Hawaiian Affairs
Governor George Ariyoshi

SUPPLY, EQUIPMENT OR SERVICE ORDER

PURCHASEMENT

OTHER (Specify)

Bill

FOR: National Marine Fisheries Service

1. THE NUMBER SHOWN IN BLOCK 5 MUST APPEAR ON ALL SHIPMENTS AND/OR DOCUMENTS RELATING TO THIS ORDER

3. REQUISITIONER DOCUMENT NO. 4. BUREAU CONTROL NO. 5. PURCHASE ORDER NO. 83-JA-00061

6. ISSUED TO:
George F. E.
Edmond Madalros
P.O. Box 1216
Kaanohali, Keleka, HI 96748

7. DESTINATION
SHIP TO
National Marine Fisheries Service
P.O. Box 3830
Honolulu, Hawaii 96812

8. ACCOUNTING CODE FT2000/8L1A3T00/2517 9. QUOTATION REF. OR CONTRACT NO. open market 10. DISCOUNT TERMS

11. DELIVERY F.O.B. 12. GOVT. B/L NO. 13. DELIVERY DATE

14. FUNDS AVAILABLE (Budget Office) 15. STATION

16. LINE NO.	18. DO NOT USE	17. DESCRIPTION	19. QUANTITY	20. UNIT	21. ESTIMATED TOTAL COST	22. ACTUAL	
						UNIT PRICE	TOTAL COST
		Provide time and space onboard fishing vessel for USFS representative to flipper tag sea turtles captured incidentally during normal fishing operations. Estimated requirements: ten (10) turtles per month for a period of three (3) months.	30	ea		10.00	\$300.00

23. SIGNATURE OF REQUISITIONER DATE 24. SIGNATURE APPROVING OFFICER DATE

TITLE INITIALS 25. NOT AVAILABLE - BUREAU STOCK/ EXCESS INITIALS 26. SIGNATURE-BUREAU CONTROL OFFICER 27. NOT AVAILABLE - DEPARTMENT STOCK/EXCESS INITIALS

28. APPROVAL DATE 29. PURCHASING AGENT DATE

30. RECEIPT ACTION - Quantities shown in Column 18 above have been received and accepted, except as follows: (If additional space is needed, use reverse side.)

31. SIGNATURE-RECEIVING OFFICER DATE 32. PROPERTY CONTROL NO.

TRADE-IN RECEIVING REPORT

33. SEND INVOICES TO DUPLICATE TO →

2-19-83

QUICK NOTE TO BILL PULEWA

from George

Dear Bill -

Just spending part of my Saturday morning going over your & Pat's Nalobai tagging work. Concerning

1/27 6595-96 and 1/11 6574-75, both of which had "holes" in shell, I suggest that you "probe

around" with a pointed object in these holes. See if you can feel any metal in there - like a broken-off spear point. Sometimes they are buried down a short distance. I've found several

like this over the years. If found, you can use very pointed needle nose pliers to pull it out. It will then bleed some, but certainly it's better to get it out!

I'm impressed that you haven't yet come across any turtles with tumors.

Hope you're feeling better. The family members too. Sorry I telephoned so early!

GALLOWAY & GREENBERG

ATTORNEYS AT LAW

1725 EYE STREET, N. W.

SUITE 601

WASHINGTON, D. C. 20006

L. THOMAS GALLOWAY
ELDON V. C. GREENBERG

DRAFT 2/18/83

February 22, 1983

United States Fish and Wildlife Service
Federal Wildlife Permit Office
P.O. Box 3654
Arlington, Virginia 22203

Review of Special Rules on Sea Turtles

Dear Sirs:

In accordance with the notice published in the Federal Register on January 3, 1983 (48 Fed. Reg. 42), I am writing on behalf of the Southeastern Fisheries Association, Inc. ("SFA") to express its views with respect to your review of the present ban on commercial importation of maricultured sea turtle products into the United States.

SFA, which is headquartered in Tallahassee, Florida^{*/}, is the largest commercial fisheries trade association in the southeastern United States. Its more than 400 members come from all sectors of the commercial fishing industry from North Carolina to Texas. SFA represents individuals and corporations owning and operating more than 500 commercial shrimp vessels in the Gulf and South Atlantic.

Over the past several years, the shrimp industry has undertaken a major effort to reduce sea turtle mortality incidental to fishing operations. In cooperation with the federal government, programs to improve gear, particularly the development of a turtle excluder trawl, have been initiated and pursued vigorously. Moreover, an educational campaign has been carried out throughout the industry to alert fishermen to the need to protect sea turtles and revive them if they are incidentally taken. The importance of compliance with the restrictions of the Endangered Species Act has been emphasized at length. The net result of all of

^{*/} -SFA's address and telephone number are:
Southeastern Fisheries Association, Inc.
312 East Georgia Street
Tallahassee, Florida 32301
(904) 244-0612

United States Fish and Wildlife Service
February 22, 1983
Page two

these efforts has been to reduce greatly the problem of sea turtle mortality during shrimping operations.

In our judgment, allowing the importation of maricultured sea turtle products could substantially set back the efforts of the past years and would be exceedingly unwise. A change in the rule would give mixed signals to the shrimp fishermen and almost surely lead to confusion about the need to protect endangered and threatened turtles. Moreover, it seems likely to stimulate demand for sea turtle products and thus create unfortunate economic pressure upon fishermen to sell incidentally caught sea turtles in a "black market". Even if an actual black market is not created, the risk of its creation would likely lead to increased surveillance and enforcement efforts directed against the shrimp industry, creating an overall climate of heavy-handed (and unnecessary) regulation. In short, we think the purposes of the Endangered Species Act and the interests of the shrimp industry will best be served by continuing to exclude turtles and turtle products from commerce.

Thank you for your consideration of our views.

Sincerely,

Eldon V.C. Greenberg
Counsel to Southeastern
Fisheries Association, Inc.

FEB 28 1983



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809

SUSUMU ONO, CHAIRMAN
BOARD OF LAND & NATURAL RESOURCES
EDGAR A. HAMASU
DEPUTY TO THE CHAIRMAN
DIVISIONS:
AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

February 16, 1983

Mr. R. K. Robinson
Chief, Branch of Permits
Federal Wildlife Permit Office
U. S. Department of the Interior
Washington, D. C. 20240

Dear Mr. Robinson:

This responds to your letter ("FWS/WPO PA 6-06b") inviting comment on the Notice of Intent regarding possible amendment of the Special Rule which presently bans commercial U. S. trade for certain sea turtle species.

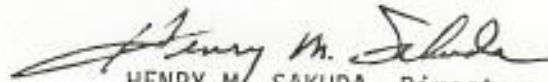
We understand from the Notice that consideration is being given to an amendment which would allow commercial importation of maricultured sea turtle products into the United States. We further understand that reconsideration was prompted by proposals for importation of cultured green sea turtle products from Surinam and Reunion, potentially from the Cayman Islands and other areas under the purview of the United Kingdom Management Authority, and from a location apparently undisclosed by the Pacific Legal Foundation and the Association for Rational Environmental Alternatives.

We suggest that in reconsidering the above allowance, attention be given to the following issues:

1. it appears highly probable that opening U.S. markets to cultured-turtle products would increase the pressure on remaining wild populations through harvest of their eggs, animals, or both, which are used to stock the turtle farms. Not only would such harvest be literally beyond control by any U.S. agency, it could also affect the stocks of sea turtles remaining in U.S. waters;
2. it is not clear how practical it would be to differentiate at the point of control between "products" from wild turtle stocks and products from cultured turtles; and
3. it would be highly inappropriate to allow commerce in foreign-cultured turtle products unless commerce is also allowed in turtle products cultured domestically. However, such allowance would be futile without simultaneous provision for domestic producers to obtain culture stocks.

We believe that the stocks of green sea turtles in our own waters are capable of sustaining carefully regulated harvest. From our own experience, it seems that the degree of protection presently afforded sea turtle stocks elsewhere in the world may be similarly "overzealous". Thus if the above concerns can be adequately addressed we would welcome the action proposed.

Sincerely,



HENRY M. SAKUDA, Director
Division of Aquatic Resources



University of Hawaii at Manoa

Hawaii Institute of Marine Biology
P.O. Box 1346 • Coconut Island • Kaneohe, Hawaii 96744
Cable Address: UNIHAW
April 15, 1983

Mr. Richard Lyman
The Bishop Estate
567 S. King St.
Honolulu, HI 96813

Dear Mr. Lyman:

Mr. Malcolm Love suggested your name to me and urged that I contact you concerning my interest in the fish ponds at Mauna Lani on the Big Island. I am trying to determine if and how sea turtles may have been used in these ponds in the past to aid in the culture of fish. The current caretaker claims that the use of sea turtles in such ponds controls limu, and that this is a traditional practice that has long been used. I have thus far not been able to confirm this point through any of my other sources. Mr. Love told me that he helped care for Mauna Lani ponds for Francis Brown between 1948 and 1956. To his knowledge, turtles were never used in the ponds during that time. However, he thought that possibly you could shed some light on this subject. If so, I would certainly be most appreciative.

Thank you in advance for any information you can offer.

Sincerely,

George H. Balazs
Assistant Marine Biologist

enclosure

567 South King Street
Suite 200
P.O. Box 3466
Honolulu, Hawaii 96901
Telephone 523-6200

Bill - Thought that you would be interested in this

KAMEHAMEHA SCHOOLS / BERNICE PAUAI BISHOP ESTATE

April 21, 1983

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

Dear Mr. Balazs:

Mr. Malcolm Love is very generous in his opinion on my ability to shed some light on the matter of the green sea turtle. Mr. Love sounds like a member of the M.A.S. (mutual admiration society).

Mr. Love is the only person alive that knows much of anything about the pond at Kalahuipuaa--gathering place of the pigs.

Mr. Love knows about eight years more of the pond's history than anyone else. I doubt that the present keeper knows more than one or two years history of the pond and if he knows anything about the history then I do not believe anyone else would know as much as Mr. Love.

I have never heard of turtles being kept in fishponds to control the growth of limu.

Come to think of it, I wonder how much fresh water a deep water sea turtle can stand. If you have the time I would like to talk to you about this.

Sincerely,


Richard Lyman, Jr. *Trustee*

cc: Mr. Love

Testimony: Department of Land and Natural Resources
State of Hawaii

Public Meeting - Review of Regulations Concerning the Taking of
Sea Turtles for Subsistence Purposes

U.S. Department of Commerce, NOAA
National Marine Fisheries Service

May 18, 1983
7:00 p.m.

Prince Kuhio Federal Building
Honolulu, Hawaii

We wish to begin by reassuring the National Marine Fisheries Service that the State of Hawaii steadfastly appreciates the intrinsic value of our native population of Hawaiian green sea turtles. We stand resolved that our honu shall persist, and that future generations shall share the seas with them as we do today.

We are confident that the people of Hawaii will maintain this common conviction. Based on this determination we must now work to build a consensus regarding how best to manage our renewable sea turtle resource at a sustainable level.

It would simplify the present effort if everyone concerned would keep clearly in mind some of the things we are not seeking:

- we are not seeking to use Hawaiian sea turtles for commercial purposes;
- we are not proposing the taking of turtle eggs, juveniles or immature turtles;
- we are not advocating that our honu be hunted with spears or harpoons, or entangled in nets to drown; and finally
- we are not attempting to rescind the special protection afforded to green sea turtles under Federal status as a threatened species.

Rather, we are simply requesting consideration of an "exemption," for taking fully mature turtles on a strictly non-commercial basis, to be used only for immediate family consumption as is presently allowed residents in the Trust Territory of the Pacific Islands.

The basis of the State's request for this consideration is two-fold: there are indications that our honu are more plentiful today than may have been believed at the time of their listing as a threatened species; and that there already exists a mechanism to monitor and control such taking under a State system that was in operation for four years and which can be restored readily if exemption is granted.

Regarding the increase in the sea turtle stock, local fishermen and divers have related to us that green sea turtles are more frequently encountered in our waters since the listing in 1978. On the Island of Molokai, one of our Aquatic Resources biologists has been assisting the local staff of the National Marine Fisheries Service by collecting data on sea turtles caught incidentally to a commercial net-fishing operation. While the data are preliminary, during the 22 days that he accompanied the commercial fishermen between May, 1982, and April, 1983, 85 honu were measured, tagged and released. Also during this period, many other turtles too large to handle were simply released from the nets untagged, or were released by the fisherman because our biologist could not be present to tag them. Of those tagged and released, only four have been recaptured. In the absence of any determination of sea turtle counts, we suggest the National Marine Fisheries Service evaluate the data collected from the study to derive estimates of sea turtles around our main Hawaiian Islands.

The Federal regulations establishing the prohibition on taking of sea turtles in Hawaii declared that "the National Marine Fisheries Service and the U.S. Fish and Wildlife Service will proceed to obtain data on the extent of subsistence fishing and the status of populations affected by that activity."¹ The only report on the status of the turtle population Statewide has been a synopsis compiled in 1979 and published in 1980.² As to the effects of subsistence taking in Hawaii before the prohibition, and in the Trust Territories where subsistence taking is still allowed, the State has learned nothing. Therefore, as we are able to relate only to our experiences and contribution to the federal research project, we looked to these meetings as an opportunity to hear what has been accomplished by the Federal agencies.

