

SEA TURTLES- ASAC
BALAZS FILE 1970s

HIMB

ANIMAL SPECIES ADVISORY
COMMISSION (ASAC)

Date: Wed, 26 May 1999 07:57:57 -1000 (HST)
From: "George H. Balazs" <gbalazs@honlab.nmfs.hawaii.edu>
To: Osha Gray Davidson <osha@pobox.com>
Subject: December 1, 1972

ASAC. Clearly a turning point, but I never knew how significant it would be at the time. I have been wondering.. What would the course of history have been for Hawaiian honu if I had rejected Hilde's hounding of me to testify at the meeting? I did you know, at first. In fact I was quite upset with her at the time, because she had already "volunteered me" without asking my permission. It was with reluctance, and downright fear, that I went. I had no prepared speech, only notes and thoughts based on Carr, Hirth and Hendrickson's writing that I had in recent months read over and over again. There were clearly sea turtle problems elsewhere distant from Hawaii. Serious ones. Could Hawaii's situation be so different, especially in the face of no protection, no meaningful regulations, and substantial hunting by very efficient methods (bullets, use of scuba and turtletangle nets hundreds of yards long (like Alike used on Maui, Molokai, Big Island)? Or, was it "simply" that our heads were in the sand, too many other things keeping state and federal folks occupied? Were the honu, in some mystical manner, just waiting for someone to come along and speak for them? I had read the "The Voice of the Turtle" by Bill Travis (whom I had met) and the title still rings kind to me ear, as it did then.

So what would have happened if I had not testified, gotten involved? Well, my career would almost certainly have taken a different course. But would it have changed anything for the honu? I think not. Some else soon surely would have come along, grasped the issue, and helped the turtles. So to me, the defining moment of the ASAP meeting was most to significant to me, for me. Even if my career- heck, not career- My Life! had not swung to that path, I would have had the satisfaction of knowing I spoke out. I said what I believed needed to be said. I was scared like hell. But the satisfaction of doing saying what was needed will always be one of the highest points of my life. Bless Hilde for that. Geo.

* George H. Balazs, Leader *
* Marine Turtle Research Program *
* National Marine Fisheries Service *
* SWFSC Honolulu Laboratory *
* 2570 Dole Street *
* Honolulu, Hawaii 96822-2396 USA *
* Tel:(808) 983-5733 *
* Fax:(808) 983-2902 *
* gbalazs@honlab.nmfs.hawaii.edu *

APPROVAL OF
OCTOBER 1972 MINUTES:

Mr. Yamagata moved that the Minutes of the October 1972 meeting be approved as submitted. Motion was seconded and unanimously passed.

REGULATION OF GREEN
SEA TURTLE:

The Commission members deliberated for three hours on the question of whether a regulation should be imposed on the protection of the green sea turtle.

Mr. Eugene Kridler, Wildlife Administrator for the U. S. Bureau of Sport Fisheries and Wildlife, stated that his agency protects the turtles' breeding grounds in the Leeward Islands. Studies thus far have been confined to the Leeward Islands, more specifically to the Hawaiian Islands National Wildlife Refuge. Since they are completely protected on the refuge, he felt that the turtles should also be completely protected in Leeward waters. Their nesting grounds at French Frigates Shoal are the largest and most important green sea turtle hatchery in the United States. As far as he knew, no nesting occurs on the beaches of the main islands.

To date about 700 turtles have been tagged in the refuge. Although most of the recaptures have been made in the area of tagging on succeeding trips, some turtles tagged at French Frigates Shoal have been recaptured at Pearl and Hermes and also some tag returns have been obtained from Hawaii, Maui, Molokai, Kauai and Oahu.

The adult turtles average about 275 pounds, are 24-25 inches in straight line measurement, and believed to live to be 150 years old.

Mr. Kridler pointed out that there are great gaps in the scientific knowledge of these turtles throughout their range and in the waters of the State of Hawaii. There are big gaps as to what they feed on once they get out in the ocean, where they go, and what the population is. Reef fish take a heavy toll on the hatchlings. Although it is not known what percentage of the eggs are hatched, he surmises that about 1 to 2% that are layed would survive into adulthood.

Mr. Kridler said that he had brought back with him some eggs and hatchlings from one of his trips to the refuge to conduct a series of experiments. The main purpose of this study was to see if these turtles can be raised economically in captivity to provide protein to the market and at the same time relieve the great strain placed on the wild stock.

In answer to a question by Dr. Murphy, Mr. Takata said that the only turtle catch statistics kept by the Division of Fish and Game are the commercial catches. He stated further that the commercial turtle landings are relatively insignificant and that there is reason to believe that more turtles are being caught by sport fishermen.

Mr. Kridler suggested that non-commercial fishermen should be required to report their turtle catches. Mr. Takata replied that he did not know how feasible this would be but felt it would be feasible if a license is required. The Division could also make tags available but the big question is whether the fishermen will come in to pick up the tags. He also said that if there is any unauthorized commercial sale of turtle being carried out, and there probably is, it is a very difficult thing to enforce.

Mr. Kridler commented that although some people advocate complete closure on the taking of the green sea turtle, he was not in favor of this complete closure until there was some documentation to justify this action.

Mr. Takata agreed with Mr. Kirdler and further commented that on the basis of present knowledge there would be merits for the protection of the turtle in the Leeward Islands where we know they are nesting to protect the breeding population. Thus, it might be well to prohibit the taking of turtles in the Leeward Islands. However, he said that before we begin to regulate the taking of turtle in the main islands we should get adequate supportive data.

Mr. Kridler said that he hopes to get independent investigators to continue the research on the turtles at French Frigates Shoal.

Mr. Takata added that the Division's efforts to obtain funds to support the research program dates back to a number of years even before Dr. Hendrickson came to Hawaii. At that time an attempt was made to obtain funds from the legislature but it failed to pass. Dr. Hendrickson had even submitted a research proposal so Mr. Takata felt that there are people who are more than willing to undertake this study if funds are available. Mr. Takata also mentioned that this project does not qualify for D-J Federal Aid funds.

Mr. George Balazs, a research biologist with the Hawaii Institute of Marine Biology, made a strong plea for the preservation of the green sea turtle. He told the Commission that he has learned through correspondence that many other states and Pacific nations have passed laws protecting the turtle; namely, Texas, Georgia, Florida, Tahiti, Midway, Tonga, Fiji, Trust Territory of the Pacific Islands and Panama.

Mr. Balazs stated that in effect there is no regulation in the State of Hawaii on the green sea turtles except for the law that prohibits fishing with firearms and spears.

He passed out to Commission members informational copies of an article entitled, "Great Reptiles, Great Enigmas" by Dr. Archie Carr which appeared in the March 1972 issue of the Audubon magazine; sea turtle statistics for Hawaiian Waters which he extracted from the Division of Fish and Game annual fish catch reports from 1967 through 1971; and an excerpt of a report prepared for the Fisheries Development Agency Project by Dr. H. F. Hirth, Marine Biology (turtles) Consultant, Food and Agriculture Organization of the United Nations, 1971.

According to the Fish and Game commercial fish catch statistics, the following amounts of sea turtles were harvested during the period 1967-1971:

1967	5,021 lbs.
1968	3,350
1969	10,175
1970	12,506
1971	19,884

Dr. Ziegler said the increasing numbers of turtles being caught by local fishermen could reflect a surplus of turtles. He said he could not agree to restrictions until such questions are answered.

He then suggested that since there is no funds in the Division of Fish and Game budget, the ASAC should ask the legislature at the next session for funds to continue research on the sea turtles. Dr. Murphy agreed to this suggestion.

DR. MURPHY MOVED THAT A SUB-COMMITTEE BE APPOINTED (PERHAPS MR. TAKATA AND MYSELF) TO MEET WITH MESSRS. KRIDLER AND BALAZS AND DR. HESTER TO GET WHATEVER TECHNICAL INFORMATION IS AVAILABLE ON THE GREEN SEA TURTLES.

Motion was seconded by Dr. Ziegler.

Chairman Endrizal asked if anyone else wished to be included in this sub-committee. Since there was no response, a vote was taken and Dr. Murphy's motion passed unanimously.

At 3:00 p. m. Chairman Endrizal because of another business commitment excused himself from the meeting and appointed Dr. Murphy as Chairman Pro-tem.

More discussion followed on the green sea turtles.

PROTECTION AND CONSERVATION
OF THE HAWAIIAN CROW AND HAWK:

Mr. Breese mentioned that his wildlife staff had prepared a news flyer on the preservation of the Hawaiian crow as suggested by the Commission at its October 1972 meeting. He had in the meantime talked to Mr. Winston Banko, research biologist with the U. S. Bureau of Sport Fisheries and Wildlife stationed at Kilauea, Hawaii, about the Hawaiian crow and hawk and he made the following interesting observation. He felt that it would be a mistake to put too much emphasis on these birds as this might elicit a negative response from the public which might result in more shooting of these birds.

Mr. William Mull of the Hawaii Audubon Society and Mr. Steve Montgomery of the Natural Areas Reserve System both felt that this public awareness will help more than it will hurt.

Mr. Yamagata expressed his concern about the possibility of the crow becoming a nuisance as it is on the mainland U. S. once they are protected and establish themselves. Mr. Mull replied that the mainland crows and the Hawaiian crows are of different species and he did not feel that we will have an overpopulation of the crows where they would become pests.

