

March 2, 1982

George,

It was about 20 years ago (it doesn't seem that long!) when I used to fish the Kaluakoi area of Molokai and saw turtles swimming around. I have since returned to the area but it is usually rough making the sighting of turtles very difficult. However, reliable sources tell me that the turtles are still commonly seen in that area. In addition, others tell me that turtles seem to be making a comeback from the 70's as more and more are being seen. I've limited my discussions to steady long-time fishermen who should have a better perspective of the situation and they all pretty much agree that turtles are still fairly abundant around the waters of Molokai. One fisherman who dives and fishes the Waiakane area frequently told me they are always around. I myself have seen several animals lately in the Moonomi and Kawela areas.

It is pretty much the consensus that the gill netters do not actively seek turtles as their nets are too light and whatever animals they capture are incidental.

Yes, do send me some turtle tags. What data should be recorded prior to the release of the animals? You will have to describe where and how the tags should be attached. For your info, one of the old time turtle hunter here told me he can show us where and how live turtles can be caught without too much hassle if you are interested in a concerted effort of tagging turtles here in one of the main islands.

Finally, in regards to Mr. Cooper...it was true that he was asked not to catch turtles in Molokai waters by a group of local fishermen which he complied to amicably. It was a certain Mr. Allencaster from Maui that was physically detained from capturing turtles with his power head gun in the early 70's and forcibly shipped out of Molokai by competing local fishermen during that period when turtle steaks were a popular fare in Lahaina restaurants.

Reading over Cooper's papers rings a certain note of discord within my own heart. While it was certainly true that aboriginal Hawaiians captured and utilized turtles, nowhere is it recorded nor never have I heard old timers described anything more than an opportunistic harvesting of the animals. If by chance a turtle was seen and could easily be caught, the ancient Hawaiians no doubt took advantage of the situation and probably considered it as no more than a normal part of the day's take. In many other Pacific islands however, the harvesting of sea turtles was a concerted effort and the distribution of the catch followed a time honored ritual accompanied by prescribe ceremonies. In the Marshall Islands for instance, certain atolls such as Erikup, Bikar, Jemo, etc. were regonized and set aside as natural sanctuaries for turtles (and also other animals) and permission to utilize the resources on these atolls had to be obtained from the paramount chiefs. Moreover, the preparation for these trips involved most of the villagers as well as the men actually going on the trip...food and other other provisions were prepared by the women and children, other men made sure the canoes were seaworthy, the priests made sure the signs were appropriate for a successful trip, etc. Upon return the turtles were divided and distributed according to custom...the neck portion was always given to the high chief, other certain innards were awarded to the elderly and sickly for medicinal purposes, those women knowledgeable and adept in preparing turtles were assembled from afar and supervised the cooking of the catch, etc. Thus unlike the situation in Hawaii, in certain W.P. islands there evolved traditional customs and rituals in conjunction with the utilization of sea turtles and these ceremonies figured prominently in the lifestyle of the natives. This can be further illustrated by the common occurrence of the turtle as a motif in their art, woodcarving, handicrafts, building and clothing designs, legends, and also in their self imposed conservation practices. The U.S. Government exercised sound judgement in permitting these people to continue harvesting sea turtles because to do otherwise would clearly jeopardize their traditional way of life. In present day Hawaii this point is not a conveniently apparent. We have never evolved a tradition centered around the

utilization of sea turtles to the same extent as other Pacific islanders and even if they did it certainly no longer exist today. To claim now as Cooper has done that restricting the contemporary harvesting of sea turtles would infringe upon Hawaiian traditional rights is a moot question at best...and in my personal estimation certainly not justifiable in light of how little the utilization of sea turtles actually figured in Hawaiian culture as compared to other Pacific islanders. To answer Cooper's allegations then, the question we must address is if the turtle population in Hawaiian waters is stable enough to allow the taking of the animals for home consumption. Are there enough turtles within the waters of the Hawaiian archipelago to permit occasional taking by local fishermen or will this sort of activity further threaten the very existence of the animals? Cooper's references to traditional Hawaiian rights, the lack of appropriate substitute for turtle meat, and the controlling of limu in fishponds with turtles all become hollow if the answer to the above question is negative. Over and beyond any one individual's right is the right of the entire community as a whole. Our children, and their children, and their children's children have the right to see, touch, and to co-exist with other creatures in the world and I feel it is our responsibility to ensure this occurrence. To put it another way, I want my son to have a chance to sit on that same boulder and watch huge turtles swim and feed as I did 20 years ago! What a shame it would be for me to have the distinction of being the last to have that chance. The hell with Cooper and his fishponds and the hell with traditional Hawaiian rights if it means the extermination of our children's right to see a real live turtle swimming free in its natural environment.