Regarding the earlier-mentioned system of managing the sea turtles, the State established in 1974 "Fish and Game Regulation 36," when Hawaiian green sea turtles were unprotected by Federal regulations. The State took action to address the concern of a growing commercial harvest of sea turtles for restaurant and curio sales³. At that time, despite the existing commercial take, testimony was presented by a researcher that our Hawaiian population was "the largest remaining colony of green sea turtles left in the United States."⁴ Nevertheless, to protect the Hawaiian honu resource, the State's Regulation 36 banned commercial taking.

Regulation 36 allowed the taking of honu for home consumption--with measures to protect the young and the reproductive capacity of the stock. The only information available to us regarding size at maturity is that females with shells 81 cm long have laid eggs, and that roughly seven percent of the turtles are this size on the grounds where they feed.² Regulation 36 permitted the taking only of turtles with shells longer than 36", which is slightly more than 91 cm. Also, Regulation 36 prohibited the taking of turtles with nets to prevent drowning of undersize turtles. Each person wishing to take turtles for home consumption was required to secure a permit and to file monthly reports of taking activities, thus providing the means with which the number of permittees and amount taken were monitored.

During the four year interval, 35 permittees reported taking a total of 88 honu or roughly an average of 22 turtles annually. We remain unconvinced that an annual taking of that number was significant to the sea turtle stock. Regulation 36 was preempted four years later in 1978 by the present Federal regulations.

In closing, it must be emphasized again that we are working from the basis of common understanding. We are resolved that our honu, the Hawaiian population of green sea turtles, must be protected effectively and managed wisely. We should all agree that government restrictions contrary to the public interest should be discarded. In this spirit we wish to express our support for the controlled subsistence use of green sea turtles from Hawaiian waters.

Thank you for this opportunity to tender our views.

1. 43 FR 32806.
2. Balazs, George H. 1980. Synopsis of biological data on the green turtle in the Hawaiian Islands. NOAA-IM-NMFS-SWFC-7; National Marine Fisheries Service, Southwest Fisheries Center.
3. Balazs, George H. 1975. Testimony...concerning Senate Bill 548 which relates to a green sea turtle resource management study. Typewritten manuscript, unpublished.
4. Balazs, George H. 1973. Testimony...concerning Regulation 36 which relates to the protection of marine turtles in Hawaiian waters. Typewritten manuscript, unpublished.

TO: MR. ALAN FORD
REGIONAL DIRECTOR
SOUTHWEST REGION
NATIONAL MARINE FISHERIES SERVICE
300 FERRY STREET, ROOM 2016
TERMINAL ISLAND, CA. 90721

Dear Mr. Ford:

My name is Winfred Ho. I am a member of the advisory panel of the Western Pacific Regional Fisheries Council on Billfish and Pelagic Fisheries, a member of the Hawaii State fisheries coordinating council, Chairman and founder of the Hawaii Invitational Allison Tuna Tournament here on Oahu and also an advert sports and commercial fisherman.

Regarding the subsistence taking of the Hawaiian Green Turtle here in Hawaii, I am very much aware of the need for the continuing existence of these animals which I am sure that anyone who's familiar with, would not wish to see these become extinct in time to come.

Here in Hawaii, the green sea turtle has been the most prevalent species to be found anywhere within the waters of our main Hawaiian Islands.

These turtles have been here since the discovery of these islands by the Polynesians who first landed here and has continued to exist here in our islands since. The migration of our green sea turtles has not been proven by a tagging team of National Marine Fishery Service and the U.S. Department of Fish and Wildlife personnel some years back. This does signify that we have a discrete Hawaiian colony of green sea turtles here in our main Hawaiian Islands.

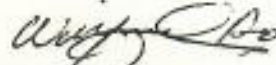
During the time that the taking of the green sea turtles were permitted, it was used as a means of cultural and historical exhibits, as well as subsistence to people who preferred the turtle flesh over animal.

I do not foresee any detrimental exploitation of these animals within our Hawaiian shores if it were to be permitted as a subsistence use only. This would be due to a regulation that was put into effect in May of 1974 by the Department of Land and Natural Resources that totally protected the Leatherback and the Hawksbill turtles, while permitting the very limited controlled harvesting of the green sea turtle for home use only, but has since been nulified by the federal endangered species act of 1973.

I am very confident that with the cooperation of all concern, the subsistence taking of our green sea turtles should be permitted on a trial basis subject to review by our judicial bodies to determine it's existence.

Thank you very much in permitting me to take this opportunity to present my views on this matter.

Yours truly,



Winfred Ho



University of Hawaii at Manoa

Environmental Center
Crawford 317 • 2550 Campus Road
Honolulu, Hawaii 96822
Telephone (808) 948-7361

PRELIMINARY REVIEW OF REGULATIONS CONCERNING THE TAKING OF SEA TURTLES FOR SUBSISTENCE PURPOSES

Presented by
Sheila Conant
University of Hawaii

Public Hearing
May 18, 1983

Pursuant to the request for comments on "Review of Regulations Concerning the taking of Sea Turtles for Subsistence Purposes," 48 FR 16925, the Environmental Center of the University of Hawaii would like to submit the following preliminary comments. This review will be expanded further after additional University of Hawaii members contribute comments and a final review is completed. The following members of the University of Hawaii have contributed to this statement: Sheila Conant, General Science; Edward Stroup, Oceanography; Hank Banner, Zoology/HIMB; Kirk Smith, East West Center; Ted Pettit, Physiology; and Lee Hannah, Mark Ingoglia and Jacquelin Miller, Environmental Center.

Sea turtles which are presently endangered or threatened are in need of the fullest possible protection. The full range of factors responsible for the decline in Sea Turtle populations are not completely understood, and therefore all pressures which can be reasonably removed should be, until these species are no longer endangered. Subsistence allotments are difficult to limit and difficult to rescind should they be found to be detrimental. Such regulations are also particularly subject to abuse. Modern technology permits taking and capturing turtles in far greater numbers and more frequently than under native "subsistence" fishing conditions. For these reasons, and because no traditional culture in Hawaii or Guam seems dependent on the taking of sea turtles, we would find revision of Special Rule 50-CFR-227-D inadvisable.

With proper management now, sea turtles may be expected to rebound sufficiently to withstand "subsistence" taking in the future. Without adequate safeguards now, sea turtles may well be lost to all cultures forever. Expansion of the subsistence taking rule would seem worthy of consideration if current restrictions threatened the existence of true traditional cultures, but this is not the case. Expanding permissible taking under the present circumstances risks possible permanent loss of a resource in exchange for the temporary pleasure of a few. This is an unwise bargain. Perhaps in the interest of

equity, subsistence taking should be banned in all areas, but expanding subsistence taking seems clearly unreasonable. The potential consuming populations in Hawaii and Guam are too large to assume that these markets could be breached without very serious detriment to sea turtle populations. Consistency with the letter and intent of the Endangered Species Act would seem to preclude this option. We would suggest that the prudent action for the present is no less than maintenance of the current stringency of subsistence taking rules.

other documents shall be furnished the Commission.

6. **Public Inspection of Filings.** All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

(31 Dec. 83-10522 Filed 4-19-83 8:45 am)
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

Review of Regulations Concerning the Taking of Sea Turtles for Subsistence Purposes

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Review of regulations concerning the taking of sea turtles for subsistence purposes.

SUMMARY: The Service has been requested by residents and the Governments of Guam and Hawaii to review the regulations prohibiting taking of sea turtles for subsistence purposes, except for the taking of the green sea turtles (*Chelonia mydas*) by residents of the Trust Territory of the Pacific Islands. In response to those requests the Service announces its intent to review Special Rule 50 CFR Part 227 Subpart D to determine whether the subsistence regulations for the Trust Territory of the Pacific Islands should be modified and whether the taking of sea turtles for subsistence purposes should be allowed in other areas of the Central and Western Pacific Ocean. To ensure that this review is comprehensive the Service is soliciting comments and information on all aspects of the use of sea turtles for subsistence purposes and will conduct several public meetings as specified below. The Service will determine if it is appropriate to modify existing regulations based upon the following: comments, information, and testimony received; review of the administrative record compiled prior to promulgation of the existing regulations; and a legal analysis of the subsistence issue being prepared by the National Oceanic and Atmospheric Administration's Office of General Counsel.

DATES: Comments and information must be received by June 20, 1983. Public meetings will be held as follows:

May 10, 1983—Hilo, Hawaii, County Council Room, 2nd Floor, 25 Aupuni St. 7-9 p.m.

May 11, 1983—Kailua-Kona, Hawaii, Kona Hilton, Endeavor Room, 7-9 p.m.

May 12, 1983—Wailuku, Maui, Baldwin High School, Multipurpose Bldg., Lecture Hall, Kaahumanu Highway. 7-9 p.m.

May 16, 1983—Lanai City, Lanai, ILWU Hall, 840 Ilima Avenue, 7-9 p.m.

May 17, 1983—Kaunakakai, Molokai, Kaunakakai Elementary School Cafeteria, Kamehameha V Highway, 7-9 p.m.

May 18, 1983—Honolulu, Oahu, Prince Jonah Kuhio Federal Building, 5th Floor Cafeteria, 300 Ala Moana Blvd., 7-9 p.m.

May 19, 1983—Lihue, Hawaii, Kauai Regional Library, 4344 Hardy Street, 7-9 p.m.

June 6, 1983—Agaña, Guam, Guam Reef Hotel, 7-9 p.m.

June 7, 1983—Saipan, Northern Mariana Islands Saipan Grand Hotel, 7-9 p.m.

June 8, 1983—Pago Pago, American Samoa, Rainmaker Hotel, Convention Center, 5:30-7:30 p.m.

Public meetings may be held in the Trust Territory of the Pacific Islands in June 1983. The dates and locations of those public meetings will be published in the Federal Register as an addendum to this notice at least 30 days prior to the first meeting.

ADDRESS: Please address correspondence to Mr. Alan W. Ford, Regional Director, Southwest Regional Office, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

FOR FURTHER INFORMATION CONTACT: Alan W. Ford, Regional Director, Southwest Regional Office, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731, telephone (213) 548-2575 or FTS-796-2575; or Doyle E. Gates, Administrator, Western Pacific Program Office, Southwest Region, National Marine Fisheries Service, P.O. Box 3830, Honolulu, Hawaii 96812, telephone (808) 955-8831.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act (ESA) of 1973, as amended, is administered jointly by the Departments of the Interior (Fish and Wildlife Service) and Commerce (NMFS). In general, the Department of Commerce is responsible for listed marine species and the Department of the Interior for terrestrial and aquatic species. The two Departments share jurisdiction of sea turtles with Interior having

responsibility for sea turtles in the terrestrial environment and Commerce have responsibility for sea turtles in the marine environment. On July 26, 1978, pursuant to the authority of section 4 of the ESA, NMFS and the Fish and Wildlife Service published in a Final Rule in the Federal Register listing and protecting loggerhead sea turtles (*Coretta corotata*), as threatened species and populations of green (*Chelonia mydas*) and olive ridley (*Lepidochelys olivacea*) sea turtles as threatened or endangered species. Breeding populations of green sea turtles in Florida and on the Pacific Coast of Mexico and of olive ridley sea turtles on the Pacific Coast of Mexico are listed as endangered species; the remaining population of both species are listed as threatened species.

The Final Rule also amended 50 CFR by adding a new Part 227, which, with few exceptions, prohibits commercial trade in and the taking of threatened species of sea turtles. Among the exception to the prohibition on takings is the taking of "any member of the species of the green sea turtle (*Chelonia mydas*) in waters seaward of mean low tide for personal consumption by residents of the Trust Territory of the Pacific Islands if such taking is customary, traditional, and necessary for the subsistence of such resident and his immediate family." The existing regulations do not allow any other taking of sea turtles for subsistence purposes. The exception was founded on information submitted by the Government of the Trust Territory of the Pacific Islands which documented the traditional use of green sea turtles by natives of the Trust Territory. This exception was not extended to other areas of the Central and Western Pacific because NMFS thought a complete prohibition was necessary in the other areas to control commercial trade in turtle shells, meat, and other products. Also, evidence was presented indicating that the green sea turtle population in Hawaii had declined, and NMFS concluded that a subsistence take in Hawaii might contribute to a further decline of that population.

Purpose of Review

The Service received requests from residents and the Governments of Guam and Hawaii to review existing regulations that prohibit the taking of sea turtles for subsistence purposes in Guam and Hawaii. The requests indicate that the regulations may discriminate against residents of Guam and native Hawaiians. The Service is responding to those requests by

can you send in testimony?

Sho-H b.c. knowledge

reviewing the existing regulations to determine whether the subsistence regulations for the Trust Territory of the Pacific Islands should be modified and whether the taking of sea turtles for subsistence purposes should be allowed in other areas of the Central and Western Pacific Ocean.

Scope of Review

Because of the shared jurisdiction of sea turtles under the Endangered Species Act, during this review the Service will consider only the subsistence take of green sea turtles in the marine environment (seaward of mean low tide). Subsistence taking of green sea turtles or eggs on beaches is under the jurisdiction of the Department of the Interior and will not be considered. The Service will coordinate

this review with the Department of the Interior.