DR. ZIEGLER MOVED THAT THE COMMISSION OFFER AN ADVISORY OPINION AND THAT THE HANDOUT ON THE CROW BE PRINTED AND DISTRIBUTED AS SOON AS POSSIBLE IN THE MOST EFFICIENT MEANS POSSIBLE, ESPECIALLY TO THE PRESS.

Motion was seconded by Dr. Beardsley.

Mrs. Gay said that the handout should not be directed only to the hunters. She suggested the deletion of the words "Do Not Shoot" at the top and "Hunters are reminded" because its present focus on hunters might produce a backlash effect among hunters. She also mentioned that emphasis should be placed toward the last part of the handout about reporting sightings to the Division of Fish and Game.

Mr. Mull suggested that if the Division of Fish and Game is to do the distribution of the handout to its contacts, including the ranchers, that the Division of Forestry also do the same. He said he was making this suggestion because of lack of field data on field observation.

ALL MEMBERS VOTED IN FAVOR OF DR. ZIEGLER'S MOTION,
INCLUDING SUGGESTIONS MADE BY MRS. GAY AND MR. MULL.

Dr. Radovsky asked if the Fish and Game Division had done anything on his motion made at the last meeting to provide the Commission with a plan for the protection of the crow.

Mr. Takata replied that the plan is still in the mill. We did not specifically prepare a research proposal for the crow because the U. S. Fish and Wildlife Service is expending more effort than we can at the present level of our funding. He further stated that he is agreeable to the collection of more crows to send to the Patuxent Wildlife Research Center where an attempt was initiated to propagate the crow in captivity. They have highly qualified personnel and wonderful facilities to do this kind of work and they are willing to propagagate the crow but with the apparently small population of crow in existence in Hawaii, it is not an easy thing to catch a crow. Mr. Takata suggested that before we attempt a propagation project of our own we should "beef up" our captive crow stock at Patuxent.

Mr. Takata assured Dr. Radovsky that the Division of Fish and Game will look into the feasibility of coming up with a plan to insure the protection of the Hawaiian crow.

Dr. Radovsky suggested the posting of signs as an I&E effort.

Mr. Mull suggested similar posters for all endangered bird species and said the Audubon Society might help finance the educational effort. He told Mr. Takata that he would be happy to work with the wildlife staff on the wording and location of these signs.

LEGISLATIVE PROPOSALS:

Mr. Takata informed the Commission that the Division of Fish and Game has proposed two bills for introduction at the 1973 legislative session:

1. To remove conflicting provisions existing in the statutes concerning the taking of coral.
2. To provide an additional \$200,000 for loans to construct new commercial fishing vessels.

This matter was brought to the Commission's attention for informational purposes only. No action needed.

VOLUNTEER FISH AND WILDLIFE
ENFORCEMENT OFFICER PROGRAM:

Mr. Eugene K. Burke, Chief of the Enforcement Branch of the Division of Fish and Game, briefly reported to the Commission the new Volunteer Fish and Wildlife Enforcement Officer Program.

The Deputy Wardens program as it was formerly called was revamped upon passage of Act 54, 1972 session, which provides benefits to the Deputy Fish and Game wardens should they incur any injuries while performing volunteer services for the Division. Subsequently, the Board of Land and Natural Resources approved the change of the Deputy wardens' title to Volunteer Fish and Wildlife Enforcement Officers and also approved a working agreement and employment standards for these volunteer officers. Intensive training had been completed and about 50 names will be submitted to the Board of Land and Natural Resources at its meeting on December 15, 1972, for appointment as Volunteer Fish and Wildlife Enforcement Officers.

HUNTING ON MAUI:

Dr. Yee mentioned that out of a population of about 40,000 on Maui, 3,000 are hunters. The Maui hunters are complaining that hunting has been status quo for the last twenty years. Some of the areas of concern are: (1) importing more pheasants; (2) acquiring bigger game areas; and (3) opening of deer hunting on Maui.

Mr. Takata suggested that Dr. Yee get together with Mr. Breese to discuss the wildlife program on Maui.

SHEEP ON MAUNA KEA:

Dr. Ziegler asked about the sheep on Mauna Kea and requested a status report on the number of sheep taken from this area.

Mr. Breese replied that he had on his desk, job completion reports for 1972 in draft form which are in the process of being finalized. Included in these reports is the Mauna Kea Game Management Area Sheep Study from District Biologist Ernest Kosaka. Mr. Breese felt that this report which will be available to the members shortly should give a better insight of what is happening at Mauna Kea.

ADJOURNMENT OF MEETING:

Meeting adjourned at 4:40 p. m.

Respectfully submitted,

Lillian A. Nishihira

Lillian A. Nishihira



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME
1179 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

January 8, 1973

MEMORANDUM

To : Members, Animal Species Advisory Commission

From : Ronald J. Endrizal, Chairman

Subject: January Meeting of the Animal Species Advisory Commission

The January meeting of the Animal Species Advisory Commission will be held on Friday, January 12, 1973, beginning at 1:00 p. m., in the Lt. Governor's Conference Room, 5th floor of the State Capitol.

The agenda for the meeting is as follows:

1. Approval of Minutes of December meeting.
2. Mauna Kea Mamane/Sheep Problem.
3. Progress Report on Jones and Stokes Comprehensive Long-Range Fish and Wildlife Plan.
4. Proposal to Change ASAC Meeting Date from First Friday to Second Friday of Each Month.
5. Proposed Green Sea Turtle Regulation.
6. Other Matter of Concern.

Purchase Orders for neighbor island members' air travel are attached.

Michio Taketa
(for) RONALD J. ENDRIZAL, Chmn.
Animal Species Adv. Commission

MT:ln
attachs. Minutes of December meeting
P. O.'s or Parking Permits
Draft of "Status of Marine Turtles in the Haw'n. Islands" and
Proposed Protection for Marine Turtles by George H. Balazs

BERNICE P. BISHOP MUSEUM

P. O. Box 6037, Honolulu, Hawaii 96818 • Telephone 847-3511

TO: Other Members of Animal Species Advisory Commission
FROM: Frank J. Radovsky
SUBJECT: Proposed Protection for Marine Turtles, drafted and forwarded by
George H. Balazs.

The subject proposal and the status report on marine turtles by Mr. Balazs were mailed to each of us with Mr. Endrizal's memorandum of January 8. The "Proposed Green Sea Turtle Regulation" is on the agenda for the meeting of January 12.

I felt that the legislation proposed by Mr. Balazs would not adequately protect the turtles. In particular, the addition of some control on commercial use of turtles seems essential for an effective law. Mr. Balazs indicated to me that his proposal was strongly compromised in his expectation that it would find greater acceptance. He agreed that it would be desirable to have broader controls. We have prepared the enclosed amended version of his proposal for consideration by the Commission.

Sincerely yours,



Frank J. Radovsky, Member
Animal Species Advisory Commission

Enclosure

cc: George H. Balazs

January 10, 1973

PROPOSED PROTECTION FOR MARINE TURTLES

Prepared by George H. Balazs and emended by George H. Balazs and Frank J. Radovsky

Recognizing the fact that title to all wildlife belongs to the State in its sovereign capacity, and that the State holds this title in trust for the people of Hawaii, and that the State has a right and an obligation to protect, perpetuate and control wildlife within its boundaries, the following bill for an act relating to the protection of marine turtles is hereby proposed:

1. It shall be unlawful for any person to take, kill, possess, mutilate or in any way disturb any Leatherback (Dermodochelys sp.) or Hawksbill (Eretmodochelys sp.) in or from the territorial waters of the State of Hawaii, except as specified in section 7 of this act. 3 miles
2. It shall be unlawful for any person to take, kill, possess, mutilate or in any way disturb any green turtle (Chelonia sp.) in or from the territorial waters of the State of Hawaii which surround the Hawaiian Islands National Wildlife Refuge, except as specified in section 7 of this act. add Midway; Kure (and islets between)
3. It shall be unlawful for any person to take, kill, possess, mutilate or in any way disturb any green turtle in or from the territorial waters of the State of Hawaii which surround the major islands (Hawaii, Maui, Kahoolawe, Lanai, Molokai, Oahu, Kauai and Niihau) for purpose of resale.
4. It shall be unlawful for any person to import any marine turtle or part thereof into the State of Hawaii for purpose of resale.
5. It shall be unlawful to sell any marine turtle or part thereof, including the sale or serving of turtle-derived food products in restaurants or markets or elsewhere. (Green turtles may be used as food, without sale, when legally taken as outlined in section 6 of this act).
6. It shall be unlawful for any person to take, kill, possess, mutilate or in any way disturb any green turtle in or from the territorial waters of the State of Hawaii which surround the major islands, excepting green turtles having a straight line carapace measurement of more than thirty-four (34) inches that are taken under permit from the Division of Fish and Game, tagged, and reported to the Division within a time to be specified, or except as specified in section 7 of this act.
7. It shall be unlawful for any live marine turtle and eggs to be captured or held in captivity or transported within or across the boundaries of the State except by special permit which will be granted by the Division of Fish and Game only for educational or scientific purposes. The number of animals held for such purposes by any one person or institution shall not exceed that as deemed reasonable, prudent and necessary by the Division of Fish and Game.
8. Any officer or agent authorized by the Division of Fish and Game shall have authority to execute any warrant to search for and seize any animal or animal product held in violation of sections 1 through 7 of this act. Such material shall be held pending proceedings in any court of proper jurisdiction. Upon the conviction of any person charged with a violation of section 1 through 7 of this act the animal or animal product seized shall be forfeited and either released, offered to a recognized institution for scientific or educational purposes, or destroyed.
9. Any person convicted of violating any section of this act shall be fined not more than \$500 or imprisoned not more than 6 months or both.

