

Commercial Fishing  
Wholesale, Retail  
Oceanographic Research  
Aquaculture  
Import & Export

ALIKA COOPER & SONS, INCORPORATED  
163 Kaiulani Street  
Hilo, Hawaii 96720  
November 12, 1981

Telephone: (808) 935 -

Mr. Doyle Gates  
National Marine Fisheries Service  
P. O. Box 3830  
Honolulu, HI 96812

Dear Doyle:

We are having a problem in one of our fishponds at Kalahuipuaa, Puako, Hawaii. The fishponds are owned by Maunalani Resort and Alika Cooper & Sons, Inc., Manages, stocks and cares for the entire fishpond complex. The problem is, a limu (seaweed) that the duck brought in.

Traditionally, we kept turtles in our fishponds for several reasons. One is to control limu and grass growth, secondly to stir up the shallower area and thirdly to fertilize the ponds. This is a traditional practice that has always been done.

I am asking that I can catch a few turtles to put in the pond to solve this problem.

You realize Doyle, that all the aboriginal populace of the Western Pacific can catch turtles to eat. I can't understand why the aborigine people of Hawaii cannot catch and eat turtle, this has always been done and I feel is part of our aboriginal rights. Turtle is one of the best eating reptiles, for there is no fat in the flesh. We have always had turtle in our fishponds, and used turtles for our survival.

There are a lot of turtles in the Hawaiian archipelago. They breed throughout our island chain and lay their eggs in the Leeward Islands. Turtles are plentiful here on Hawaii.

This turtle matter has been brought to your attention years ago and you (N.M.F.S.) has done nothing about it. I brought it up several times at the W.P.R.F.M.C. Your own lawyer from N.M.F.S. said probably a letter to Washington is all that is needed since the green sea turtle is not endangered in the Hawaiian archipelago.

I hope you are going to get on this matter soon. If you don't, as I told you before, a group of us, including an ex-W.P.R.F.M.C. member will catch some turtles and you can have us arrested. I can guarantee you that it will never get

Mr. Doyle Gates  
November 12, 1981  
Page 2

to court and the N.M.F.S. will have egg all over their faces again.

I'll give you 30 days to respond positively to this letter. If I don't hear from you in 30 days, I'll catch the turtles needed for the traditional fishpond problem and also a few to eat.

Aloha A Nui Loa Kakou,

*Alika Cooper*

Alika Cooper

cc: Mr. Susumo Ono  
Mauna Lani Resort, Inc.



KAHANAHOU HAWAIIAN FOUNDATION  
A NON-PROFIT HAWAIIAN CULTURAL CORPORATION  
KEALAKEKUA, HAWAII 96750  
TELEPHONE (808) 322-3901

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 Kaiulani 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 Mama'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 Mama'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 (Ref), 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/kl

ccs

Mr. Sus 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





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

MEMORANDUM

TO: Honorable George R. Ariyoshi  
Governor, State of Hawaii

FROM: Susumu Ono, Chairman and Member  
Board of Land and Natural Resources

SUBJECT: Green Sea Turtle

Enclosed are copies of Alan Ford's letter addressed to Alika Cooper and Kenji Ego's response to Ford. Also enclosed are other pertinent materials including three letters you had written to various federal officials on the subject matter.

At the time that the federal government was pushing to list the green sea turtle as "threatened", staff of our Department predicted that serious problems will arise with preemption by the federal government of State's authority to manage the turtle resource. Now that the matter is coming to a "boil", you will notice that Ford is attempting to fault the State by wrongly claiming that we did not react during the process of rule making.

We also object strenuously to Ford's attempt to shunt the burden of rectifying the problem, should redress be necessary, unto Hawaii's people and the State when, in actuality, they should be taking the lead.

I do realize that Kenji did use some strong words in his response to Ford but in view of the frustrations and strong feelings generated on the matter, I can empathize with him.