Information Solicited

To ensure that the review is complete and based upon the best available information, the Service is soliciting information concerning all aspects of subsistence use(s) of green sea turtles including, but not limited to, the need for subsistence taking for nutritional reasons, the historical use(s) of green sea turtles in the areas in question, and the impact(s) of subsistence taking on the affected populations and their recovery. The Service requests that comments and information be accompanied by supporting documentation such as maps, bibliographic references, or reprints of pertinent publications. All

correspondence should include the author's name, address, and any association, institution or business affiliation being represented. This request pertains only to information that was not considered during the rulemaking process leading to the Final Rule published in the Federal Register on July 28, 1978 (pp 32800-32811).

List of Subjects in 50 CFR Part 227

Endangered and threatened wildlife, Fisheries.

Dated: April 12, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation.

[FR Doc. 83-10432 Filed 4-19-83; 8:45 am]

BILLING CODE 3810-22-M

on of the prohibitions in paragraphs (b) and (c) of this section;

(e) deliver, receive, carry, transport, or ship in foreign commerce by any means whatsoever, and in the course of a commercial activity, any such species;

(f) sell, or offer for sale, in foreign commerce any such species;

(g) deliver, receive, carry, transport, or ship in interstate commerce, by any means whatsoever, and in the course of a commercial activity; provided that this paragraph (g) shall not apply to any such species taken prior to the effective date of the listing of the species for 1 year after such listing; or

(h) sell, or offer for sale, in interstate commerce any such species; provided that this paragraph (h) shall not apply to any such species taken prior to the effective date of the listing of the species for 1 year after such listing.

227.72 Exceptions to prohibitions.

(a) *Scientific, propagation, or survival permits.* (1) The Assistant Administrator may issue permits authorizing activities which would otherwise be prohibited under § 227.71 for scientific purposes or to enhance the propagation or survival of such species. Applications for these permits are subject to the provisions of Part 220 of this Chapter II.

(2) Ongoing scientific, propagation, survival projects, which would otherwise be prohibited by § 227.71 may continue without a permit until an application for a permit has been denied 90 days from the effective date of a listing of the affected species, whichever comes first. If a permit has not been denied, ongoing projects may continue beyond this 90-day period provided that the individual responsible for such project(s) has applied for a permit and receives a letter from the Assistant Administrator stating that the application is complete and sufficient for processing within the 90-day period. Projects not receiving a permit letter indicating sufficiency by the 90th day must cease. Within 30 days of receipt of an application, the Assistant Administrator will determine the completeness and sufficiency of the

application for processing. If an application is deemed complete and sufficient for processing, a permit will be issued or denied within the next 90 days beginning with the date of the letter informing the applicant that the application is sufficient. Approved projects shall continue in accordance with the conditions of the permit.

(b) *Permits for Zoological Exhibition or Educational Purposes.* The Assistant Administrator may issue permits authorizing activities which would be otherwise prohibited under § 227.71 for zoological exhibition or educational purposes. Applications for these permits are subject to the provisions of Part 220 of this Chapter II.

(c) *Exceptions for injured, dead, or stranded specimens.* If any member of any threatened species listed in § 227.4 is found injured, dead, or stranded, any agent or employee of the National Marine Fisheries Service, the Fish and Wildlife Service, the U.S. Coast Guard, or any other Federal land or water management agency, or any agent or employee of a State agency responsible for fish and wildlife who is designated by his or her agency for such purposes, may, when acting in the course of his or her official duties, take such specimens without a permit if such taking is necessary to aid a sick, injured, or stranded specimen or dispose of a dead specimen or salvage a dead specimen which may be useful for scientific study. Wherever possible, live specimens shall be returned to their aquatic environment as soon as possible. Every action shall be reported in writing to the Assistant Administrator within 30 days, and reports of further occurrence shall be made as deemed appropriate by the Assistant Administrator until the specimen is either returned to its environment or disposed of. Reports shall be mailed by registered or certified mail, return receipt requested, to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235, and shall contain the following information:

(1) Name and position of the official or employee involved;

(2) Description of the specimen(s) involved;

(3) Date and location of disposal;
(4) Circumstances requiring the action;

(5) Method of disposal;

(6) Disposition of the specimen(s), including, where the specimen(s) has been retained in captivity, a description of the place and means of confinement, and the measures taken for its maintenance and care; and

(7) Such other information as the Assistant Administrator may require.

(d) *Exception for research or conservation.* Any employee or agent of the National Marine Fisheries Service, the Fish and Wildlife Service, or a State fish and wildlife agency operating a conservation program pursuant to the terms of a Cooperative Agreement with the National Marine Fisheries Service or the Fish and Wildlife Service in accordance with Section 6(c) of the Act, designated by his or her agency for such purposes, may, when acting in the course of his or her official duties, take any threatened species to carry out scientific research or conservation programs. All such takings shall be reported within 30 days of the taking to the Assistant Administrator who may request additional reports of the taking and research at his discretion.

(e) *Exception for incidental taking—*

(1) *General.* Except as provided in paragraphs (e)(2) and (e)(3) of this

section, the incidental taking of any member of any species listed in § 227.4 during fishing or scientific research activities not directed toward such members of such species is allowed under the following conditions:

(i) any specimen so taken must be handled with due care to prevent injury to live specimens, and must be returned to the water immediately whether it is dead or alive unless it is a sea turtle which is alive and unconscious, in which case before returning it to the water, resuscitation must be attempted by turning the turtle on its back and pumping its plastron by hand or foot; and

(ii) any specimen so taken must not be consumed, sold, landed, offloaded, transhipped, or kept below deck.

(2) *Restricted Fishing Areas.* [Reserved]

(3) *Gear.* [Reserved]

(f) *Subsistence.* The prohibition in § 227.71(b) shall not apply with respect to the taking of any member of the species of green sea turtle (*Chelonia mydas*) in waters seaward of mean low tide for personal consumption by residents of the Trust Territory of the Pacific Islands if such taking is customary, traditional and necessary for the sustenance of such resident and his immediate family. Sea turtles so taken cannot be transferred to non-residents or sold.

SIZE DISTRIBUTION OF 81 GREEN TURTLES TAGGED BY BILL PULELOA AND ED MEDEIROS

ALONG THE SOUTH COAST OF MOLOKAI, MAY 1982 - MAY 1983

DRAFT

Compiled by

G.H. Balazs-May 1983

Curved carapace
length in cm

No. of Turtles

35 - 40		4
40 - 45		10
45 - 50		4
50 - 55		6
55 - 60		13
60 - 65		6
65 - 70		8
70 - 75		13
75 - 80		10
80 - 85		4
85 - 90		1
90 - 95		1
95 - 100		1

51

727

3

85

81

Approximate size categories:

(for curved carapace length)

Juvenile (35 - 70 cm) 63.0%

Sub-adult (70 - 85 cm) 33.3%

Adult (>85 cm) 3.7%

NUMBER OF GREEN TURTLES CAUGHT BY "BAKLAD" TRAP NET FISHING ALONG THE
SOUTH COAST OF MOLOKAI (3,600' LONG NET GUIDE SET PERPENDICULAR TO SHORE)

Compiled by

DRAFT

G. H. Balazs
May 1983

(Based on data supplied by Ed and Diane Medeiros and Bill Puleloa)

Date	No. of turtles	Date	No. of turtles
September 2, 1982	1	October 21	1
3	23	26	7
4	9	December 22	1
9	3	23	0
10	1	25	0
15	1	30	0
21	2	31	1
23	3	January 3, 1983	1
24	1	4	0
30	3	11	4
October 1	1	12	0
5	2	13	0
7	2	14	1
8	2	22	1
12	1	25	0
13	1	26	5
18	1	27	2
19	18	28	2
20	7	29	1

Date	No. of turtles	Date	No. of turtles
January 30	0	April 6	0
February 8	1	7	0
9	0	12	0
11	0	13	1
25	0	21	0
26	2	22	0
March 26	0	27	1
		28	2

Between 9/2/82 and 10/26/82, 21 overnight sets were made in which turtles were captured. Sets that did not catch turtles during this period were not recorded by the fisherman.

Between 12/22/82 and 4/28/83, 32 overnight sets were made with both "turtle" and -- "no turtle" catches being recorded.

12/22/82 to 4/28/83 - 26 turtles or .81 turtles per set.

9/2/82 to 4/28/83 (overall, with bias) - 116 turtles or 2.2 turtles per set.

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

ALIKA COOPER

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

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

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

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

KAOHU COOPER

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

MAHI COOPER

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

SYMPOSIUM ON THE NORTHWESTERN HAWAIIAN ISLANDS

May 27, 1983

Unofficial

Verbatim Transcript of Tape Recording

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

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

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

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

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

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GEORGE W. BAIAS

PHIL HELFRICH VIA
GEORGE BAIAS

Report on the abundance of turtles and turtle nesting areas in the northern Marshall Islands

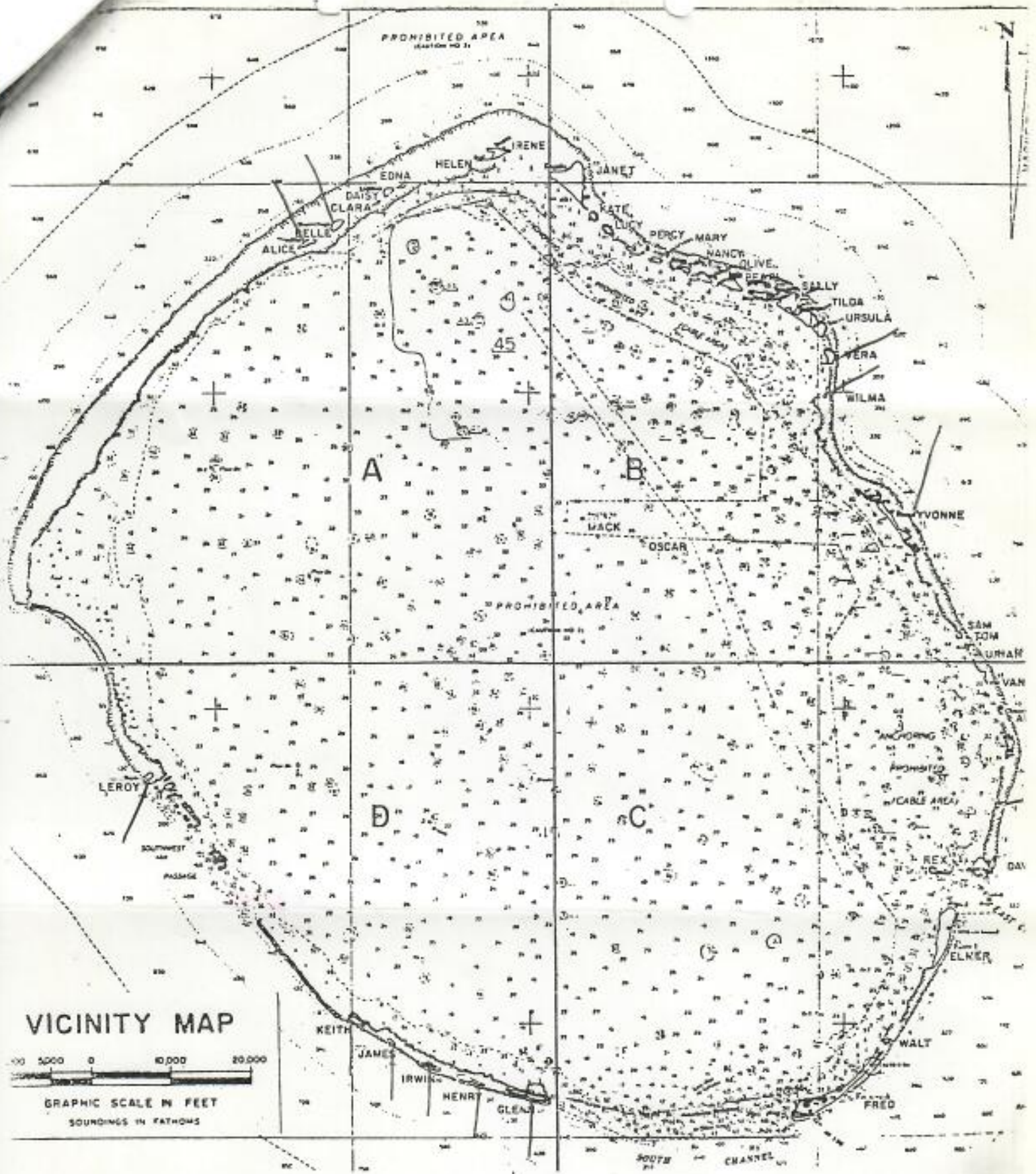
The following report resulted from an interview with Chief Johannes, the last remaining traditional chief of the Enewetak people, and the leader of the "Drei Enewetak", the people who normally inhabited the southern half of Enewetak Atoll. The interview took place on the 15th of March 1974 at Majuro, with other members of the Enewetak Council also present, and they occasionally submitted information or confirmed the information given by Chief Johannes. Under their system of protocol, however, an agreement with what Chief Johannes said might be more a matter of proper etiquette rather than an expression of what the other councilmen actually knew about the situation.