UNIVERSITY OF HAWAII

Hawaii Institute of Marine Biology
January 19, 1973

Dear ASAC Member,

I would like to call your attention to two changes that should be made in my manuscript "Status of Marine Turtles in Hawaii" which I sent to you at an earlier date.

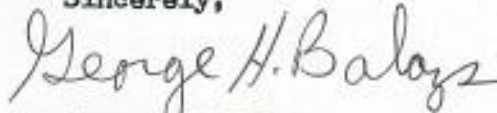
These are:

1. On page 7 and 8 reference is made to the tagging of nesting turtles in the Refuge by Sport Fisheries and Wildlife personnel. Recent discussion with the Bureau Administrators has revealed that the vast majority of the 700+ turtles tagged were "basking" individuals; that is to say that the turtles (both male and female) were lying on the sandy beaches sunning themselves when they were marked. Basking is a habit peculiar to Northern Pacific Green Turtles and is probably related to the cooler environment. Only a few animals (10-15) have ever been tagged in the Refuge while nesting.

The awareness of this fact is of major importance. At the December 1, 1972 ASAC meeting Dr. Garth Murphy used the 700 number that was stated to try to make some sort of a rough estimate of the total breeding population. The basic assumption for his calculations were that the 700 turtles tagged were all females. It is now evident that this is not the case and that far fewer animals probably exist.

2. On page 9 a value of 100 pounds was given for a sexually mature Green Turtle. Two hundred and fifty pounds is the true value, or 100 kilograms. I failed to indicate the proper units.

Sincerely,



George H. Balazs

GHB:bd

BERNICE P. BISHOP MUSEUM

LIBRARY OF
GEORGE H. BALAZS

P. O. Box 6037, Honolulu, Hawaii 96818 • Telephone 847-3511

DATE: January 24, 1973

TO: Consultant Firm of Jones & Stokes Associates, Sacramento, California;
State of Hawaii Officials; and Other Interested Persons.

FROM: Alan C. Ziegler, Mammalogist Member, State of Hawaii Animal Species
Advisory Commission.

SUBJECT: Advisory Comments on First Draft of Jones & Stokes' Comprehensive
Long-range Fish and Wildlife Resource Plan, dated December 15, 1972.

p. II-58 (List of Reptiles Without Management Plans)..... To accurately reflect the present uncertain status of the green sea turtle (Chelonia mydas), along with the certainly "endangered" international status of both the hawksbill (Eretmochelys imbricata) and leatherback (Derموchelys coriacea) turtles (see U.S. List of Endangered Foreign Fish and Wildlife), it would seem advisable for the Consultants to have their marine resources personnel prepare projected Operational Management Plans for these three species of Hawaiian waters for inclusion in the final Plan.

p. II-58, last par. "It [the green sea turtle] enters the commercial catch statistics in fairly substantial numbers and, paradoxically, it has been suggested for possible inclusion as a rare and endangered species."..... If there is one thing we should have learned by now, it's that the objective is not to get a species put on the "Rare and Endangered List" but, rather, to all work together to keep it off the List!

Volume III: Supporting Data

Although figures for monetary gain from hunting and fishing activities are noted several times in this and other Volumes of the present draft Plan, nowhere does there seem to be any discussion of the relatively great sums of money entering the State each year for scientific study of our native terrestrial and marine resources. Research and development grants from the International Biological Program (Island Ecosystems Hawaii Sub-program), other U.S. National Science Foundation, the U.S. National Institutes of Health, the U.S. Forest Service, the U.S. Department of the Interior's Bureau of Sport Fisheries and Wildlife and Endangered Species Program are only a few of the organizations providing such funds. It is hoped the Consultants will be able to obtain exact financial figures for inclusion and discussion in their final Plan. At this stage, however, even a very conservative estimate indicates well over a million dollars a year enters the State from these sources--a sum at least equal to the total annual budget of the Division of Fish & Game, and far greater than the amount of out-of-state money generated in relation to hunting. (And this is not even considering that portion of the multi-million dollar yearly non-hunting tourist revenue that results from the attraction of our native resources.)

In fact, in terms of both immediate and, especially, long-range economic gain to the citizens of Hawaii, it is obvious that it would be much more profitable for the Wildlife Branch of our State Fish & Game Division to get out of the hunting business altogether, and turn their attention to protecting and restoring our native natural resources rather than continuing to allow these irreplaceable assets to be destroyed by maintaining the present populations of foreign game mammals and birds. In making this change, the Wildlife Branch would then be serving 100% of Hawaii's

Xerox for Balazs.

BERNICE P. BISHOP MUSEUM

P. O. Box 6037, Honolulu, Hawaii 96818 • Telephone 847-3511

5 February 1973

Representative John S. Carroll
State House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Representative Carroll,

I am writing to express my great appreciation for your recent introduction of H.B. 245: relating to an appropriation for a research management program for the Green Sea Turtle, as well as H.R. 41 and H.C.R. 9: relating to preservation of the Green Sea Turtle.

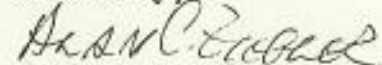
I will most happy to speak in behalf of these measures when they are scheduled for appropriate Committee Hearings. Two colleagues, Dr. Frank Radovsky of the Bishop Museum and George Balazs of the University's Institute of Marine Biology have prepared a draft of proposed Regulations concerning the taking of the Green Sea Turtle and will be submitting the draft soon to the Board of Land and Natural Resources, or so I understand.

Thus, your Resolutions will undoubtedly be of great aid to the eventual enactment of these needed and timely Regulations. We all note with favor your 1971 H.B. 1218 and H.R. 196, also dealing with the Green Sea Turtle. With the much-heightened environmental conservation sentiments of 1973, the current Bill and Resolutions should stand a very good chance of passage.

I personally would additionally like to thank you for the present introduction of H.B. 246: relating to environmental preservation and (amended) functions of the Environmental Council; and wish it a smooth passage through the Legislature, also.

Your long-standing, and continued, concern for the best possible preservation of all of our Hawaiian natural resources is extremely heartening to us all. May we all wish you the continued best of fortune in this and all other matters !

Sincerely,



Alan C. Ziegler
Vertebrate Zoologist

Comments on First Draft of
Hawaii Fish and Wildlife Plan
(as prepared under contract with
Jones and Stokes Associates, Inc.)

4. The reference to the green turtle (II-RE-58) is inadequate and misleading. This species is believed to be the most valuable reptile in the world, and it could be a critically important protein source for man in the future if it is properly protected now. I agree with the authors that a species plan is urgently needed, and, in view of current proposals for regulation in the State, they are probably well advised not to attempt a formal species plan now. However, the species deserves more attention than is given.

Although it is not rare at present, the turtle is considered endangered from a world standpoint through over-exploitation; the IUCN includes the species in the Red Data Book. The Hawaiian turtle population is unique in that it can be totally managed (both breeding and feeding areas) within one political jurisdiction. The catch in Hawaii is substantial in endangering preservation of the species, but not relative to the total marine fishery or the economy of the State. The Plan says the commercial take is fairly substantial and then adds

F. J. Radovsky
Page 4

"paradoxically, it has been suggested for possible inclusion as a rare and endangered species." This is quite misleading; there is no paradox, but rather a causal relationship. It was similarly argued in the 1870's that the American bison was not endangered -- millions had been slaughtered and the species barely survived. It was similarly argued in the 1880's that the Passenger Pigeon was not endangered -- billions had been killed and the species died out, apparently unable to sustain itself once the population was brought by man down to a level of 10's of thousands. The Arctic whaling fishery has been destroying its future viability as well as endangering all species of large Cetacea. We have no excuse for doing anything similar in Hawaii.

I recommend that the statements concerning the green turtle be enlarged and corrected to reflect its endangered situation from a world view, the special attributes of the Hawaiian population, and the need for a plan that will maintain the species at a high level.

5. Pages I-29-30. The statements regarding the particularly adverse effects of feral game animals are commendable. However, the indicated approach is not carried over into the species plans. For example, the goat plan (II-Wildlife-24-31) indicates elimination of the goat only on Lanai; reduction of goats on Kahoolawe to 200 or less, rather than extermination which would be less costly and more effective in permitting plant regeneration; actually increasing the goat population on Kauai where the species has been decreasing. The species plans are meant to be shorter range than the objectives expressed in Vol. I, but the short-term plans cited are not justifiable in terms of the overall objectives of the Plan. They should be reconsidered.



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FISH AND GAME
1179 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

March 5, 1973

MEMORANDUM

To : Members, Animal Species Advisory Commission
From : Ronald J. Endrizal, Chairman
Subject: March Meeting of the Animal Species Advisory Commission

The March meeting of the Animal Species Advisory Commission will be held on Friday, March 9, 1973, beginning at 1:00 p. m., in the conference room, 4th floor of the Bishop Museum.