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

Attachments



GEORGE R. ARIYOSHI  
GOVERNOR OF HAWAII

BUSUMU ONO, CHAIRMAN  
BOARD OF LAND & NATURAL RESOURCES

EDGAR A. HAMASU  
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF AQUATIC RESOURCES

1181 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

December 22, 1981

DIVISIONS:  
AQUATIC RESOURCES  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

Mr. Alan W. Ford  
Regional Director  
U.S. Dept. of Commerce  
N. O. A. A.  
National Marine Fisheries Service  
Southwest Region  
300 South Ferry Street  
Terminal Island, California 90731

Dear Mr. Ford:

We received the copy of your recent response to Mr. Alike Cooper (dated December 8, 1981) concerning the final federal rule listing the green sea turtle as threatened under the Endangered Species Act. In your letter, you mentioned that residents of the Trust Territory of the Pacific Islands were permitted to take green sea turtles for ceremonial and subsistence purposes after presenting information that substantiated the need for subsistence take and that subsistence taking would not have jeopardized the recovery of the green sea turtle population. You also stated that "no such information was submitted by the State of Hawaii...." to support an exception from the prohibition of taking green sea turtles in Hawaiian waters. I take very strong exception to your statement; they are not only misleading but constitute falsehood.

For your information, the State of Hawaii through Governor George R. Ariyoshi did submit detailed comments on three separate occasions (copies enclosed) to the following three federal officials:

- a. Mr. Lynn A. Greenwalt, Director, Fish and Wildlife Service; letter dated July 17, 1975
- b. Mr. Harvey M. Hutchings, Acting Associate Director for Resource Management, N.O.A.A.; letter dated December 10, 1975
- c. Mr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Office of Environmental Affairs; letter dated April 1, 1976.



Mr. Ford  
Page Two  
December 22, 1981

You will note that in response to Mr. Galler's request for comments on the Draft Environmental Impact Statement, our Governor strongly endorsed "Alternative 7 - Allow Subsistence Fishing in Areas of Traditional Sea Turtle Fisheries". The basis for this position was that we were already actively managing the turtle resource through a State regulation which provided adequate and effective protection to a discrete and geographically distinct population of green sea turtles. Our regulation (copy enclosed), which was then effective, allowed the limited and controlled non-commercial harvest for traditional subsistence use and required the collection of harvest data through a permit system.

To further substantiate to you our claim that we indeed did transmit our objections relating to the proposed listing of green sea turtle as "threatened" with attendant preemption of State authority, we refer you to the enclosed copies of selected pages from the Federal Register, Vol. 43, No. 146, Friday, July 28, 1979. You will note that on page 32801 our Governor supported an exemption for subsistence fishing. Further, we note on page 32806 that the exemption was not granted to Hawaii's residents for the following reasons: "NMFS and FWS have concern over increased takings and sale of turtle shell and other products to tourists in Hawaii" and "...because there are alternative food sources available in Hawaii." This rationale apparently overlooked the fact that, since May of 1974, Hawaii's Division of Fish and Game Regulation 36 had prohibited commercial taking from State waters of green sea turtles for sale or offer for sale in whole or part or products thereof. The State Regulation had also established a permit system whereby all turtle products that were on hand prior to the effective date could be sold after inventory lists (with affidavits) had been verified. With respect to the mentioned alternative food sources, no one, including residents of the Trust Territory of the Pacific Islands can claim absolutely to lack available food sources that are alternatives to the green sea turtle. We were thus left with the distasteful feeling of having received unfair treatment from the federal bureaucracy.

We recognize that our case for retaining appropriate management of the Hawaiian green sea turtle population at the local level became moot with establishment of the final federal rules and regulations that designated the green sea turtles as "threatened" species. Nevertheless, we view your remarks to Mr. Cooper as implying that we were irresponsible, unconcerned, and nonchalant about this entire issue. Nothing can be further from the truth.

While on Molokai, on the night of December 1, 1981, when you, Mr. Cooper and I met to discuss green sea turtles, I distinctly recall you promising Mr. Cooper that you will look into the possibility of his utilizing green sea turtles to enhance his aquacultural activities. I recall Mr. Cooper mentioning that traditionally the Hawaiians utilized turtles in their fish ponds for the grazing of the courser vegetation which are not utilized by fin-fishes and which, if not controlled, can choke out open water, that the fecal wastes from the turtles promote fertilization of the pond and that the stirring of the pond bottom by turtles aid in maintaining the pond depth and also increases diatom production needed for mullet culture. Are we to assume that your letter of December 8, 1981 constitutes the final response to Mr. Cooper's inquiry relating to turtles and aquaculture? If, in the affirmative, I can readily understand Mr. Cooper's past expressions of bitterness, mistrust and charge of lack of credibility.