First, Chief Johannes indicated that turtles nested all around the island Ujilang. Ujilang is the island which has been occupied by the Enewetakese since 1947, and it is difficult to visualize that they did not decimate the nesting turtle populations, because Ujilang is such a small island. For further details on this, a reference is made to the Enewetak Radiological Survey in which Ken Marsh speaks of the eating habits of the Enewetakese. This document also gives population data of the Ujilang people.

Chief Johannes is a man of approximately sixty years of age, and lived on Enewetak Atoll until he departed in 1946. He claims that up to that time turtles nested from May through August on the following islands: Alice, Bell, Runit (Yvonne), Glen through Keith, Leroy, Wilma, and Vera (see attached map). He claimed that the best nesting areas

were on Wilma and Vera. He also indicated that turtle nests were abundant on the island of "Vikai". I am not aware of where this island is located, but it seemed to be familiar to Chief Johannes.

I also quizzed him about the abundance of ciguatera on Enewetak. He indicated that fish were poisonous in the areas of Alice through David. These are essentially all of the islands in the northern and eastern side of the atoll down through the main pass. He claimed that the leeward islands were always O.K. Also, that the mullet used to be poisonous, but now they are O.K. I am not aware of how he has obtained this information, as he has only visited Enewetak briefly once or twice in the past two years. It may have been that he sampled the mullet during those two periods and they were not poisonous.



PROHIBITED AREA
SECTION NO. 1

A

B

D

C

VICINITY MAP



GRAPHIC SCALE IN FEET
SOUNDINGS IN FATHOMS

SOUTH CHANNEL

wp. Info 1983

State of Hawaii
Department of Land & Natural Resources
Division of Aquatic Resources
1151 Punchbowl Street, Room 330
Honolulu, Hawaii 96813

Permit No. SCP 84-18
Date of Issue: 09/06/83
Expiration Date: 06/30/84
OCT 28 1983

SCIENTIFIC COLLECTING PERMIT

The Board of Land and Natural Resources hereby grants permission under the authority of Section 187-4, Hawaii Revised Statutes and all other applicable laws, to: (name, title, affiliation and address of permittee)

George H. Balazs, Fishery Biologist
National Marine Fisheries Service
Honolulu Laboratory
P. O. Box 3830
Honolulu, Hawaii 96812

(and designated assistants as may be listed on Attachment No. 1, page 5 of this permit)

Phone: (B) 946-2181

to (~~take~~ catch, possess, ~~take~~ transport) for the purpose of conducting studies on Hawaiian sea turtles--green sea turtles (Chelonia sp.)

the following (~~marine~~ aquatic) life:

Common Name	Scientific Name	No. of Specimens	Collection Location
Green sea turtle	<u>Chelonia</u> sp.	As may be captured by methods allowed in Special Conditions, page 3 of this permit	State waters, except as prohibited in Special Conditions, page 3 of this permit

NOTE: The applicant's designated assistants are covered by Federal Fish and Wildlife Permit (PRT 2-3593) which expires on May 31, 1985. Mr. Balazs is an employee of NMFS and does not need a permit to conduct research on "threatened" species.

subject to the following conditions:

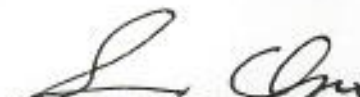
I. GENERAL CONDITIONS:

- A. 1. This permit is non-transferable or assignable; a copy must be carried by the permittee(s) while engaged in activities permitted under this permit.

2. Each permittee is individually responsible and accountable for his or her actions under this permit.
- B. This permit only authorizes the permittee to conduct collecting activities under the control of the Division of Aquatic Resources, Department of Land and Natural Resources (DLNR), and requires that the permittee obtain prior approval from all others involved, including other Divisions of the DLNR, private landowners, tenants, and County, State and Federal agencies.
- C. This permit does not in any way make the Board of Land and Natural Resources of the State of Hawaii liable for any claims of personal injury or property damage to the permittee(s) or his party which may occur while engaged in activities permitted under this permit; further, the permittee(s) agrees to hold the State harmless against any claims of personal injury, death or property damage resulting from the activities of the permittee(s).
- D. This permit is valid for species protected by federal law only if accompanied by proper federal permit and listed on page 1 of this permit.
- E. The permittee shall return this permit with a complete report of all collecting done under this permit to the Division of Aquatic Resources no later than one month after the expiration date (attached).
- F. This permit shall become valid upon completion of the following:
 1. All persons whose names are listed in Attachment 1, which is attached hereto and made a part of this permit, have read this permit in-toto and acknowledge understanding and agreement to abide by the conditions by signing (affixing his or her signature) in the space provided on the original and duplicate copies.
 2. Both copies of the signed permit must be returned to the Division of Aquatic Resources. Upon complete execution of the permit, a copy will be returned to the applicant.
- G. Any person violating any of the conditions stipulated under this permit shall be subject to revocation of the permit and penalty provisions provided by law. Further, any infractions of this permit may be cause for denial of future permit requests.
- H. The permittee shall provide copies of all published reports of the study to the Division of Aquatic Resources. Permittee shall also provide or make available for inspection any raw data that may be obtained under this permit when requested by the Division.

II. SPECIAL CONDITIONS

1. This permit authorizes the permittee and designated assistant only to capture green sea turtles (Chelonia sp.) using hand or scoop nets in a non-injurious manner only in the waters of the State except at the following prohibited locations: Oahu - Hanauma Bay Marine Life Conservation District, Pupukea Marine Life Conservation District, Ala Wai and Kapalana Canals, Heeia Kea Wharf, Pokai Bay, Haleiwa Harbor, and Waikiki-Diamond Head Fishery Management Area; Hawaii - Kealakekua Bay Marine Life Conservation District and Kailua Bay; Maui - Ahihi-Kinau Natural Area Reserve and Molokini Shoal Marine Life Conservation District; Lanai - Manele-Hulopoe Marine Life Conservation District; Kauai - Kapaa and Waikaena Canals; and any other area that may be designated as a Marine Life Conservation District, Natural Area Reserve, Marine Refuge or Fisheries Management Area during the effective period of this permit. Discretion should be used to avoid conflict with fishers or others during collecting activities at any location.
2. The permittee and designated assistant will also be allowed to use large mesh nets to capture the turtles at the locations listed on Attachment No. 2, page 6 of this permit.
3. Following the capture of the turtles, the collection of the required data and the affixing of the identification tags, all captured turtles will be returned to the wild.
4. This permit does not by implication authorize the permittee and designated assistant to engage in any other activity if in violation of other State, Federal or County laws, regulations or ordinances. The permittee shall obtain and/or renew all necessary Federal permits and/or authorizations required for the capturing of green sea turtles (threatened species), and provide copies to the Division of Aquatic Resources prior to initiating any activity under this permit (Federal permit expires May 31, 1985). (See "D," General Conditions)
5. The permittee or designated assistant shall notify the Division of Conservation and Resources Enforcement at least 48 hours in advance of any field collecting activity and provide such information as date, time, location, method to be used and names of persons to be involved (Telephone: Honolulu - 548-5918, 548-3966 or 548-5919; or any of the District offices located on Hawaii, Maui or Kauai).
6. The permittee shall provide the Director of the Division of Aquatic Resources all reports and/or findings emanating from the use of this permit.



SUSUMU ONO, Chairperson and Member
Board of Land and Natural Resources

cc: [x] DOCARE
[x] Fisheries
[] Forestry & Wildlife
[x] Special Agent in Charge,
USFWS, Honolulu
[x] Ernest Kosaka, USFWS

PERMITTEE'S REPORT OF COLLECTING DONE UNDER THIS PERMIT

(This form or a facsimile thereof must be submitted to the Division of Aquatic Resources no later than one month after expiration date.)

Common Name	Date Collected	Number Collected*	Location	Disposition of Specimens
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Signature of Permittee

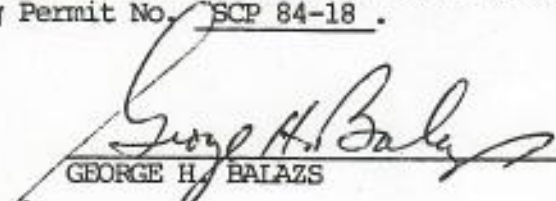
Date

*If salvaged, dead or injured, give circumstances (how killed or injured, from whom obtained, how obtained).

Attachment No. 1 to Scientific Collecting Permit No. SCP 84-18

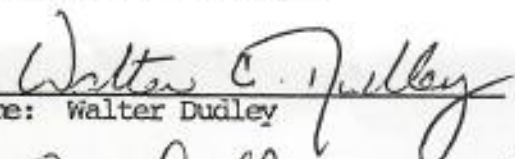
Principal Permittee: George H. Balazs

The undersigned have read, understand and hereby agree to abide by the general conditions stipulated on pages 1 and 2 and special conditions (page 3) No(s). -1, 2, 3, 4, 5, 6- in Scientific Collecting Permit No. SCP 84-18.



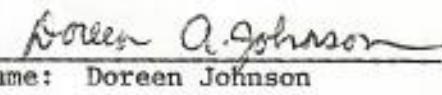
GEORGE H. BALAZS

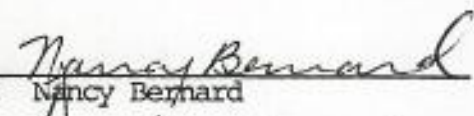
DESIGNATED ASSISTANTS (if any):

Signature 
Printed Name: Walter Dudley

Signature 
Printed Name: Lisa Hall

Signature 
Printed Name: David Clements

Signature 
Printed Name: Doreen Johnson

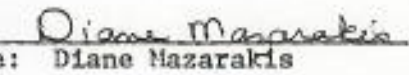
Signature 
Printed Name: Nancy Bernard

Signature 
Printed Name: Miles Kaichi

Signature 
Printed Name: Alan K. H. Kam

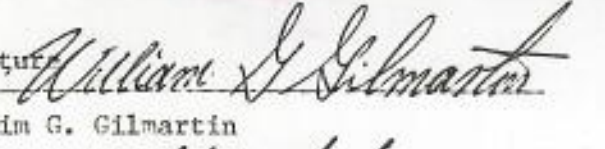
Signature 
Printed Name: Darrell Kuamoo

Signature 
Printed Name: Ronald McOmber

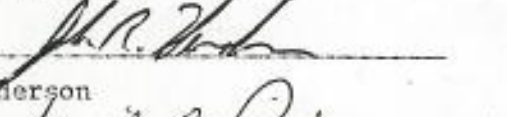
Signature 
Printed Name: Diane Mazarakis

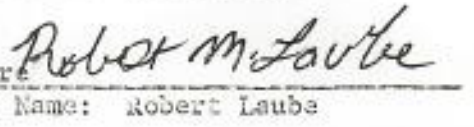
Signature 
Printed Name: Richard S. Shomura

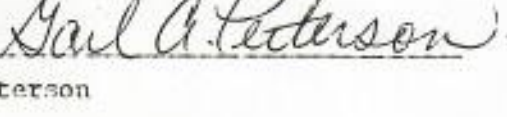
Signature 
Printed Name: William Orcutt

Signature 
William G. Gilmartin

Signature 
Printed Name: Toshi Ariga

Signature 
John R. Henderson

Signature 
Printed Name: Robert Laube

Signature 
Gail A. Peiterson

Attachment No. 2 to Scientific Collecting Permit No. SCP 84-18

Principal Permittee: George H. Balazs

Approved locations for using large mesh nets to capture turtles. (Please use discretion to avoid user conflicts with fishers or others.)

Kaneohe Bay, Ahu O Laka Island
Mokuleia
Barbers Point (adjacent to USCG Air Station)
Bellows Beach
Kawela Bay

Kaalualu Bay, Island of Hawaii
Punaluu Bay, Island of Hawaii
Kiholo Bay, Island of Hawaii
Leleiwi, Hilo Bay, Island of Hawaii
Paia, Maui

Smuggler's Cove, Kahoolawe
Paiaau, Molokai

SUMMARY OF LONG TERM TAG RECOVERIES MADE AT PUNALUU BY THE UH-HILO MOP/NMFS SEA TURTLE PROJECT

Tag No.	Date recovered and size	Date/location originally tagged	Interval (months)	Increase in carapace length		Mean yearly growth rate	
				cm	inches	cm	inches
2877	12-18-83 23.7 inch carapace	8-31-78 Punaluu	63.5	18.9	7.4	3.6	1.4
2514	1-8-84 30.7 inch carapace	1-23-78 Punaluu	72.0	20.8	8.2	3.5	1.3
5501	1-9-84 29.6 inch carapace	7-28-81 Punaluu	29.0	7.2	2.8	3.0	1.2

15 - 19 Dec. 1983 Expedition - 12 turtles captured (1 long term and 1 short term recovery)

8 - 10 Jan. 1984 Expedition - 13 turtles captured (2 long term and 2 short term recoveries)

G. Balazs
1-12-84

NATIONAL MARINE FISHERIES SERVICE
HONOLULU LABORATORY
P. O. BOX 3830
HONOLULU, HAWAII 96812

Legend of Kana and Niheu.