The agenda for the meeting is as follows:

1. Approval of Minutes of February meeting.
2. Report on Access Road to Mauna Kea Observatory -- by Mrs. Gay.
3. Notice of public hearing and news release regarding Ahihi-Kinau Natural Area Reserve, Maui, on March 12, 1973, 7:00 p. m.
4. Notice of public hearing and preliminary draft on Regulation 23 relating to game mammal hunting on Hawaii on March 19, 1973, 7:30 p. m.
5. Notice of public hearing regarding Wilderness Proposal on April 14, 1973, 9:00 a. m.
6. Reimplementation of Mouflon sheep hybridization project on Mauna Kea -- by Ron Walker.
7. Status report on Fish and Wildlife Comprehensive Plan revision.
8. Proposed legislation.
9. Progress report on green sea turtle regulation.

March 5, 1973

Purchase orders for neighbor island members' air travel are attached.

Lillian A. Nishikura

(for) RONALD J. ENDRIZAL, Chairman
Animal Species Advisory Commission

In

attachments: February 1973 minutes
Purchase orders for airlines
Copy of 2/20/73 letter to legislative committee chairmen
 re: turtle legislation
Public hearing notice and Reg. 7 relating to Ahihi-Kinau, NARS
Public hearing notice on wilderness proposal
Board submittal of 2/23/73 regarding Reg. 23 public hearing
Legislative bills: HB 636, 642, 814, 826, 827, 828, 829, 940, 983, 984
 HR 130, 170, 213, 241, 248
 SB 385, 576, 739, 758; SCR 14

HOUSE OF REPRESENTATIVES
STATE CAPITOL
HONOLULU, HAWAII 96813

ANSON CHONG

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

Member:
Finance
Labor
Tourism
Agriculture

To: The Green Turtle People July 20, 1973
From: Anson Chong
Subj: New Developments to protect the Green
Sea Turtle

Animal Species Advisory Commission adopts protective
regulation

The efforts of Dr. Frank Radovsky and Dr. Alan Ziegler of the Advisory Commission has produced a draft regulation to protect the Hawaiian Green Sea Turtle. The Commission adopted the regulation on July 13th. The entire text of the meat of the regulation is enclosed seperately.

Administrative Procedures to get the regulation officially adopted

Today or early next week, the draft regulation will be send to the Fish & Wildlife Advisory Committee of each county. The Governor appoints the members of each county committee, but the Chairman of the County Committees are automatically on the Advisory Commission. Hence, there should be a minimum of hassles at the county committee level.

If the county committees have no strong objection to the regulation, the Fish & Game Division will ask the Board of the Department of Land & Natural Resources for permission to hold public hearings. If approval is granted, the Fish & Game Division will hold the public hearings after adequate advertising in local papers are placed. Twenty days following public hearings (to give the public adequate time to provide feedback to the Fish & Games Division on the regulation), a report is submitted to the Animal Species Advisory Commission which must again approve or disapprove. Simultaneously, the Attorney General's office will render an opinion on its constitutionality.

If everything is okay at this point, the regulation is submitted to the Board of Land & Natural Resources for final approval, and if it is approved, the Governor must sign it & transmit it to the Lt. Governor for filing. Ten days after filing, it becomes a regulation with the full force of law. Keep an eye out for the hearing dates! So will my office!

###

Draft regulation relating to THE PROTECTION OF MARINE TURTLES
Adopted by the Animal Species Advisory Commission on July 13, 1973.
Introduced by Dr. Frank Radovsky, Commissioner. Also pushed strongly
by Dr. Alan Ziegler, Commissioner.

SECTION 1. It shall be unlawful to mutilate, injure, take, kill, possess or sell or offer to sell leatherback turtles (*Demochelys* sp.), hawksbill turtles (*Eretmochelys* sp.) and green sea turtles (*Chelonia* sp.) or any parts thereof or the eggs thereof from or within the State of Hawaii and waters subject to its jurisdiction except as hereinafter provided.

SECTION 2. Any marine turtle caught within the jurisdiction of the State of Hawaii may be used for scientific, propagation or other purposes approved by the Board of Land & Natural Resources and with a permit issued in accordance with Sections 187-4 and 190-4. Hawaii Revised Statutes.

SECTION 3. Notwithstanding any provision of this regulation to the contrary and except as prohibited by any other rule, regulation or law, green sea turtles having an upper shell measurement of 36 inches (straight line measurement) or more may be taken for home consumption from or within the waters under the jurisdiction of the State surrounding the eight major islands (Hawaii, Maui, Kahoolawe, Lanai, Molokai, Oahu, Kauai and Niihau) provided that a permit is first obtained from the Board of Land and Natural Resources. Any turtle caught, taken or possessed through the provision of this section shall be kept whole or unbutchered while in transit over sea or land from the fishing area to the permittee's residence.

SECTION 4. It shall be unlawful to use nets for the taking of green sea turtles.

SECTION 5. Any person violating the provisions of this regulation shall be fined \$100 or imprisoned not more than 30 days or both.

Current Members, Animal Species Advisory Commission

Expiration
Dates of terms

Mr. Ronald J. Endrizal (Chairman)	12/31/74
Mr. Michio Takata (Division, Fish & Game)	
Dr. Garth I. Murphy	12/31/73
Dr. Alan C. Ziegler	12/31/76
Dr. Andrew Berger	12/31/75
Dr. John W. Beardsley	12/31/73
Dr. Frank J. Radovsky	12/31/75
Mrs. Ruth Aline Gay	12/31/76
Dr. Wilbert Y.K. Yee	12/31/73
Mr. Earl J. Pacheco	- " -
Mr. Philip M. Yamagata	- " -

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

HOUSE OF REPRESENTATIVES


STATE CAPITOL

HONOLULU, HAWAII 96813

ANSON CHONG

FOR: The Green Turtle People August 28th, 1973

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

From: Anson Chong 

Subj: Monthly Green Turtle & other news

Member:
Finance
Labor
Tourism
Agriculture

Green Turtle Regulation hearings set for September 21st

Public hearings for the draft regulation to protect Hawaii's Green Sea turtle (see our July 20th newsletter for the full text of the regulation) are scheduled for Friday, September 21st, 1973, 7:30 p.m. at the Bishop Museum Conference Room. Please activate your group to present testimony at that time! And encourage your friends too!

Save Hawaii's Reef fishes

Another controversy that has developed over the summer is the concern over commercial exploitation of Hawaii's reef marine life. The very active and akamai State Animal Species Advisory Commission (see our July 20th newsletter which lists the names of these dedicated, unpaid individuals) has recommended to the State Department of Land & Natural Resources, Fish & Game Division, that aquarium fish permits be issued only "for purposes of propagation, public display, education or research relating to such unique, colorful and highly vulnerable species."

Aquarium fish permits expire on September 30th and anyone who wants to help support the Animal Species Advisory Commission recommendation could write to the Director of the Fish & Game Division to let him know of his or her stance. His address: Mr. Michio Takata, Director, Division of Fish & Game, 1179 Punchbowl St., Honolulu, Hawaii 96813.

Wildlife Management of Hawaii under critical review

A detailed memo. by the Animal Species Advisory Commission to the Bureau of Sport Fisheries & Wildlife, Washington, D.C. dated July 16th, documents potential inadequacies of current State wildlife management programs. While the memo. is too long to reproduce here, the summation is worth noting:

"...We believe that the Bureau should insist that the Hawaii State Division of Fish & Game review and revise its philosophy of operation so that it will accord with the spirit and letter of both State and Federal laws, regulations, and resolutions regarding the protection of rare and endangered species and the enhancement ... of habitat for all wildlife. With the initiative, advice, and aid of the U.S. Bureau of Sport Fisheries & Wildlife, this can be accomplished ..."

Note: A copy of this lengthy memo. can be read at my
office anytime. Copies were also sent to the Congressional
delegation, the Governor, the Assistant Interior Secretary,
all members of the State Board of Land & Natural Resources,
all members of the Animal Species Advisory Commission, Rep.
Jean King (Chairman of the Environmental Protection Committee),
and others.

*****see you on the 21st of September at the Bishop Museum,
7:30 p.m. --- Conference Room *****

Note: A copy of this lengthy memo. can be read at my office anytime. Copies were also sent to the Congressional delegation, the Governor, the Assistant Interior Secretary, all members of the State Board of Land & Natural Resources, all members of the Animal Species Advisory Commission, Rep. Jean King (Chairman of the Environmental Protection Committee), and others.

*****see you on the 21st of September at the Bishop Museum,
7:30 p.m. --- Conference Room *****

BERNICE P. BISHOP MUSEUM

Mr George H Balazs P. O. Box 6037, Honolulu, Hawaii 96818 • Telephone 847-3511

24 June 1975

Dear George;

The turtle meat question was on our ASAC agenda last Friday. Kenji Igo presented the enclosed report. The only logical response was a clear thanks and praise on a good job of predicting.

I did bring up question, as once before, of providing ASAC with names of those places stocking turtle - i.e. restaurants - so that we might help "police". Mitch's response was that if we note any restaurant selling turtle, we should call them. I said "That few?" and he nodded.