What I want to say now I hope you will keep strictly confidential as it goes contrary to my employer's, the State of Hawaii, expressed position and it is only my personal suggestions and thoughts: (1) those fishermen who actually are able to take turtles for home consumption are a very small minority (Cooper represents even a smaller minority as a "Hawaiian with traditional rights" and even that's debatable as some of my informants consider him nothing more than a "local hoale"). We may as well face it...these guys are going to continue their opportunistic harvesting of sea turtles whether we like it or not and there's not very much we can do about it without being expansive. I know them, I grew up with some of them and I understand their mentality. Law or no law they're going to continue to catch and to eat turtle whenever the opportunity arises and whenever they feel they can get away with it. Why then should we legitimize this ongoing activity and thus invite more to partake in it? Assuming that sea turtles are not in imminent danger of being eliminated from the face of the earth, would it not be wiser for us to retain the status quo and to close our eyes to this incidental catch by certain hard core fishermen whose numbers will surely diminish with each passing generation? If Cooper wasn't such a windbag, he too could discretely fulfill his "taste" for turtle meat without trying to take on the whole world. I'm not sure I could condone him using turtles to keep his ponds free of limu. All the old and long time pond caretakers here on Molokai told me turtles were never deliberately placed in fishponds as they were not beyond preying on the pond fish themselves. Too much limu was never a problem the old pond caretakers encountered. In other words, I doubt very much if placing turtles in Hawaiian fishponds was a traditional practice as claimed by Cooper. Moreover, it would be a highly visible and blatant disregard of the law if we were to allow him to stock his ponds with turtles. Hard core fishermen discretely catching and eating turtles is one thing but keeping outlawed turtles alive in ponds for all to see is quite another; (2) assuming that the turtle population in Hawaiian waters can sustain subsistence harvesting, to allow "traditional" utilization of sea turtles by native Hawaiians would be asking for problems in my opinion. Hawaiians were not the only race to capture and eat turtles in Hawaii. The Chinese, Japanese, and even the hoales would all raise heck if we permitted only Hawaiians to take turtle for home consumption. And how would you define "Hawaiian" anyway... and what's so traditional about using scuba tanks, powered vessels, synthetic nets, etc. in capturing turtles? No, there's no merit in allowing the restoration of the "traditional" harvesting of sea turtles by Hawaiians because in my opinion there was no tradition to begin with.

In sum, continue the present ban on the taking of sea turtles in Hawaii and do not permit any subsistence harvesting. Those hard core turtle eaters are going to get their share anyway. Continue and step up the research to determine the viability of the turtle stock and if it proves appropriate, then and only then allow a control taking of animals preferably under a limited permit system. Put the permits up for high bid and let those who feel that they must have turtle meat pay for that privilege. For your added info, all the big time commercial turtle hunters here on Molokai confided in me that the State's banning of turtle for commercial use was a wise move. They themselves felt the turtle population was suffering too much of a loss and could not continue to sustain the pressure placed on it by commercial hunters. Therefore, do not entertain any thoughts of allowing the commercial taking of sea turtles. If the market demand for turtle meat and products is so great and overwhelming, let some bright and enterprising entrepreneur fill the need through culturing of the animal.

I hope this was not too verbose for you. I've enclosed several turtle sighting reports and will continue to forward them to you upon completion.

Aloha,

*Rui*  
*Z*

November 4, 1983

George,

Here's one more turtle tagging for your records. Ed had three more in the nets but let them go.

We had a very interesting public meeting here on Oct. 27th. It was convened by (Maui County) Molokai Community Action Agency and had as guest speaker Mr. Noah Pekelo of DOCARE. He was invited to speak specifically on the recent restriction of "bullpen" netting. At the meeting several bullpen operators spoke up and questioned the merits of this ban. Pekelo made some very interesting and surprising revelations:

1. DOCARE will not enforce Act 87 because they are waiting for DLNR to promulgate rules and regulations re bullpen trapping and then only after three years have lapsed; (Pekelo misinterpreted 188-29 (b) which refers to the escape devices soon to be required on all types of traps. DAR is supposed to come up with escape device requirements for traps and then all trappers will have a three year grace period to comply.) Pekelo told the audience that DOCARE cannot enforce the law because they are still waiting for DLNR, and since DLNR have not done their job it was permissible for bullpen operators to continue their operations! (At this point Ed Mederios who was sitting in front of me leaned back and said to me that "...Noah was in right field" indicating that he knew Noah made a mistake.) Ed then asked Noah point blank if he could go fishing with his bullpen nets and Noah answered affirmative in front of the entire audience.
2. After the meeting, Noah confided in me that the Maui prosecutor recently dismissed a charge against several fishermen who were cited for violation of Act 87. These fishermen went to Maui (they're from Waianae, Oahu) and set up an underwater trap with guides and then chased the fish into it using scuba tanks. DOCARE Maui busted them. They returned back to Oahu and solicited the help of House Speaker Henry Peters. As a consequence, the Maui prosecutor dismissed the charges "in the interest of justice" because of the alleged confuse wording of the Act. Noah told me that since a precedence had been set, DOCARE would be wasting their time enforcing additional violations of the same Act. The end result being the bullpen netters can continue their operations unmolested.
3. Pekelo also confided that he strongly feels Act 87 will be repealed at the next legislative session because of the furor it has caused on both Oahu and Maui as well as Molokai.

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Now that Ed's back in operation, he asked me to see if you could generate some money for his part in the tagging of turtles here on Molokai. I guess to show that he meant business, he left a turtle in his boat and gave me a call to come over. What do you think?

Bill Brie