HAKALANILEO¹ was the father and Hina² was the mother of Kana³ the first-born, and Niheu⁴ was the younger brother of Kana. Uli⁵ was the grandmother. Hamakualoa, Maui, was the land in which Kana was born, and Halauoloolo was the name of the house. At the birth of Kana, he was in the form of a piece of rope; he had no human form. After the birth of Kana, Uli took and kept it until it assumed a human form, then she brought the child up. The place where Kana was brought up was in Piihonua, Hilo, Hawaii, a place lying to the East of Wailuku, where his house was built, called Halauoloolo.⁶

In this legend it is said that the body of Kana grew to be very tall and large and was terrible to behold. While he was being brought up, he grew so fast⁷ that the house had to be lengthened, so that it extended from the mountain until it was almost to the edge of the sea. Such is the story as told of this house, Halauoloolo.

RELATING TO THE HAUPU HILL.

This hill called Haupu,⁸ was a hill situated on Molokai and the chief who lived on this hill was Kapepeekauila by name and his chief priest was known by the name of Moi.⁹ Once upon a time this hill, Haupu, moved or floated to Mokuola¹⁰ in Hilo, Hawaii, carrying along the chief and the people and the things that grew on the hill. When Hina the mother of Kana and Niheu saw that the land was pleasant to the eye, she climbed on up the hill with the idea of taking a look at the place. As soon as Hina was on the hill of Haupu, it immediately moved back to Molokai, thus leaving Hakalanileo to mourn for her loss. When Hakalanileo saw that his wife was being carried away he tried to recover her, but found it impossible to do so. After his failure, he proceeded to Niheu and informed him that Hina had been taken away by the hill of Haupu. When Niheu heard this report from his father, he said: "I cannot get her, there is only one person who can do it, and that is Kana. You must go to him personally; don't be afraid of him and run away if he should turn and look at you. Just

¹This is a popular myth of great antiquity (judged by the references thereto in one way and another in Hawaiian legendary lore), of which there are several versions of various titles.

²An easy-going king, undeserving of the untiring efforts of his sons to rescue their mother and avenge her abduction.

³Hina in this story has been said to be Hawaii's Helen of Troy. She has been a prolific inspiration of freaks and foibles in the folk-lore not only of these islands, but throughout Polynesia.

⁴Niheu, said to have special power or qualifications—Sampson like—through his long hair.

⁵Kana could thank his stars for grandmother Uli, not only for her supernatural powers in seeing his possibilities in a piece of rope, but directing his efforts to avenge

the loss of his mother. This name, Uli, figures as the famed and powerful goddess of the *anahou* or *porcupine* priests.

⁶The name *Halauoloolo* indicates a long shed kind of structure rather than a house.

⁷Kana apparently developed on the Jack and the Beanstalk principle.

⁸Haupu, also known in tradition as the "Rocks of Kana", is a bold bluff on the north coast in the Pelekunu district of Molokai.

⁹Moi was one of the renowned priests of a period preceding the arrival of *Puao* in the twelfth century, from Samoa.

¹⁰Mokuola, or Coconut Island, forming the eastern portion of Hilo Bay.

Bill
As promised
Holo, GB

stone from the beach and placed it under the rock, stopping it from rolling any further. By this action of Kana the rock was stopped right in the middle of the steep cliff; and it is there to this day, on the cliff of Waikolu. This saved Kana and the canoe Kaumai-elieli from destruction by the rock. After this Niheu started off for the top of the Haupu hill, to the rescue of his mother, believing that he could do this with his own strength.

RELATING TO NIHEU.

Niheu was a fearless warrior and had very little respect for the strength of others. He was so brave that he oftentimes fought against a whole army, without the least hesitation. When he was ready to start he took up his war club, Wawaikalani, and placing one end of it on the cliff, the other resting on the canoe, he walked ashore upon it. After landing he proceeded to the top of the hill of Haupu, where the chief Kapepekauiia was living, in company with Hina, the mother of Niheu, who was for the time being his wife.

RELATING TO THE HAUPU HILL.

X The real name of the hill was Kāhonunuimaeleka,¹ a turtle, and had flippers on the sides. Whenever these flippers closed the hill would extend up to the heaven. Around this hill was a fence called Paehumu composed of ti-leaf of Koaea and the ulei of Nuuhiwa. These things grew so close together that they served as a windbreak, and no wind could touch the chief's house, called Halehuki.

When Niheu came up to the fence he beat down the ti-leaf and ulei with his war club, causing the wind to enter Halehuki. As the wind blew into the house, Kapepekauiia asked: "What has caused the wind to enter here?" "There is a boy outside with a war club. He has beaten down the fence." Hina then spoke up: "It must be Niheu, our brave son. He is without fear. We shall be killed." While she was speaking, Niheu came in and taking hold of Hina started off with her. Before Niheu came into the house, Hina had told Kolea and Ulili the place wherein the strength of Niheu laid; it being in the strands of his hair, called Wilikalinoamohalaikaeka, and at the same time told them to take hold of the strands and pull on them which will cause Niheu to let go of her, for this would cause him to lose his strength.

When Kolea and Ulili saw that Hina was being taken away, they flew and held Niheu by the hair. When Niheu saw that his hair was being held, he let go of Hina, took up his war club and struck at Kolea and Ulili. While he was doing this, Hina ran back to the house, to her new husband Kapepekauiia; Niheu, therefore, walked back to the canoe, and he was questioned by Kana as follows: "How about our mother?" Niheu replied: "I had her and we were on our way here when I was attacked; my hair was pulled by the two birds, Kolea and Ulili. While I was beating them off, Hina ran back again." Kana then said to Niheu: "You stay here on our canoe while I go after our mother." With this Kana stood up in the canoe and peeped over the hill of Haupu. At this the hill extended on up and Kana also extended on upward too. In doing this

¹ *Ka-honu-nunu-ma-eleka*, literally, the very large turtle at Eleka.

Kana had to go up to the highest heaven, in the deep blue sky and his body was in the form of a spider's web, for he was in great need of food and meat.

When Niheu saw that the legs of Kana were thin and in the form of a spider's web, he felt that it was because he was starving; so he called out in a loud voice to Kana: "Lie toward Kona, to Uli our grandmother, where you will be able to get food and meat." Niheu had to repeat this call for three days before Kana heard him. When Kana heard the call of Niheu, he bent himself over across Molokai, over the top of Haleakala, over the mountain whereby a groove was formed across Haleakala which can be seen to this day.

When Kana reached Kona and the home of Uli his grandmother, he laid down by the doorway until Uli awoke in the morning, and when she came out she saw Kana, her grandson. She then woke him up and began feeding him. When Kana was satisfied, the increase of his body began to come down until it reached his feet which were in the canoe, where Niheu was still waiting. When Niheu looked and saw that the legs were increasing he arose and cut off one, for he was angry with Kana for eating till satisfied. The numbness from this cut went up until it reached the head of Kana, and upon informing his grandmother of this fact, Uli said: "Your younger brother Niheu got angry with you because you partook of food [without remembering him], so he has cut off one of your legs." After this Uli said to Kana: "You have conquered over your opponent. When you rise up you must extend upward until you tower above the Haupu hill, then make eyes at the hill and when it extends up to meet you, you reach down and break off the flippers on the right side; then break off the flippers on the left side; then it will have no more strength." After these instructions had been imparted, Kana arose and stood upright until he towered over Haupu, when he made eyes at the hill. At seeing this Haupu extended upward to meet Kana; Kana then reached down and broke off the flippers. As soon as the flippers were broken, the power of Haupu ceased. Kana then stepped down on the hill and it fell to pieces, and as the pieces fell into the sea, they were left there in the form of small hills,¹ which can be seen to this day, at the mouth of the Waikolu Valley, overgrown with loulou palms.

By the death of Haupu,² the chief Kapepekaula was conquered and Hina was recovered; and she was brought back to live with her first husband Hakalanileo. This ended the war between Kana and the Haupu hill.

¹ Known as the "Rocks of Kana".

² Meaning the overthrow of Haupu.



HAWAII CLIPPING SERVICE
P. O. Box 10942-Honolulu, Hawaii
PHONE: 734-8124
Florida Custer Elaine Skroup

WEST HAWAII TODAY

JAN 25 1984

Injured turtle treated and released

Late in the afternoon on Tuesday, Jan. 10, I received a phone call from Captains Kealoha Crash Spinnery.

"Alpha! I found an injured sea turtle about 125 pounds at Honokohau Harbor...I helped it out of the water and cut a lot of monofilament fishing line from around its body and leg. The monofilament is wrapped around and imbedded in its leg and its eyes are puffy." Crash continued. "I've called the game warden, every government agency I could think of, and no one can or wants to help this poor turtle...I've even placed a call to our State Representative Virginia Isbell who is in Honolulu.

"The only advice I got so far was to put it back in the ocean, but the way it's swimming the sharks will get her."

I wasn't sure what to do myself and told Crash to let me make a few phone calls before I called him back. In analyzing the situation I figured what we needed was a turtle doctor. None, of course, are listed in the yellow pages. The next best thing to a turtle doctor I thought would be a veterinarian.

One veterinarian volunteered his services but didn't have any place to put a 125-pound sea turtle.

That seemed to be the immediate need, finding a safe place to keep the sea turtle. I called Pete Hendricks who is at the University of Hawaii Sea Grant. He suggested the OTEC facility just north of Kailua.

I called the manager Jan War and explained the situation and asked if we could possibly use one of their large vats that fresh sea water is pumped into.

Jan came up with a better idea: a tide pool that was located on OTEC property.

Jan called the guard at the OTEC entrance and alerted him that, "some fellows would be coming down there with a sea turtle." I phoned Crash and he immediately volunteered to get the turtle to the OTEC tide pool.

tide pool facing the trucks headlights at the pool so they could see and carefully placed the sea turtle in the pool.

The now-awakened turtle slowly started to swim around the pool. With a sigh of relief Crash went home and called me. It was after 10 p.m. He told me that the turtle, which we had now named Myrtle, was secured for the night.

The following day Crash, myself and Virginia Isbell were on the phone trying to get the proper State or Federal people to come down and help the sea turtle. (Sea turtles are an endangered species and there is a federal law protecting them but evidently there isn't anyone available to help an injured turtle).

Crash said, "They (government authorities) are more interested in spending money counting turtle doo-doo than they are in helping a turtle."

The day passed with zero results as far as a qualified person looking at Myrtle.

The next day Dr. Kid McCoy are local veterinarian volunteered to take a look at Myrtle to see what could be done to help her. Through the coconut wire/less a number of folks had heard where Myrtle was located and a crowd had gathered at the tide pool when Dr. McCoy arrived.

The folks all helped in retrieving Myrtle and found a spot where Dr. McCoy could examine Myrtle. Myrtle's throat had a number of growths in it making it difficult for her to eat.

Dr. McCoy doctored the turtle, including giving her a shot of penicillin and removed the monofilament fishing line that was deeply imbedded in her leg. Myrtle was then returned to her pool with the curious onlookers watching her swim about.

Though Virginia Isbell's efforts Crash's phone started to ring from various sources in Honolulu. It was defar-



Capt.
Ralph
Rehberg

He also advised that Virginia Isbell called back and she was in contact with the people at Sea Life Park in Honolulu and they would see what they could do.

Crash called his brother Arthur, who had a truck, and explained the situation. Arthur volunteered his services and his truck. Crash put five dollars worth of gas in the truck and the two of them drove to Honokohau Harbor. They lifted the turtle into the truck and then speed off to OTEC.

The guard wasn't there. They drove back to Honokohau Harbor and phoned me.

"Ralph, the guard's not there." Crash announced in a frustrated voice, announced.

"Sit tight," I replied, "I'll call Jan again." Jan told me that the guard was probably making his rounds. Back to Crash... "Crash go to the OTEC gate and wait...the guard will be there."

Crash and Arthur hurried back to OTEC. The guard was there.

Glancing at the sleeping sea turtle the guard explained where the tide pool was. Crash and Arthur drove to the

over Continued on page 15

Tumors on
flippers, elsewhere

...progress at 8 p.m. EST with while Hearn, 24, is 27-1 with 32 knockouts. Minchillo has never held a world title but has fought two former world champions, Washington Redskins.

Also not appearing was team owner Al Davis, the man most responsible for the team's fact that yesterday's celebration took moved to s

receiver Cain Branch, who played the worth waiti "We're a Raiders," the team moved to s

Also not appearing was team owner Al Davis, the man most responsible for the team's fact that yesterday's celebration took moved to s

MASSIVE TUMBLE ON Flipper

...Rehberg's fishing report

From page 15
minized that money was not available to help Myrtle and with the doctoring by Dr. McCoy it was felt that she should be returned to the ocean.

The next day Crash took Myrtle to the ocean and without any fanfare, Myrtle swam off.

Hopefully the penicillin will help and with her leg free of the fishing line Myrtle should have a chance for survival. When Crash was asked what made him go through all that trouble and expense for a turtle, Crash's reply was "did you ever hear a turtle cry?"

Starting our fish catch report on Friday, Jan. 13, Captain Bart Miller, skippering the BLACK BART, hooked a 300-pound mako shark which Bob Lange Jr. from California angled.

Jim Barr from Polson, Montana went fishing aboard the ULTIMATE skippered by Don Carmeli. Barr fought a 388-pound marlin in 45 minutes.