Mr. Ford  
Page Three  
December 22, 1981

Furthermore, in reading the last paragraph of your December 8, 1981 letter, I get the uneasy feeling that our Hawaiian people and the State of Hawaii would be required to scramble around to build "a case" for purposes of changing the regulation while those in the federal government sit back with arms folded awaiting to evaluate "information" only at the Washington, D. C. level. Are you forgetting that it was the federal government that listed the green sea turtle as "threatened" and promulgated the regulation over the strenuous objections of the State of Hawaii? Should not the perpetrator resolve the problem, if, redress is required? Would not doing so constitute "arrogance of government"?

Since, at my level, I despair of ever resolving the problem, I am passing it along as indicated below.

Yours truly,



KENJI EGO, Director  
Division of Aquatic Resources

KE:fc

cc: Governor George R. Ariyoshi  
Senator Daniel Inouye  
Senator Spark Matsunaga  
U.S. Representative Dan Akaka  
U.S. Representative Cec Heftel  
Alika Cooper  
Susumu Ono  
William Gordon  
Doyle Gates  
Dale Coggeshall

encls.

State of Hawaii  
Department of Land and Natural Resources  
Honolulu

DIVISION OF FISH AND GAME

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

REGULATION 36. RELATING TO THE PROTECTION OF MARINE TURTLES.

- SECTION 1. It shall be unlawful to mutilate, injure, take, kill, possess, disturb, sell or offer to sell leatherback turtles (Dermochelys sp.), hawksbill turtles (Eretmochelys sp.) and green sea turtles (Chelonia sp.) or any parts thereof or the eggs or nests thereof from or within the State of Hawaii and waters subject to its jurisdiction, except as provided in Sections 2 and 4 of this regulation.
- SECTION 2. It shall be lawful with a permit issued by the Board of Land and Natural Resources to:
- a. take or possess marine turtles or their eggs for scientific, educational or propagational purposes.
  - b. take or possess green sea turtles for home consumption from the waters surrounding the eight major islands (Hawaii, Maui, Kahoolawe, Lanai, Molokai, Oahu, Kauai and Niihau) provided that the upper shell length is 36 inches or more (straight line measurement) and provided further that the turtle may be gutted and/or cut up into not more than five parts with one of the parts being the whole upper shell with the entire head attached and all parts shall be kept together until the permittee leaves the shore area for his home.
  - c. possess or sell the eggs or offspring of captive green sea turtles or products thereof.
  - d. possess with intent to sell or to sell marine turtles or products thereof acquired prior to the effective date of this regulation.
- SECTION 3. It shall be unlawful to use nets for the taking of green sea turtles.
- SECTION 4. Nothing in Section 1 shall be construed as making it unlawful for any person to possess for purposes other than sale marine turtles or products thereof acquired prior to the effective date of this regulation.
- SECTION 5. Any person violating the provisions of this regulation shall be fined not more than \$500 as provided in Section 187-20, Hawaii Revised Statutes.



Adopted this 11th day of April, 1974 by the Board of Land and Natural Resources.

/s/ Sunao Kido  
Chairman and Member  
Board of Land and Natural Resources

/s/ Moses W. Kealoha  
Member  
Board of Land and Natural Resources

Approved this 17th day of  
May, 1974

/s/ George R. Ariyoshi  
Acting Governor of Hawaii

Approved as to Form:

/s/ Russell N. Fukumoto  
Deputy Attorney General

Date May 2, 1974

PUBLICATION OF  
NOTICE OF PUBLIC HEARINGS

- The Maui News - August 13, 1973
- The Maui News - November 10, 1973
- The Maui News - February 5, 1974
- Garden Island - August 20, 1973
- Garden Island - November 12, 1973
- Hawaii Tribune-Herald - August 20, 1973
- Hawaii Tribune-Herald - November 9, 1973
- Honolulu Star-Bulletin/Advertiser - August 19, 1973
- Honolulu Star-Bulletin - November 9, 1973
- Honolulu Star-Bulletin - February 5, 1974

C E R T I F I C A T E

I hereby certify that the foregoing copy of Regulation 36, Division of Fish and Game, Department of Land and Natural Resources, is a full, true, and correct copy of the original which is on file in the office of the Division of Fish and Game of the Department of Land and Natural Resources.

/s/ Sunao Kido  
Chairman and Member  
BOARD OF LAND AND NATURAL RESOURCES