It would appear that control of commercial turtle sales is now pretty good shape.

Best regards,

Frank

E. J. RADOVSKY

Monthly break-down in pounds of remaining Turtle Meat acquired prior to May 30, 1974 by Island.

Year	MAUI	HAWAII	KAUAI	MOLOKAI	OAHU
1974					
MAY	3901	1200	500	306	20
JUNE	3725	1200	400	0	20
JULY	3517	1200	350		20
AUG	3269	1140	275		0
SEPT	2877	600	200		
OCT	2243	500	40		
NOV	0	300	0		
DEC		200			
1975					
JAN		175			
FEB		150			
MAR		110			
APRIL		75			
MAY		50*			
JUNE					

* Checked and weighed by enforcement officer

typed 6/19/75



ADVERTISER LIBRARY PHOTO

- Negotiations are under way to establish a bird sanctuary for the 'alala.

ENDANGERED SPECIES

Scientists fear they can't save 'alala

Cat disease kills native crows

By Jan TenBruggencate
ADVERTISER SCIENCE WRITER

A series of deaths in the wild of 'alala, native Hawaiian crows, is causing concern about scientists' ability to restore a healthy population of the birds.

Since the start of 1998, eight 'alala are confirmed dead, one is missing and presumed dead and another has been taken into captivity sick and has been stabilized.

"There's no easy one-shot thing to do. The problem is that the environment the animals evolved in has changed," said Jeff Burgett, a Fish and Wildlife Service biologist and executive secretary of the state-federal-private 'Alala Recovery Team.

More than 20 birds have been released, and they have faced a series of problems, both traditional and new.

The biggest traditional concern comes from a natural predator, the Hawaiian hawk, or 'io. Three 'alala

See 'ALALA, A6

'Alala: Only 7 crows remaining in wild

FROM PAGE ONE

were killed by hawks last year alone.

But in a new hazard, a cat disease has attacked the flock. Two 'alala were killed by a protozoan disease, toxoplasmosis. Two others were found dead, and while toxoplasmosis could not clearly be proved as the cause of death, both were infected.

One sick bird was taken to the Peregrine facility on Maui, where it survives in captivity.

Ken Clarkson, a wildlife biologist with the Kona Forest Unit of the Fish and Wildlife Service's Hakalau Forest National Wildlife Refuge, said there were no cats in early Hawaii, so there was no toxoplasmosis. Native crows appear to have little resistance to it.

"I think cats are most likely increasing their range. There are more feral cats in the lowland areas, and that's driving cats into the forest," said Dave Ledig, another Kona Forest Unit biologist.

Risk factors

The obvious solution is to rid the area of cats, but they range for miles and are difficult to trap, Ledig said. But other risk factors for the crows are diverse, including rats and mongooses that prey on eggs, and still-unknown factors.

"We catch ourself gnashing our teeth. If it's not one thing, it's another," said Keith Unger, who runs McCandless Land & Cattle.

There are 22 Hawaiian crows in captivity under the care of the Peregrine Fund, 12 at its Keauhou Bird Conservation Facility and 10 at the former state bird facility at Olinda, Maui.

With 10 birds gone, there are

only seven crows left in the wild, all centered on the mauka lands of the McCandless Land and Cattle Co., on the slopes of Mauna Loa in South Kona.

"It's disheartening, I'll say that," said Alan Lieberman, co-director of Peregrine's programs in Hawaii. In 1993 the Fish and Wildlife Service hired Peregrine to launch an active program to collect eggs and release birds hatched in captivity into the wild.

Forest habitat

The service wants to keep improving the forest habitat at McCandless Ranch, and is considering establishing a second 'alala release area, where conditions might be different and perhaps better for a new flock.

"More and more, we are focusing long term. Let's do some real serious long-term habitat management, and whether or not it's going to help the crows, it's going to help all the other birds," Unger said.

Unger confirmed that McCandless is in negotiations with the Fish and Wildlife Service to sell most of the ranch's forested 'alala lands for use as a bird sanctuary. Given the endangered species issues on the property, normal Kona ranching activities, such as cattle and logging, appear unacceptable, he said.

The once-common 'alala has been declining in population for the past century. The state bred crows in captivity for more than 30 years, but never with great success.

At Peregrine's Keauhou and Maui sites, the captive flock is doing well, Lieberman said. It has produced 34 chicks in 6 years. This nesting season, 14 of the 22 captive birds are paired and one pair has already nested and produced eggs.



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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

May 10, 1979

Animal Species Advisory Commission

Thomas M. W. Lee, Chairman
Robert B. Tesh, Vice-Chairman

MAY						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

JUNE						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

JULY						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

AUGUST						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

MEETING DATE: Friday, May 18, 1979

PLACE: Kalanimoku Building, Conference Room 322-C, 3rd floor,
1151 Punchbowl Street, Honolulu, Hawaii

TIME: 1:00 p. m.

A G E N D A

1. Acceptance of Minutes of 12/14/78 and 2/16/79.
2. Status report on bills passed by 1979 State legislature.
3. Review and discussion of Regulation 6, concerning the management and protection of indigenous birds and mammals, endangered and threatened wildlife and plants and introduced wild birds.
4. Review and discussion of Regulation 29, concerning the regulation of game mammal hunting and entry on public hunting lands on the island of Kauai.
5. Status report of Mauna Kea feral sheep and proposed hunting season alternatives.

attachments: parking permits
purchase orders (Inoue, Yee and Duarte)
regulations 6 and 29
minutes of 12/14/78 and 2/16/79 (to follow)

GEORGE R. ARIYOSHI
GOVERNOR OF HAWAII



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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

February 9, 1979

Animal Species Advisory Commission
Thomas M. W. Lee, Chairman

DATE : Friday, February 16, 1979

PLACE : Kalanimoku building, Conference rm. #322-A, 3rd floor,
1151 Punchbowl Street, Honolulu, Hawaii

TIME : 1:00 p.m.

A G E N D A

1. Acceptance of Minutes of October 12, 1978 and December 14, 1978 meetings.
2. Discussion of 1979 legislative bills pertaining to fish and game.

attachments:

parking permits
purchase orders (Inoue, Yee and Duarte)
minutes

MINUTES
OF THE ANIMAL SPECIES ADVISORY COMMISSION MEETING
Friday, October 12, 1978
Kalanimoku Building -- Conference Room 322-C
1151 Punchbowl Street
Honolulu, Hawaii

MEMBERS PRESENT:

1. Conant, Sheila (Chairman)
2. Ego, Kenji (excused at 2:10 p.m.)
3. Duarte, John
4. Hardy, Elmo D.
5. Inoue, Alvin M. (arrived at 2:10 p.m.)
6. Lee, Thomas M.W.
7. Nagata, Kenneth M.
8. Radovsky, Frank J.
9. Tesh, Robert B.
10. Yee, Wilbert Y. K.

MEMBER ABSENT:

1. Malecha, Spencer R.

OTHERS PRESENT:

1. Dr. Francis G. Howarth, Entomologist, B. P. Bishop Museum
2. Ronald L. Walker, Division of Fish and Game
3. Henry M. Sakuda, Division of Fish and Game
4. Lillian A. Nishihira, Division of Fish and Game

AGENDA:

1. Election of Officers: Chairman and Vice-Chairman.
2. Acceptance of Minutes of 5/19/78 meeting.
- 2a. Added item -- Technical Presentation on Proposal to Determine Kauai Wolf Spider and Kauai Cave Amphipod "Endangered Species" by Dr. F. Howarth.
3. Review and Comment -- Proposed Amendment to Regulation 40, Manele-Hulopoe Marine Life Conservation District, Lanai.
4. Information Only -- Governor's Acceptance of EIS for Kekaha Game Management Area Noxious Shrub Control Project, Kauai.
5. Information Only -- New Public Hunting Areas to be Opened in Waimea Canyon and Mokiha in West Kauai.
6. Information Only -- Governor's Approval of Regulation 7 Concerning the Hawaii State Seabird Sanctuary.

Meeting called to order by Chairman Conant at 1:10 p.m.

1. Election of Officers: Chairman and Vice-Chairman

Following nominated for Chairman, respectively:

Sheila Conant
Wilbert Yee -- Declined, due to difficulty in coordinating meeting from Maui.
Thomas Lee

Vote (by show of hands):

Conant -- 4 (Radovsky/Hardy/Nagata/Tesh)
Lee -- 3 (Duarte/Ego/Yee)

Discussion on the number of votes required to elect the Chairman ensued. Question was whether election of officers should be based on a majority of members present or on a majority of at least 6 members of the eleven-member Commission.

Commission members concurred that Dr. Conant be considered Chairman until this matter is clarified by reviewing the Minutes of the earlier meeting. Should the Minutes indicate six-member majority then another election will be held at the next meeting.

With the concurrence of the Commission members, Chairman Conant appointed Mr. Lee as Vice-Chairman.

2. Acceptance of Minutes of 5/19/78 Meeting

The Minutes of the meeting of 5/19/78 were approved.

2a. Added Item -- Technical Presentation on Proposal to Determine Kauai Wolf Spider and Kauai Cave Amphipod "Endangered Species" by Dr. F. Howarth.

Since this item, which was discussed at the last meeting was inadvertently omitted from today's agenda, Commission members agreed to add it on the agenda.