The weekend of Jan. 14 and 15 produced some good catches. A 44-pound mahimahi and a 25-pound ono (wahoo) were fought by Jim and Marlen Hahn from Vancouver, Calif.

Lorrie Hudgens from British Columbia, Canada took 20 minutes to subdue a 257-pound marlin while fishing aboard the BLACK BART, skippered by Captain Bart Miller.

Captain Don Fagundes skippering the CANDIDA hooked a 390-pound marlin which Norman Purves from Wainnes fought in 45 minutes.

Don Gratman from Alaska fishing aboard the LADY

BUG took on a 645-pound marlin. Skipper Tom Greenwell reported Gratman's fighting time at one hour and 20 minutes.

Monday, Jan. 16, Captain Wally Kobayashi, at the helm of the SEA BABY III, came in with a 320-pound marlin.

The following day Jack Kobayashi skippering the MISS TETSI weighed in a 42-pound shortnose spearfish. A two hour and 20 minute battle took place aboard the BILL COLLECTOR, skippered by Captain Lew Mims. The angler was Jim Jacobs from Lake Ozarks, who proudly displayed his 439-pound marlin.

Wednesday, Jan. 18, the KATE skippered by Captain Randy Spalding, came in with a shortnose spearfish.

The brand new 38-foot Uniflite named MAKA IWA, skippered by Captain Butch Kelly, weighed in a 410-pound marlin.

Thursday, Jan. 19, the MAVERICK and the KEALLA sported mahimahi flags. The KATE, skippered by Captain Randy Spalding, came in with two sportfish a 44-pound striped marlin and a 28-pound shortnose spearfish which were fought by Jeff Kazin from Australia.

A 450-pound marlin was caught aboard the SUMMERTIME SOURDOUGH skippered by Raymond Shipman. Ray's father Harry Shipman from Port Orford, Ore., took 25 minutes to subdue the marlin. They also caught two mahimahi.

Fishing forecast: Mahimahi, shortnose spearfish, and big marlin should produce some good fishing action.

To report your angler's catch for this column call 329-0105.



CAPTAIN CRASH Spincey with the sea turtle he rescued off the Kona Coast. The turtle was placed in a tidal pool at the OTEC lab near Honokohau Harbor. WHI Photo by Bob Fewell

Kokua Line

Harriet Gee



For help in solving problems,
Phone 525-8686

or write:
Kokua Line, Box 3080,
Honolulu, HI 96802

Q — When I visited Molokai last week, I heard a terrible story about someone who is killing sea turtles by cutting off the flippers and slitting the throat. A 400-pound turtle was found like this, washed up on the beach. The meat wasn't even taken for food! What are the game wardens doing to stop this? Aren't these turtles protected by law?

A — Sea turtles are protected under both state and federal statutes. Please call the state conservation and resources enforcement division, 548-5918, immediately with more specific information. Yours is the first such complaint to enforcement officers.

Q — I, along with hundreds of other motorists, had the maddening experience last Saturday of being stopped dead on Ala Moana for anywhere from one to two hours. This was caused by a special interest group having permission to stage a parade on Ala Moana in mid-morning!

I read both Honolulu dailies every day and listen to the radio throughout the day but I neither saw nor heard anything about this public disruption. What exactly is the procedure whereby special interest groups get permission to obstruct the public thoroughfares this way? And did we, the taxpayers, have to pay for the many police escorts?

A — Both Honolulu dailies ran articles about the annual Girl Scout Parade before the 3,000 scouts began marching Saturday morning. The Star-Bulletin's two-column article was set off by a black border and went into detail about the parade route.

The city's street usage section chief, George Doi, is responsible for granting or denying parade permit applications. The City Council had this responsibility until recent years but turned it

over to Doi because the Council took too long to process applications. Doi said that if a parade "serves a public purpose," a permit is granted. With the Girl Scouts, it's become "so traditional" that the permit is usually approved, he said.

Doi then alerts the different city and state agencies that will be affected, such as police. He also informs the city Office of Information and Complaint, which, in turn, sends news releases to the Associated Press and United Press International. Both wire services' clients include newspapers, radio and television stations.

The city's OIC also makes these news releases available to news media covering City Hall. Taxpayers pay for the police escorts for all parades on public streets. One good reason is that taxpayers also are taking part in and watching the parade, a city official said.

From now on, Kokua Line will run a "Parade Alert" to remind readers about an upcoming parade or event and which streets to avoid. Be warned that Bishop Street, between King and Queen streets, and Merchant Street, between Bethel and Alakea streets, will be closed from 7 a.m. to 6 p.m. tomorrow for the Carole Kai High School and Downtown Business Bed Races.

Mahalo

"Mahalo, mahalo! I was so glad to read that the annual Carole Kai Bed Race will be held this year at Ala Moana Park on March 24, instead of Kapiolani Park. When the race was held at Kapiolani Park, those of us who lived nearby suffered shattered eardrums because the loudspeakers were so loud!"

This is from the Symposium held last year.

POPULATION STATUS AND ECOLOGY OF THE GREEN TURTLE IN THE
NORTHWESTERN HAWAIIAN ISLANDS

George H. Balazs*

Hawaii Institute of Marine Biology,
P.O. Box 1346
Kaneohe, Hawaii 96744

ABSTRACT

A history of underprotection and overexploitation has resulted in a reduction in the range and numbers of the Hawaiian green turtle (*Chelonia mydas*). In an effort to reverse this trend, the State of Hawaii closed down the commercial turtle fishery in 1974. In 1978 the population was granted full legal protection when it was listed as "threatened" under the U.S. Endangered Species Act. State wildlife rules were later revised to afford equivalent protection. There are presently some encouraging signs that the population has started to recover. However, full recovery is likely to be a protracted process due to slow growth rates found for turtles living in the wild, and the impacts of natural and human predation.

Between 1977 and 1980 the University of Hawaii Sea Grant College Program and the State of Hawaii funded a study of the green turtle as part of the Tripartite Cooperative Agreement. Since 1980, research responsibilities of Hawaiian and certain other Pacific sea turtles have been assumed by the Southwest Fisheries Center Honolulu Laboratory of the National Marine Fisheries Services.

Hawaiian green turtles migrate to breed in the Northwestern Hawaiian Islands where at least 90 percent of all nesting occurs at French Frigate Shoals. An estimated 300 adult females were present at this key location during each of the past two breeding seasons. The important aspects of reproductive ecology at French Frigate Shoals, as determined by tagging, are summarized in this paper. A review is also presented of significant results relating to migrations, food sources, growth rates, predation, and the unique land-basking behavior that takes place at undisturbed sites in the Northwestern Hawaiian Islands.

*The author is currently affiliated under an IPA contract with the Southwest Fisheries Center Honolulu Laboratory National Marine Fisheries Service, P.O. Box 3830, Honolulu, Hawaii 96812.

March 7, 1984

George,

Enclosed are more tagging data for last month. Also you'll find a copy of my narrative report to Honolulu office as promised (for what's ~~worth~~ worth). I've also enclosed pictures of both turtle incidents for your files. As I mentioned on the phone, both these incidents led to a airing out of views between myself and DOCARE in regards to my activities re tagging turtles with Mederios. They have raised some legitimate concerns which we have still to work out. For example, someone might see Mederios with turtles and ~~file~~ a complaint with DOCARE. If strictly local as it has been, they can explain the situation. However, if the informer goes directly to the bossman in Honolulu, and the bossman comes back to Molokai DOCARE for an explanation...then Mollena et al may be up shitcreek. Mollena knows that Mederios does not have/or is included in any State Scientific Collection Permit and since the State does not make any allowance for incidental catch of turtles, Mederios should be charged with possession. Mollena and gang knows this but have been sliding off because of my involvement as a favor to us. But if they get a inquiry from higher up they'll be hard put to explain why they didn't put a stop to our activities. Another point they raised...supposed they catch someone else with a turtle in their possession and that guy says he is bringing ~~the~~ turtle to me for tagging (just like Mederios is doing now), how would they know if this is true? To put it another way, any Tom, Dick, and Harry can be out catching turtles and if confronted by DOCARE merely claim that they are saving the turtle (which they carried all the way home from the ocean) for me to tag. It becomes very difficult for DOCARE to enforce anything. Seems like the best way is just to include Mederios in your State Scientific Collecting Permit (just as you have included Allan Kam) if nothing more just to satisfy the State's enforcement guys. It sure would make it easier for me on this end. I gotta see these guys everyday.

On another matter, do date we have handled a total of 147 turtles. Their points of releases are as follows:

0-2 miles: 128 turtles or 87%
5 miles: 12 turtles or 8.1%
9 miles: 1 turtles or .7%
10 miles: 4 turtles or 2.7%
13 miles: 2 turtles or 1.3%

All for now. Hope to hear from you soon.

March 7, 1984

George,

I pretty much answered this in a letter I mailed to you this morning. However, I forgot to put your P.O. Box # on the envelope, so it may be delayed, or returned to me.
George

Enclosed are more tagging data for last month. Also you'll find a copy of my narrative report to Honolulu office as promised (for whatever it's worth). I've also enclosed pictures of both turtle incidents for your files. As I mentioned on the phone, both these incidents led to a airing out of views between myself and DOCARE in regards to my activities re tagging turtles with Mederios. They have raised some legitimate concerns which we have still to work out. For example, someone might see Mederios with turtles and file a complaint with DOCARE. If strictly local as it has been, they can explain the situation. However, if the informer goes directly to the bossman in Honolulu and the bossman comes back to Molokai DOCARE for an explanation...then Mollena et al may be up shitcreek. Mollena knows that Mederios does not have/or is included in any State Scientific Collection Permit and since the State does not make any allowance for incidental catch of turtles, Mederios should be charged with possession. Mollena and gang knows this but have been sliding off because of my involvement as a favor to us. But if they get a inquiry from higher up they'll be hard put to explain why they didn't put a stop to our activities. Another point they raised...supposed they catch someone else with a turtle in their possession and that guy says he is bringing the turtle to me for tagging (just like Mederios is doing now), how would they know if this is true? To put it another way, any Tom, Dick, and Harry can be out catching turtles and if confronted by DOCARE merely claim that they are saving the turtle (which they carried all the way home from the ocean) for me to tag. It becomes very difficult for DOCARE to enforce anything. Seems like the best way is just to include Mederios in your State Scientific Collecting Permit (just as you have included Allan Kam) if nothing more just to satisfy the State's enforcement guys. It sure would make it easier for me on this end. I gotta see these guys everyday.

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- 13 miles: 2 turtles or 1.3%

COULD YOU PLEASE pull THOSE THAT were only "0" miles. In other words, how many were released at exactly the place of capture. This is a critical pieces of info that people will want to know.

All for now. Hope to hear from you soon.

Bui

over

Bill -

Sorry for xeroxing your letter and writing on it. But this speeds up my response. Those 'tag recoveries really look great! And it's good to learn your tags were still securely attached, healed, etc. One question I have is, say for recovery 6453-54, when you listed "originally tagged 2 miles west", does that mean where the animal was first caught, where it was released after tagging, or both?

I'm fascinated with the photo you sent me of the large carcass. I wish I could see more. Do you know of anyone else who took photos, from different angles, that I might borrow? Now if you ever have a stranding of a large turtle like this again, please call me and I'll fly right over to do an autopsy.

Best regards,
George

March 13, 1984

George,

I've got three of your letters in front of me now and decided I should respond before it gets overwhelming:

1. None of the turtles were released exactly where they were caught, i.e. "0" miles. (Actually, now that I think about it...only one was "0" miles. That was the very first one which you hand grabbed at Palaau.) If we were to release the turtles at "0" miles, they would only wonder back into the net. Therefore, it has been our practice to wait until we were at least $\frac{1}{2}$ -1 mile away from the bullpen nets before dumping the turtles overboard. The 0-2 miles, 128 turtles, 87% actually breaks down to this...within 1 mile of 122/turtles, and within 1-2 miles = 6/147 turtles.
2. In regards to Mederios, we (you and I) still have a few loose ends. We definitely will cease our practice of dragging turtles back to the dock or back to the yaam to avoid exposure to the public. However, this alone will not satisfy Molokai's DOCARE concerns re Mederios handling the turtles. They want him on you State Scientific Collecting Permit. Can this be done?
3. The recent turtle killings on Molokai has been investigated by DOCARE. Formal reports concerning the two incidents have been filed by Mollena to his supervisor on Maui and I presume Honolulu has been made aware of the situation. The only people (besides myself) talked to were the Forestry & Wildlife workers who reported the incident to me. No, it was not reported in the local papers.
4. Photos of the above dismembered turtles were sent to Ray Sautter (NMFS) and Al Katekann (DAR) by me. The picture sent to Al was the best and I think it would be worthwhile for you to see it. Call him at his office: 548-3044. Also, DOCARE Michael Mangca filed a report and has attached photos also. I didn't get to see his but I do know he must have taken about 4 - 6 pics of different angles. Call Maui DOCARE office to get a glance of those.
5. In regards to recovery 6453-54, "originally tagged 2 miles west" means where the animal was first caught. It was released approximately $\frac{1}{2}$ -1 mile east (towards Kaunakakai town) of the point of capture.
6. The article for Kokua Line is of course wrong! State enforcement officers were notified and a formal report was filed (as mentioned above). I'll call the matter to Mollena's attention when I see him next. Don't think he's going to reply to Kokua as he was told such things should be handled by Honolulu office. No reason why you can't call the paper and tell them it had been investigated.
7. March 23-29, I'll be in Maui and Oahu. Sorry I can't meet you on Big Island but thanks for the invite anyway.