Dr. Francis G. Howarth, a B.P. Bishop Museum entomologist and petitioner of the proposal to declare the Kauai Cave Wolf Spider (Adelocosa anops) an endangered species and the Kauai Cave Amphipod (Spelaeorchestia koloana) a threatened species, was invited by the Commission to present technical information on these animals and their critical habitat. Dr. Howarth showed slides of the spider and amphipod inhabiting the lava tubes at Koloa, Kauai. He said the lava tube caves, which encompass approximately a 2-acre parcel, are the critical habitat for these animals.

(Mr. Ego excused from the meeting at this time, 2:10 p.m., then Mr. Inoue arrived.)

Although the deadline for submitting comments had already passed, Dr. Howarth felt that the Department of the Interior might still consider additional comments from the public since it takes two or more years before they make a decision.

MOTION: It was moved and seconded (Radovsky/Hardy) that the Animal Species Advisory Commission, through its Chairman, communicate with Moana Corporation its recognition and appreciation of the Corporation's expressed willingness to assist in the protection of the threatened and/or endangered species of the Wolf Spider and Amphipod existing in caves on the relevant land area that its planning to develop on the island of Kauai.

Discussion followed.

Dr. Yee asked whether the Commission should get involved in subjects that are not related to the Commission.

Chairman Conant replied that by legislative mandate the Animal Species Advisory Commission is also to advise the Division of Fish and Game on matters relating to conservation.

Vote in Favor: 5 (Conant/Hardy/Nagata/Radovsky/Tesh)
Vote Opposed : 1 (Yee)
Abstention : 3 (Duarte/Inoue/Lee)

Motion defeated, lacking a majority of six (6) votes.

3. Review and Comment -- Proposed Amendment to Regulation 40, Manele-Hulopoe Marine Life Conservation District, Lanai

Mr. Henry Sakuda, Fisheries Branch Chief, explained that the proposed amendment to Regulation 40 will prohibit all fishing activities in Hulopoe Bay of the Manele-Hulopoe Marine Life Conservation District on the island of Lanai. At present, the regulation allows only pole and line fishing.

He said that the Department of Transportation is concurrently proposing a regulation to ban all boating in Hulopoe Bay.

A public hearing on the proposed amendment is scheduled for October 19, 1978 at Lanai High School.

Discussion followed:

Since a Division of Fish and Game representative was present at the meeting to hear the consensus of the members, the Commission agreed that no further action was necessary.

4. Information Only -- Governor's Acceptance of EIS for Kekaha Game Management Area Noxious Shrub Control Project, Kauai

Mr. Ronald L. Walker, Wildlife Branch Chief, passed out copies of the final Environmental Impact Statement for the Kekaha Game Management Area Noxious Shrub Control Project, July 1978.

He explained that it took four years from the time the project was proposed by the Division of Fish and Game until final approval was received. He was happy to report that the final EIS was accepted by the Governor on September 8, 1978. However, the project cannot be implemented until Spring of 1979 when application of herbicides by helicopter can be started.

5. Information Only -- New Public Hunting Areas to be Opened in Waimea Canyon and Mokihaana, in West Kauai

Mr. Walker reported that through the concerted efforts of Mr. Bill Thompson and Mr. Ego, the Division of Fish and Game was able to negotiate with Gay and Robinson public use of their fee simple lands for hunting in Waimea Canyon and Mokihaana, West Kauai.

The Department of Land and Natural Resources is presently drawing up new revocable permits to allow continued cattle grazing by Gay and Robinson while permitting public hunting on approximately 7,500 acres of State land.

MOTION: It was moved and seconded (Duarte/Yee) and unanimously carried that the Animal Species Advisory Commission commend Mr. Thompson and the Division of Fish and Game for their effort in obtaining the new public hunting areas on Kauai under revocable permit with Gay and Robinson.

6. Information Only -- Governor's Approval of Regulation 7
Concerning the Hawaii State Seabird Sanctuary

Mr. Walker informed the Commission that Regulation 7 concerning the establishment, protection and regulation of the Hawaii State Seabird Sanctuary was signed by the Governor on September 30, 1978 and became effective on October 12, 1978.

He gave a synopsis of events that led to finalizing the regulation from the time it was first reviewed inhouse in November 1974, the numerous and controversial public hearings, and the jurisdictional dispute with the Navy over Kaula Island.

Dr. Yee thanked the Division of Fish and Game for incorporating all of the State-owned islets into one general system and appreciated the difficulty encountered by the Division in promulgating Regulation 7.

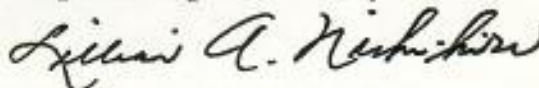
NEXT MEETING:

Next meeting scheduled for Thursday, November 16, 1978.

ADJOURNMENT OF MEETING:

Meeting adjourned at 3:05 p.m.

Respectfully submitted,



LILLIAN A NISHIHIRA
Secretary Pro-tem



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

December 7, 1978

Animal Species Advisory Commission
Sheila Conant, Chairman
Frank J. Radovsky, Vice-Chairman

DATE: Thursday, December 14, 1978
PLACE: Board Room, Department of Land and Natural Resources
1st Floor, Room 132, 1151 Punchbowl Street, Honolulu
TIME: 1:00 p.m.

A G E N D A

1. Re-election of Chairman.
2. Acceptance of Minutes of 9/15/78 and 10/12/78 Meetings.
3. Information -- Draining of Ku Tree Reservoir, Schofield, Oahu.
4. Information -- Inclusion of Green Sea Turtle within the Federal "Threatened" List.
5. Information -- Amendment to Endangered Species Act of 1973.
6. Information -- Proposed Wildlife Sanctuary, Salt Lake, Park, Moanalua, Oahu.
7. Codification of Fish and Game Rules and Regulations.

Attachments: Parking Permits
Purchase Order (Inoue, Yee, Duarte)
Minutes of 3/21/75 meeting re: discussion on Chairmanship
Minutes of 9/15/78 and 10/12/78 meetings
Chamberlain's letter of 11/29/78 re: changes in Endangered Species Act

MINUTES
OF THE ANIMAL SPECIES ADVISORY COMMISSION MEETING
Friday, September 15, 1978
Kalanimoku Building -- Conference Room 322-A
1151 Punchbowl Street
Honolulu, Hawaii

MEMBERS PRESENT

1. Conant, Sheila (Chairman)
2. Duarte, John
3. Ego, Kenji
4. Hardy, D. Elmo
5. Inoue, Alvin M.
6. Lee, Thomas M. W.
7. Malecha, Spencer R.
8. Nagata, Kenneth M.
9. Radovsky, Frank J.
10. Tesh, Robert B.
11. Yee, Wilbert Y. K.

MEMBERS ABSENT

None

OTHERS PRESENT

1. J. Ken Peterson, Alexander & Baldwin, Inc.
2. Libert K. Landgraf, Division of Forestry
3. Ronald L. Walker, Division of Fish and Game
4. Henry M. Sakuda, Division of Fish and Game
5. Lillian A. Nishihira, Division of Fish and Game

AGENDA

1. Introduction of New Commission Members.
2. Acceptance of Minutes of 4/21/78 and 5/19/78 Meetings.
3. Review and Comment:
Proposal to Determine Kauai Cave Wolf Spider and Kauai Cave Amphipod "Endangered Species."
4. Review and Comment:
Negative Declaration, Emergency Grazing within the Kaohe Game Management Area, Hawaii.
5. Review and Comment:
Proposed Regulation 51, Establishing the Lapakahi Marine Life Conservation District, Hawaii.

Chairman Conant called the meeting to order at 1:05 p.m.

1. Introduction of New Commission Members

Chairman Conant welcomed three new Commission members:

- (1) Dr. Robert B. Tesh, Mammalogist member, replacing Dr. Alan Ziegler.
- (2) Dr. Wilbert Y. K. Yee, Chairman, Maui Fish and Wildlife Advisory Committee, replacing Mr. Henry Lau.
- (3) Mr. John Duarte, Chairman, Kauai Fish and Wildlife Advisory Committee, replacing Mr. Caesar Jardin.

2. Acceptance of Minutes of 4/21/78 and 5/19/78 Meetings

The Minutes of the meeting of 4/21/78 were approved as submitted.

Action on the Minutes of 5/19/78 meeting was deferred since they were not available for this meeting.

3. Review and Comment: Proposal to Determine Kauai Cave Wolf Spider and Kauai Cave Amphipod "Endangered Species"

Under the Endangered Species Act of 1973, the U.S. Department of the Interior is proposing to declare the Kauai cave wolf spider (Adelocosa anops) an endangered species and the Kauai cave amphipod (Spelaeorchestia koloana) a threatened species.

The Interior Department is requesting comments from the Commission on this proposal which was published in the Federal Register of 6/16/78. This proposed action, if finalized, would protect the populations of these two arthropods and their habitat, neither of which is known to exist outside the State of Hawaii.

The cave wolf spider lives in lava tubes under McBryde Sugar Co.'s pasture and cane lands at Koloa, Kauai. The spider lives in the dark area of the cave and apparently is dependent on the roots of trees such as the java plum and the moisture provided from furrow irrigation. This area is master planned for eventual urban development by McBryde and the plantation was informed that eliminating the java plum trees, a nuisance in the pasture lands leased to small ranchers, or changing its irrigation practice from furrow to drip might well destroy the habitat essential to the wolf spider.

Mr. J. Ken Peterson of Alexander & Baldwin, Inc. (parent company of McBryde Sugar Co.) spoke to the Commission and said that the proposal appears to be premature when so little is known as to the critical habitat and the populations. He mentioned that Dr. Francis G. Howarth, entomologist at the Bishop Museum, had planned to visit other lava tubes in the area and if he finds an additional significant population of the spider, he may recommend withdrawal of this proposal from the endangered or threatened list.

Chairman Conant informed the Commission members that Dr. Howarth was invited to today's meeting but he unfortunately was not able to attend due to a prior commitment.

Dr. Yee asked if there was a criteria on the importance or value of any species to the environment before it can be proposed as an endangered or threatened species.

MOTION: It was moved and seconded (Malecha/Duarte) that the Animal Species Advisory Commission make every attempt to obtain a technical presentation from Dr. Frank Howarth as petitioner of this proposal. Further, that an exact specification be obtained on the critical habitat with respect to metes and bounds and other related information.

For the record, a letter from Mr. R. H. Cox of Alexander & Baldwin, Inc., dated 9/15/78 to Mr. Thomas Lee, and copies of pertinent letters on this subject matter were submitted to Chairman Conant.

Dr. Radovsky arrived at this time (1:40 p.m.). He said that Dr. Howarth was on Kauai on activity related to the subject discussion. Dr. Radovsky brought with him colored photos of the spider and gave a brief discussion on the biology of this species. He read from a letter written by Dr. Howarth, as an individual, to the U.S. Fish and Wildlife Service, concerning this proposal.

Mr. Inoue moved to amend Dr. Malecha's motion, seconded by Mr. Duarte.

AMENDED MOTION: That the Animal Species Advisory Commission ask Dr. Frank Howarth, as petitioner of the proposal, to give a technical presentation on the issue and also obtain specific information on critical habitat, including delineation of the area, and further that the Commission advise the agencies involved that they withhold action on this proposal until more information is available with the specification that this Commission is very interested in the issue and intends to act on it as soon as more data is received.

Vote in Favor: 9
Vote Opposed: 1 (Conant)
Abstention: 1 (Radovsky)

Mr. Ego questioned why this item was placed on the agenda since the Division of Fish and Game has no jurisdiction on spiders and no regulation of the Department is involved.

Dr. Radovsky said that he recalls this question was brought up before. Perhaps a legal opinion should be obtained on it, he said.

4. Review and Comment: Negative Declaration, Emergency Grazing within the Kaohe Game Management Area, Hawaii

Upon the advice of the Commission, an Environmental Assessment and a Negative Declaration were prepared by the Division of Fish and Game regarding the Memorandum of Agreement between Lau Ranch and the Department of Land and Natural Resources for the purposes of limited, experimental emergency cattle grazing within the Kaohe Game Management Area, on the island of Hawaii. The removal of dense stands of grass by grazing would reduce the fire hazard, improve game bird habitat and stimulate some regrowth of Mamane and Naio. Alternatives to the proposed action would be (1) controlled burning, (2) mechanical destruction of old dense stands of grass by disking, (3) increasing the feral sheep population in the lower game management area and keeping them there by fencing, and (4) no action. These alternatives were not considered because of the topography and the exorbitant costs involved. If "no action" is taken, the fire hazard would continue due to the presence of large amounts of dense, matted grass within the area.

Mr. Inoue felt that cattle grazing would be beneficial to the bird habitat in the horse pasture. He said that he had talked to the Big Island hunting organizations who are in favor of the proposal. They suggested that a committee be set up consisting of representatives from various organizations, concerned individuals and the Division of Fish and Game to closely monitor the habits of the cattle and assess the area for any adverse effects of grazing.

MOTION: It was moved and seconded (Inoue/Lee) that the Animal Species Advisory Commission accept the Negative Declaration for limited, emergency cattle grazing within the Kaohu Game Management Area as proposed by the Division of Fish and Game.

Chairman Conant distributed copies of letters from Dr. Hardy dated 9/13/78 and from Dr. Lamoureux dated 9/6/78, both of whom disagreed with the proposed determination of a Negative Declaration and recommending that an Environmental Impact Statement be prepared.

Basically speaking, she said, the fire hazard could be considered to be a negative thing. The Mamane-Naio is stimulated by fire, so the native plants in that area are considered to be fire adapted.

Dr. Radovsky brought up the question of fire-breaks to prevent fire from getting out of hand.

State Forester Libert Landgraf replied that it could be done and the Division of Forestry has attempted to do this but is not funded to maintain this fire break. The topography of the slope has to be looked into to prevent possible erosion. He said he would prefer not to use any heavy equipment. The other alternative is aircraft but because of the altitude, this is not feasible.

Mr. Nagata questioned whether the State would be in violation of the federal endangered species act if it were to permit cattle grazing by Lau Ranch. He said we would be remiss in not having an EIS because it is not known whether there would be any impact on the environment and because the area is so close to the critical habitat of the palila.

Mr. Inoue reiterated that the intent of his motion is to get the proposal underway, and until we do, we would not know the impact of this emergency grazing.

Vote in Favor:	8
Vote Opposed:	3 (Conant, Radovsky, Nagata)
Abstention:	0

Mr. Inoue's motion carried.

5. Review and Comment: Proposed Regulation 51, to Establish the Lapakahi Marine Life Conservation District, Hawaii

Mr. Sakuda informed the Commission members that the proposed Regulation 51, concerning the establishment, protection and conservation of the Lapakahi Marine Life Conservation District, on the island of Hawaii will complement the Lapakahi State Historical Park by protecting the marine resources that occur in the adjacent waters.

MOTION: It was moved, seconded (Radovsky/Duarte) and unanimously carried that the proposed Regulation 51 be subjected to public hearing.

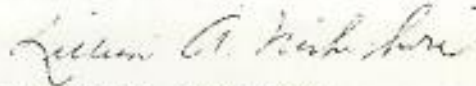
NEXT MEETING

Next meeting scheduled for Thursday, October 12, 1978.

ADJOURNMENT OF MEETING

Meeting adjourned at 4:15 p.m.

Respectfully submitted,



LILLIAN A. NISHIHIRA
Secretary Pro-tem



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FISH AND GAME
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

September 8, 1978

Animal Species Advisory Commission
Sheila Conant, Chairman
Frank J. Radovsky, Vice-Chairman

DATE : Friday, September 15, 1978

PLACE : Kalanimoku building, Conference Room #322-A, 3rd floor,
1151 Punchbowl Street, Honolulu, Hawaii

TIME : 1:00 p. m.

A G E N D A

1. Introduction of New Commission Members:
Dr. Robert B. Tesh (Mammalogist member replacing Dr. Alan Ziegler)
Dr. Wilbert Y. K. Yee (Chairman, Maui Fish & Wildlife Advisory Committee)
Mr. John Duarte (Chairman, Kauai Fish & Wildlife Advisory Committee)
2. Acceptance of Minutes of 4/21/78 and 5/19/78 meetings.
3. Review and Comment -- Proposal to Determine the Kauai Cave Wold Spider to be an Endangered Speices and the Kauai Cave Amphipod to be a Threatened Species (Endangered Species Act of 1973).
4. Review and Comment -- Negative Declaration, Limited, Experimental Emergency Grazing within the Kaohe Game Management Area (Lau Ranch) Island of Hawaii.
5. Review and Comment -- Proposed Regulation 51, Concerning the Establishment, Protection and Conservation of the Lapakahi Marine Life Conservation District, Island of Hawaii.

attachments:

Parking permit
Purchase Order (Inoue, Yee, Duarte)
Negative declaration, Kaohe GMA
4/21/78 Minutes; 5/19/78 Minutes (to follow)
Federal register dated 6/16/78 re: Kauai solf spider and amphipod
List of ASAC members; Ch. 187 relating to ASAC; committee report 11-70, 4/28/70

GEORGE R. ARIYOSHI
GOVERNOR OF HAWAII



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

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

June 9, 1977

Animal Species Advisory Commission
John W. Beardsley, Chairman

To : Members, Animal Species Advisory Commission

From : John W. Beardsley, Chairman

Subject: Meeting/Agenda Notice -- Animal Species Advisory Commission

DATE : Friday, June 17, 1977

TIME : 1:00 p.m.

PLACE : New State Office Building - Conference Room #322-C,
1151 Punchbowl Street, 3rd floor, Honolulu

- AGENDA:
1. Introduction of New Member.
 2. Approval of Minutes of 4/15/77 Meeting.
 3. Election of New Chairman.
 4. Draft Regulation 41 (5/27/77, Pink Coral and Gold Coral) Takata
 5. Regulation 42, Molokini Shoal Marine Life Conservation District, Maui Takata
 6. Proposed Regulation (4/1/77), Kanaha Pond Wildlife Sanctuary, Maui Walker
 7. Preliminary Draft Regulation 3 (game bird hunting), Request for Public hearing Walker
 8. Status Report on Mongoose Situation on Kauai .. Walker

John W. Beardsley (ls)
JOHN W. BEARDSLEY, Chairman
Animal Species Advisory Commission

attachs:

- parking permit
- purchase order for air fare (Pacheco, Lau, Jardin)
- minutes of 4/15/77 meeting
- regulation 41 (5/27/77, pink and gold coral
- regulation 42, Molokini MLCD, together with minutes of public hearing
- draft regulation (4/1/77), Kanaha pond wildlife sanctuary

MINUTES
OF ANIMAL SPECIES ADVISORY COMMISSION MEETING
Friday, April 15, 1977
DAGS Conference Room, State Office Building
Honolulu, Hawaii

MEMBERS PRESENT:

1. Beardsley, John W. (Chmn.)
2. Conant, Sheila
3. Gay, Ruth A.
4. Lau, Henry T. S.
5. Obata, John K.
6. Pacheco, Earl J.
7. Radovsky, Frank J.
8. Takata, Michio
9. Ziegler, Alan C.