I like your response to Ed re being a biologist and should really only respond to inquires and ~~and~~ the general public and not come forth on your own to testify pro or con on controversial issues (although this is definitely ~~not~~ not ~~what~~ what ~~Richard~~ Richard ~~Carson~~ Carson's stand) and I think I'll remember this next time I'm confronted with the same situation.

Yokwe,

PUNALU'U

Punalu'u is the name of a bay with a beach which, viewed from the sea, would perhaps have appealed more than any other along this coast to Polynesian migrants from the south as a place for a landing and first settlement. It is deep and sheltered enough to be shielded somewhat from the prevailing winds, and it has a beach on which fishing canoes can comfortably land in normal weather. Chester Lyman, in 1846 found it "romantically situated on the beach, shut in in part by a rough lava stream." This bay is also the best in Ka'u for sheltering beached canoes. Now it is mounded quite high, and thrust back; formerly it was more extensive. But still it has survived the tidal waves which have swept other beaches away completely.

Punalu'u means "Diving spring," and takes its name from the fact that for their drinking water the natives had to dive (*lu'u*) down in the bay to an underwater spring (*puna*) some ways out from the shore. A man would take gourds out to the place and dive under. When he came to the fresh cold water near the bottom of the bay, he would unstop his containers, fill them, then surface and bring them to shore. In ancient times the Punalu'u people went to the springs at Ninole for their drinking water until the ogress Kai-kapu settled there. Then they learned to dive for water in the bay. Some 50 yards in from the beach is a pond that now is stagnant, but formerly it was large and had ample fresh water from a deep spring named Ka-wai-hu-o-kauila. In the old days the spring was *kapu* and used only for drinking purposes.

A legend relates that there was a time when stormy weather prevented the men from diving for water. There were two supernatural turtles who had come out of the ocean to Punalu'u: *Honu-po'o-kea* (Turtle-with-white-head), the mother; and *Honu-'ea* (Turtle-with-reddish-brown-shell), the father. The mother gave birth to an object resembling a piece of *kanila* wood, which she buried in the sand to be hatched out by the sun. Then they dug into the earth and made a spring, then returned to the sea. When it was time for her "egg" to hatch, *Honu-po'o-kea* returned. When the thing she had laid did hatch it was a turtle the color of polished *kanila* wood. Mother and daughter lived in the spring until the baby turtle grew up. The young turtle was named *Kauila*. The spring came to be named "The-rising-water-of-Kauila." The turtle girl was able to assume human form and play with the young folk, but would become a turtle again when she went back into the spring. When bubbles came up in the spring, people knew the turtle girl was asleep in her home. Children used to catch fish and shrimps in the spring, and *Kauila* watched lest the little ones fall in. The people loved *Kauila* for this and because her spring gave them drinking water. They never used her water for any other purposes.

from *Native Planters in Old Hawaii— Their Life, Lore, and Environment*
by E.S.C. Handy and E.G. Handy, with the collaboration of Mary Kawena Pukui
Bernice P. Bishop Museum Bulletin 233 (1972)

Made available by a joint University
of Hawaii and NMFS sea turtle study:
NATIONAL MAKINE FISHERIES SERVICE
HONOLULU LABORATORY
P. O. BOX 3830
HONOLULU, HAWAII 96812

What is summary note?
now/ when distributed?
format?

4-16

Bill -

Thanks for your helpful letter of 4-11 about the State's testimony, etc. I've known Dave for years, but don't know where he's "coming from" at present. I last spoke with him 1 1/2 - 2 years ago, by phone. I wonder if "biological honesty" is important to him now? If so, he's guilty of sloppy research and inquiry. If not, then perhaps he just follows orders and writes testimony to best-suit the political opinion of the moment. I hesitate to contact him directly on the testimony matter. Instead, I plan to prepare a summary note, 2-3 pages long, as you suggest via Ed. Better still, I would like to see you do it, and list me as second author. But if you'd rather not, then I'll list you as second author, your choice? I'm not planning to publish the note, but it would get distributed around. And especially to Dave.

Best regards,
George (over)

And AND DAVE
ED - GIANNE
AS Third & Fourth
AUTHORS!

PS Concerning the "shrinking" of
your \log recovery via ed - a
difference of 4 mm for the
curved measurement doesn't surprise
me at all. That's why, whenever
possible, I try to get straight
measurement with calipers. So recoveries
over the short term, like the 2 months
for this one, will have a magnified
error. But when ^{if} the tentacle is
caught 3+ years from now (assuming it
grows), the remeasurement error
will be far less important.

I would still say, the more
precise you try to be, the greater
your overall, long-term level of
accuracy. With calipers, I estimate
to the nearest mm, after doing 2-3
measurements over a 1 minute period.

SENATE RESOLUTION

REQUESTING THE HAWAII CONGRESSIONAL DELEGATION TO REQUEST THE U.S. DEPARTMENTS OF NATIONAL MARINE FISHERIES SERVICE AND FISH AND WILDLIFE SERVICE, BY APRIL 6, 1984, TO ALLOW THE TAKING OF GREEN SEA TURTLES AROUND THE HAWAIIAN ISLANDS FOR DAILY SUBSISTENCE PURPOSES ONLY.

WHEREAS, on July 28, 1978, the U.S. National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS) classified the green sea turtle "chelonis mydas" as a "threatened species"; and

WHEREAS, the green sea turtle has inhabited the Pacific Ocean around the Hawaiian Islands for centuries and the green sea turtle has been used by the Hawaiians in their daily food supply; and

WHEREAS, since 1978 Hawaiians, who had in the past used the green sea turtle in their daily food supply, were prevented from continuing this practice; and

WHEREAS, the NMFS and the WFS have exempted the Trust Territory and allowed the taking of the green sea turtles around their islands for daily subsistence purposes only; and

WHEREAS, the exemption for the Trust Territory was based on past native practices, the same premise which Governor Ariyoshi used in 1981 in requesting the same exemption for Hawaii; and

WHEREAS, Hawaii was not successful in obtaining this exemption in 1978 and is now requesting this exemption again; and

WHEREAS, native rights have been also recognized in respect to the taking of endangered whale species by the Eskimos for their daily food supply; and

WHEREAS, Hawaiian native rights in respect to the taking of the green sea turtle for daily subsistence purposes should be recognized with equal weight with those recognized native rights of the inhabitants of the Trust Territory and the Eskimos; and

WHEREAS, when the green sea turtle was placed on the threatened species list, no comprehensive studies were available to document the specific need for classifying the green sea turtle in this category; and

WHEREAS, since 1978 Congress has amended the provisions for changing the status of species listed on the Endangered or Threatened Species Lists by imposing a burden of proof on any individual(s) requesting a change; and

WHEREAS, prior to classifying the green sea turtle as a threatened species, neither NMFS nor WFS provided any documentation proving the need to protect the green sea turtle around the Hawaiian Islands, but rather based this classification on the green sea turtle populations in the western Pacific; and

WHEREAS, the U.S. Government has never undertaken a study of the green sea turtle population around the Hawaiian Islands and has no future plans for a study; and

WHEREAS, in order for anyone to request an exemption from the total ban of taking the green sea turtle for daily subsistence purposes only, that person must show documentation of the green sea turtle population although the U.S. Government was not required to show such for its classification of threatened species; and

WHEREAS, an economic hardship would be imposed on any individual undertaking such a population study since it would be the first study done on the green sea turtle population around the Hawaiian Islands; and

WHEREAS, all requests for removing, changing, or affecting the status of species presently classified must be submitted by April 6, 1984 to the U.S. Fish and Wildlife Service, after which time no changes may be made until 5 years hence; now, therefore

BE IT RESOLVED by the Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, that the Hawaii Congressional Delegation is requested to seek approval of the U.S. National Marine Fisheries Service and the U.S. Fish and Wildlife Service by April 6, 1984 to allow the taking of green sea turtles, around the Hawaiian Islands, for daily subsistence purposes only; and

BE IT FURTHER RESOLVED, that certified copies of this resolution be transmitted to the Hawaii Congressional Delegation, the U.S. National Marine Fisheries Service and the U.S. Fish and Wildlife Service.

Rale Kawana
Anna L. Meyer
Milt Ueh
Barry Caputo
Ralph Lipp
Joseph Y. Uwaine

OFFERED BY

Scott L. Carpenter
John Fernando Kelly
James Ahi
W. Bulet

(To be made into seven copies)

THE SENATE
..... TWELFTH LEGISLATURE, 19 84
STATE OF HAWAII

S.C.R. NO. 77

SENATE CONCURRENT RESOLUTION

REQUESTING THE HAWAII CONGRESSIONAL DELEGATION TO REQUEST THE U.S. DEPARTMENTS OF NATIONAL MARINE FISHERIES SERVICE AND FISH AND WILDLIFE SERVICE, BY APRIL 1, 1984, TO ALLOW THE TAKING OF GREEN SEA TURTLES AROUND THE HAWAIIAN ISLANDS FOR DAILY SUBSISTENCE PURPOSES ONLY.

WHEREAS, on July 28, 1978, the U.S. National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS) classified the green sea turtle "chelonis mydas" as a "threatened species"; and

WHEREAS, the green sea turtle has inhabited the Pacific Ocean around the Hawaiian Islands for centuries and the green sea turtle has been used by the Hawaiians in their daily food supply; and

WHEREAS, since 1978 Hawaiians, who had in the past used the green sea turtle in their daily food supply, were prevented from continuing this practice; and

WHEREAS, the NMFS and the WFS have exempted the Trust Territory and allowed the taking of the green sea turtles around their islands for daily subsistence purposes only; and

WHEREAS, the exemption for the Trust Territory was based on past native practices, the same premise which Governor Ariyoshi used in 1981 in requesting the same exemption for Hawaii; and

WHEREAS, Hawaii was not successful in obtaining this exemption in 1978 and is now requesting this exemption again; and

WHEREAS, native rights have been also recognized in respect to the taking of endangered whale species by the Eskimos for their daily food supply; and

WHEREAS, Hawaiian native rights in respect to the taking of the green sea turtle for daily subsistence purposes should be recognized with equal weight with those recognized native rights of the inhabitants of the Trust Territory and the Eskimos; and

WHEREAS, when the green sea turtle was placed on the threatened species list, no comprehensive studies were available to document the specific need for classifying the green sea turtle in this category; and

WHEREAS, since 1978 Congress has amended the provisions for changing the status of species listed on the Endangered or Threatened Species Lists by imposing a burden of proof on any individual(s) requesting a change; and

WHEREAS, prior to classifying the green sea turtle as a threatened species, neither NMFS nor WFS provided any documentation proving the need to protect the green sea turtle around the Hawaiian Islands, but rather based this classification on the green sea turtle populations in the western Pacific; and

WHEREAS, the U.S. Government has never undertaken a study of the green sea turtle population around the Hawaiian Islands and has no future plans for a study; and

WHEREAS, in order for anyone to request an exemption from the total ban of taking the green sea turtle for daily subsistence purposes only, that person must show documentation of the green sea turtle population although the U.S. Government was not required to show such for its classification of threatened species; and

WHEREAS, an economic hardship would be imposed on any individual undertaking such a population study since it would be the first study done on the green sea turtle population around the Hawaiian Islands; and

WHEREAS, all requests for removing, changing, or affecting the status of species presently classified must be submitted by April 6, 1984 to the U.S. Fish and Wildlife Service, after which time no changes may be made until 5 years hence; now, therefore,

BE IT RESOLVED by the Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, the House of Representatives concurring, that the Hawaii Congressional Delegation is requested to seek approval of the U.S. National Marine Fisheries Service and the U.S. Fish and Wildlife Service by April 6, 1984 to allow the taking of green sea turtles, around the Hawaiian Islands, for daily subsistence purposes only; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Hawaii Congressional Delegation, the U.S. National Marine Fisheries Service and the U.S. Fish and Wildlife Service.

OFFERED BY: Walter E. Carpenter
Shirley Fernandez Kelly

Sam & Mabel
Milt Holt
Charles Tognoli

James Ahi
Ben Cayetano
W. Bessy
Kelchell
Paul Kawana
Sam Mungich
Clyford L. Uehara

MAR 30 1984

Summary of attendance at public meetings on the
"subsistence use" of sea turtles

(compiled by GHB)

Hilo, Hawaii - May 10, 1983

Total attendance- not more than 20

Presenting testimony- 6

	<u>age</u>
Alika Cooper (transcribed)	51
Kaohu Cooper "	23
Mr. Landgraf	26
Mahi Cooper "	22
Tom Nahiwa "	53
Moses Kahumoku	30

Kailua-Kona, Hawaii -- May 11, 1983

Total attendance- 6

Presenting testimony- 3

Douglas Blake- Kona Conservation Organization
David Harrington- Aborigine Component of West Hawaii Democratic Party
Mike McCoy- Micronesian Maritime Authority, Ponape

Wailuku, Maui - May 12, 1983

Total attendance- 10

Presenting testimony- 2

John Bows- Maui Sierra Club
Rene Sylva- former turtle fisherman (transcribed)

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

ALIKA COOPER

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

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

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

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

KAOHU COOPER

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

MAHI COOPER

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

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

TOM NAHIWA

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

Comment made during discussion period-

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

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

RENE SYLVA

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

WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL

1164 BISHOP STREET - ROOM 1405
HONOLULU, HAWAII 96813
TELEPHONE (808) 523-1368

S U M M A R Y

MEETING ON THE HAWAIIAN GREEN SEA TURTLE

State Capitol, Honolulu, Hawaii
February 1, 1984

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

Problems

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

Strategy

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

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

WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL

1164 BISHOP STREET - ROOM 1405
HONOLULU, HAWAII 96813
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MEETING ON THE HAWAIIAN GREEN SEA TURTLE

State Capitol, Honolulu, Hawaii
February 1, 1984

In Attendance: See attached list.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Pulson

Testimony: Department of Land and Natural Resources
State of Hawaii

Public Meeting - Review of Regulations Concerning the Taking of
Sea Turtles for Subsistence Purposes

U.S. Department of Commerce, NOAA
National Marine Fisheries Service

May 18, 1983
7:00 p.m.

Prince Kuhio Federal Building
Honolulu, Hawaii

We wish to begin by reassuring the National Marine Fisheries Service that the State of Hawaii steadfastly appreciates the intrinsic value of our native population of Hawaiian green sea turtles. We stand resolved that our honu shall persist, and that future generations shall share the seas with them as we do today.

We are confident that the people of Hawaii will maintain this common conviction. Based on this determination we must now work to build a consensus regarding how best to manage our renewable sea turtle resource at a sustainable level.

It would simplify the present effort if everyone concerned would keep clearly in mind some of the things we are not seeking:

-we are not seeking to use Hawaiian sea turtles for commercial purposes;

-we are not proposing the taking of turtle eggs, juveniles or immature turtles;

-we are not advocating that our honu be hunted with spears or harpoons, or entangled in nets to drown; and finally

-we are not attempting to rescind the special protection afforded to green sea turtles under Federal status as a threatened species.

Rather, we are simply requesting consideration of an "exemption," for taking fully mature turtles on a strictly non-commercial basis, to be used only for immediate family consumption as is presently allowed residents in the Trust Territory of the Pacific Islands.

The basis of the State's request for this consideration is two-fold: there are indications that our honu are more plentiful today than may have been believed at the time of their listing as a threatened species; and that there already exists a mechanism to monitor and control such taking under a State system that was in operation for four years and which can be restored readily if exemption is granted.

Regarding the increase in the sea turtle stock, local fishermen and divers have related to us that green sea turtles are more frequently encountered in our waters since the listing in 1978. On the Island of Molokai, one of our Aquatic Resources biologists has been assisting the local staff of the National Marine Fisheries Service by collecting data on sea turtles caught incidentally to a commercial net-fishing operation. While the data are preliminary, during the 22 days that he accompanied the commercial fishermen between May, 1982, and April, 1983, 85 honu were measured, tagged and released. Also during this period, many other turtles too large to handle were simply released from the nets untagged, or were released by the fisherman because our biologist could not be present to tag them. Of those tagged and released, only four have been recaptured. In the absence of any determination of sea turtle counts, we suggest the National Marine Fisheries Service evaluate the data collected from the study to derive estimates of sea turtles around our main Hawaiian Islands.

The Federal regulations establishing the prohibition on taking of sea turtles in Hawaii declared that "the National Marine Fisheries Service and the U.S. Fish and Wildlife Service will proceed to obtain data on the extent of subsistence fishing and the status of populations affected by that activity."¹ The only report on the status of the turtle population Statewide has been a synopsis compiled in 1979 and published in 1980.² As to the effects of subsistence taking in Hawaii before the prohibition, and in the Trust Territories where subsistence taking is still allowed, the State has learned nothing. Therefore, as we are able to relate only to our experiences and contribution to the federal research project, we looked to these meetings as an opportunity to hear what has been accomplished by the Federal agencies.

Regarding the earlier-mentioned system of managing the sea turtles, the State established in 1974 "Fish and Game Regulation 36," when Hawaiian green sea turtles were unprotected by Federal regulations. The State took action to address the concern of a growing commercial harvest of sea turtles for restaurant and curio sales. At that time, despite the existing commercial take, testimony was presented by a researcher that our Hawaiian population was "the largest remaining colony of green sea turtles left in the United States."³ Nevertheless, to protect the Hawaiian honu resource, the State's Regulation 36 banned commercial taking.

Regulation 36 allowed the taking of honu for home consumption--with measures to protect the young and the reproductive capacity of the stock. The only information available to us regarding size at maturity is that females with shells 81 cm long have laid eggs, and that roughly seven percent of the turtles are this size on the grounds where they feed.⁴ Regulation 36 permitted the taking only of turtles with shells longer than 36", which is slightly more than 91 cm. Also, Regulation 36 prohibited the taking of turtles with nets to prevent drowning of undersize turtles. Each person wishing to take turtles for home consumption was required to secure a permit and to file monthly reports of taking activities, thus providing the means with which the number of permittees and amount taken were monitored.

During the four year interval, 35 permittees reported taking a total of 88 honu or roughly an average of 22 turtles annually. We remain unconvinced that an annual taking of that number was significant to the sea turtle stock. Regulation 36 was preempted four years later in 1978 by the present Federal regulations.

In closing, it must be emphasized again that we are working from the basis of common understanding. We are resolved that our honu, the Hawaiian population of green sea turtles, must be protected effectively and managed wisely. We should all agree that government restrictions contrary to the public interest should be discarded. In this spirit we wish to express our support for the controlled subsistence use of green sea turtles from Hawaiian waters.

Thank you for this opportunity to tender our views.

1. 43 FR 32806.
2. Balazs, George H. 1980. Synopsis of biological data on the green turtle in the Hawaiian Islands. NOAA-IM-NMFS-SWFC-7; National Marine Fisheries Service, Southwest Fisheries Center.
3. Balazs, George H. 1975. Testimony...concerning Senate Bill 548 which relates to a green sea turtle resource management study. Typewritten manuscript, unpublished.
4. Balazs, George H. 1973. Testimony...concerning Regulation 36 which relates to the protection of marine turtles in Hawaiian waters. Typewritten manuscript, unpublished.

GEORGE R. ARIYOSHI
GOVERNOR OF HAWAII



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

Sept. 5, 1985

George,

I forgot to ask you for a replacement measuring tape in my last letter! If I remember right, we used it to hold turtles' mouth agape while you probed for stomach contents at Palaau. If you returned it to me, I have misplaced it. I'm using Linda's sewing measuring tape now and I don't think she's too happy about it!

I just now got back from Moomomi with Nathaniel Burrows and another guy called Sam Luulua. We went there to see if we could locate some turtles reported seen over the Labor Day holiday. According to Leroy Mollena, his kids spent the past weekend there fishing and diving. His older daughter and several other kids walked along the seashore towards Kawa'aloa Bay and saw "many turtles of all different sizes floating on the water eating limu". Some of them were apparently quite small because she was tempted to jump in the water and catch one or two for pets. (she did not). In any case, we did not find or see any turtles today...maybe it was too choppy or perhaps they moved on. I did notice some sargassum and lipoa on the beach. Maybe they were feeding on these. As an aside, Nathaniel informed me that he remembers as a kid (back in the 20's and 30's) he used to visit Kawa'aloa Bay with his father and uncles to gather turtle eggs for food. I think next time you come over, we definitely caught to scout this area out. I suspect it to be a hot spot for turtles.

All for now,

NATIONAL MARINE FISHERIES SERVICE
HONOLULU LABORATORY
P. O. BOX 3830
HONOLULU, HAWAII 96812

Table 1.--Stranded, injured, and diseased marine turtles reported by island in the Hawaiian Islands, 1982-85.

Year	Hawaii	Maui	Lanai	Kahoolawe	Molokai	Oahu	Kauai	Niihau	NWHI ¹	Total
1985 (To 9/30)	5	2	3	0	1	32	3	0	3	49
1984	4	2	0	0	3	19	3	0	4	35
1983	2	2	1	0	0	19	3	0	0	27
1982	1	0	0	0	0	18	2	0	5	26

¹NWHI = Northwestern Hawaiian Islands.

Table 2.--Stranded, injured, and diseased marine turtles reported by species in the Hawaiian Islands, 1982-85.

Species	Through Sept. 1985	1984	1983	1982
<u>Chelonia mydas</u>	44	23	16	19
<u>Lepidochelys olivacea</u>	1	0	2	1
<u>Eretmochelys imbricata</u>	0	3	0	0
<u>Derموchelys coriacea</u>	0	1	0	2
Unknown	4	8	9	4
Total	49	35	27	26

Table 3.--Stranded, injured, and diseased marine turtles reported monthly in the Hawaiian Islands, 1982-85.

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
1985	3	3	4	8	5	5	13	5	3	--	--	--	49
1984	5	3	3	1	2	4	5	1	0	10	1	0	35
1983	2	5	1	0	1	5	5	3	3	1	0	1	27
1982	1	4	3	4	3	2	3	1	0	0	1	4	26

Table 4.--Stranded, injured, and diseased marine turtles reported in the Hawaiian Islands, 1982-85.

Percentage									
Year	Dead	Tumors	Dead with tumors	Human induced	Dead and human induced	Entangled	Entangled and dead	Total No.	
1985	73	22	18	31	29	29	8	49	
1984	57	14	6	26	20	31	6	35	
1983	67	22	15	19	19	15	11	27	
1982	65	27	15	23	19	31	19	26	

Table 5.--Stranded, injured, and diseased marine turtles reported by size-class in the Hawaiian Islands, 1982-85.

Year	Percentage				Total No.
	Juvenile (35-65 cm)	Subadult (65-81 cm)	Adult (>81 cm)	Unknown size class	
1985	55	14	16	14	49
1984	29	20	23	29	35
1983	26	19	15	41	27
1982	54	12	19	15	26



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Fisheries Center
Honolulu Laboratory
P. O. Box 3830
Honolulu, Hawaii 96812

MR. NATHANIEL BURROWS
Box 396
KAUNAKAKAI, MOLOKAI

19 FEB 1986

DEAR MR. BURROWS:

MR. BILL PULELOA GAVE ME YOUR NAME AND ADDRESS, AT MY REQUEST, AFTER I LEARNED THAT YOU ARE VERY FAMILIAR WITH THE PALA'AU COASTLINE OF MOLOKAI, INCLUDING WHAT IT WAS LIKE YEARS AGO. I AM INVOLVED IN STUDIES OF THE HAWAIIAN GREEN TURTLE AND, WITH BILL'S HELP, HAVE CAPTURED TURTLES FOR TAGGING AT PALA'AU. I WOULD LIKE TO OBTAIN INFORMATION ON THE HISTORY OF TURTLES AT PALA'AU. DID THEY EVER LAY EGGS ALONG THERE? WERE THEY MORE ABUNDANT IN THE PAST? WAS IT COMMON TO CAPTURE LARGE ONES THERE (OVER 200 LBS)?

WOULD IT BE POSSIBLE FOR YOU TO WRITE TO ME WITH ANSWERS TO THESE QUESTIONS? OR, IF YOU PREFER, SEND ME YOUR TELEPHONE NUMBER AND I WILL CALL YOU.

I HAVE ENCLOSED SOME MATERIAL ABOUT SEA TURTLES THAT YOU MAY ENJOY.

BEST REGARDS,
GEORGE BALAZS

7/12/80

Bill - Was going through
my notes, pulling various
things together. My records
show the first turtle with
tumors ever (?) at Paloa
was caught by you and Ed
on 10/16/85 (Site A (I think)).
It had not been previously
tagged. You applied an tag
(9523) to the left flipper,
presumably the flipper on the right,
where the tag would go, had
tumors in the way. Is that
what your notes say?? Also,
it says you took photos. Can
you please send me the
better ones for me to make
copies? I'll return the originals
to you, of course.

(Hope that you and Dan get in
have good luck -

Best,
Jez

1/2 73
Dead turtle on POUKUKALO Beach, Maui
to 5485, 5486, 40% curved carapace

IMPORTANT!
We're changing our address!

Dear Colleague: Effective **April 1, 1986**, please note change of address for

OLD ADDRESS

U.S. Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service F/SWC2
P. O. Box 3830
Honolulu, HI 96812

NEW ADDRESS

NOAA, National Marine Fisheries Service
SWFC Honolulu Laboratory F/SWC2
2570 Dole Street
Honolulu, HI 96822-2396

4/5/86 FRT PUA caught & released # 6730 at Palani
on 4/1/88; also on 4/3/88 he saw a
leather boat at 140' off Ilio Point red eye!

7-8-88 Saw turtle tracks (1 turtle) at Moonomi Beach.
Led me to vegetation & then turned around back to
water. Could not locate any nest pits. 43% churning
shells.

7-29-88 3 set tracks w/ 5 pits. could not find evidence of eggs
ants around fresh debris "mound" in 2 pits. all sites
between house & river. Tracks of 7/6/88 still visible
& steep (45°) sand bank could have formed by
of eggs.