MEMBERS ABSENT:

1. Fujimura, Takuji
2. Jardin, Caesar J.

OTHERS PRESENT:

1. Pat Hunter, Honolulu Advertiser
2. Ronald L. Walker, Division of Fish and Game
3. Lillian A. Nishihira, Division of Fish and Game

AGENDA:

1. Approval of Minutes of 1/21/77 and 2/25/77 meetings.
- 1a. Re-evaluation of Proposal to Transfer Eucheuma Species From Kaneohe Bay to Kahuku Seafood Plantation and the Honolulu Airport Reef Runway Pond--
Added Item
2. Report of Proposed Honolua Bay and Molokini Shoal Marine Life Conservation District Public Meetings, Maui.
3. Discussion on Proposed Kanaha Pond Wildlife Refuge, Maui.
4. Review of Final Draft of Proposed Regulation 41, Relating to Pink Coral and Gold Coral.
5. Discussion on Proposed and Potential Recreation Areas for Island of Hawaii.

The meeting was called to order by Chairman Beardsley at 1:25 p.m.

1. Approval of Minutes of 1/21/77 and 2/25/77 Meetings

Dr. Ziegler asked that the following additions be made to the Minutes of the January 21, 1977 meeting:

Page 4, item 4, paragraph 2, line 4: Add the words "as a possible means" so that the sentence would read, "If it is determined that there is a population, saturation trapping was suggested by Dr. Ziegler as a possible means to get rid of the mongoose."

Page 2, item 2, motion: Add the words "either disapproval or" so that the motion would read, "That the Animal Species Advisory Commission, without either disapproval or support of proposed Regulation 41, recommends that it be subjected to public hearing on February 8, 1977."

Since there were no further corrections or additions, the Minutes of the meetings of January 21, 1977 and February 25, 1977 were approved as corrected.

1a. Re-evaluation of Proposal to Transfer Eucheuma Species from Kaneohe Bay to Kahuku Seafood Plantation and the Honolulu Airport Reef Runway Pond -- Added Item

This item was added to the agenda by unanimous vote of the members present.

Chairman Beardsley called to the attention of the Commission the news story that appeared in the Honolulu Advertiser of April 15, 1977. Mentioned in this article was the State Senate's rejection of the appointment of two scientists to the Animal Species Advisory Commission because they were "pure environmentalists" who would block aquaculture development in Hawaii. Rejected were Ruth Gay for reappointment and Edward Shallenberger who was to replace Dr. Ziegler.

Also mentioned in this article was the Commission's opposition to transfer the controversial seaweed Eucheuma from Kaneohe Bay to Kahuku and to the pond created by the construction of the Airport Reef Runway.

Because of the Commission's action which resulted in the rejection of qualified nominees, Chairman Beardsley wanted to know the present attitude or position of the Division of Fish and Game on this matter.

Following is Mr. Takata's statement: At the legislative hearing to move the Eucheuma, the resolution addressed itself to the transfer of Eucheuma to Kahuku Farms. It was brought out at that time that the University of Hawaii completed its studies. Dr. Doty who was at the hearing provided considerable information that was not available to us previously. Tap Pryor was there too and he reiterated under what conditions he would raise Eucheuma. (1) He said that Eucheuma would be raised in an entirely closed system and the effluent would be dumped into a well. (2) He described the method of harvest and the mode of marketing. He assured us that the Eucheuma that he will be raising would not be sold in the fresh food market but would be processed by Brewer Chemical Corporation.

With these assurances and with the additional information that was made available, we changed our position.

Further, Mr. Takata said, there was urging by industry to also include the transfer of Eucheuma to the airport ponds where Brewer Chemical wanted to use some 25 acres for Eucheuma.

After listening to Mr. Takata's explanation, Chairman Beardsley was of the opinion that the Senate did not really understand the Commission's function in this matter. The Commission, he said, did not come out in any way against aquaculture. We merely wrote a letter to an ill-conceived plan, the way it was originally stated, to move Eucheuma without safeguards. Had it been presented to us in the manner at the hearing, we might have come to a different conclusion.

Dr. Radovsky said he was sufficiently incensed and wondered if this single action by the Senate constituted making a mockery of the Animal Species Advisory Commission. He then raised the question, aside from the thought of resigning in protest or resigning from the Commission, as to what other steps might be taken through the Commission to register a protest or opinion on this matter, such as the possibility of writing a letter to the Governor with carbon copies to the various senators.

A discussion ensued, followed by a motion by Dr. Ziegler, seconded by Dr. Conant, and carried.

MOTION: That the Animal Species Advisory Commission write a letter to Senators T. C. Yim, Joseph Kuroda and Jean King inviting them or any other interested legislators to meet with the Commission sometime after the legislative session to discuss matters of mutual concern.

Vote in Favor: 8 (Beardsley, Conant, Gay, Lau, Obata, Radovsky, Takata, Ziegler)

Vote Opposed: 1 (Pacheco)

Abstention: 0

Mr. Takata in addressing Dr. Radovsky asked him to reconsider any notion he had of resigning. He said that we now have a working Commission and we are finally getting to know each other and working as a team and personally would hate to see this team broken up.

Dr. Radovsky thanked Mr. Takata and said he would not do anything without giving it serious thought.

Ms. Gay asked about the status of her position on the Commission at today's meeting.

Chairman Beardsley stated that as far as the Chair was concerned he did not receive any information on her rejection and would still consider her a member of the Commission. He said he would also write to the Governor if Ms. Gay can serve until her replacement is appointed.

Mr. Takata said he was under the assumption that until you are officially notified, you are still a member. He said he could write to the Attorney General's office for an opinion.

Ms. Gay and Dr. Radovsky left the meeting at this point.

2. Report on Proposed Honolua Bay and Molokini Shoal Marine Life Conservation District Public Meetings, Maui

For the information of the Commission members, Mr. Lau reported on the status of the two proposed marine life conservation districts on Maui.

Molokini Shoal Marine Life Conservation District. Senate Resolution No. 416 and Senate Concurrent Resolution No. 110 of the 1976 legislature mandated the Department of Land and Natural Resources to make a study on the possibility of declaring Molokini Island and its surrounding shoals as a marine life conservation district. Consequently, the Division of Fish and Game made a preliminary survey and asked the Maui County Fish and Wildlife Advisory Committee to conduct several public meetings. The first meeting held on July 26, 1977 was attended by about 40 persons. A proposed regulation was developed as a result of the first meeting and a second public meeting held on February 17, 1977, again with an attendance of about 40. A public hearing will be held on April 26, 1977. Subsequently, the Division of Fish and Game will recommend to the Board of Land and Natural Resources the adoption of the Molokini Marine Life Conservation District regulation.

Honolua Bay Marine Life Conservation District. Maui Land and Pineapple Company, owner of the land surrounding Honolua Bay, is requesting that this area be set aside as a sanctuary. The Maui Fish and Wildlife Advisory Committee held a public meeting in Lahaina on March 23, 1977 with a group of about 35 people in attendance and most of them were in favor of the proposal to designate Honolua Bay as a marine life conservation district.

3. Discussion on Proposed Kanaha Pond Wildlife Refuge, Maui

Copies of the proposed draft regulation (4/1/77) concerning the establishment, protection and regulation of the Kanaha Pond Wildlife Sanctuary, Kahului, Maui were handed out at the meeting.

Mr. Walker then gave some background information on this proposed regulation:

"Kanaha Pond has been operated as a wildlife refuge since 1952 when it was established as a waterfowl sanctuary. We have now decided to designate the area as a State of Hawaii Wildlife Sanctuary, such as we have done for Paiko Lagoon, to control activities on the area which are detrimental to wildlife. We would like to ask the Maui Fish and Wildlife Advisory Committee to assist us in conducting a public meeting on Maui. We also respectfully request that the Commission review this regulation and provide any comments at the next meeting of the Commission. I have also sent copies of this draft regulation to the Hawaii Audubon Society, Kanaha Advisory Committee, County of Maui, Department of Transportation, and to the various divisions of the Department of Land and Natural Resources for comments and recommendations."

4. Review of Final Draft of Proposed Regulation 41, Relating to the Management of Pink Coral and Gold Coral

Copies of draft regulation 41 (4/4/77) were distributed to the Commission members at the meeting.

Mr. Takata said that he had hoped to have a final draft of Regulation 41 relating to the management of pink coral and gold coral for consideration by the Commission today but this was not possible since he was still awaiting comments on the draft regulation on hand:

"Regulation 41 was discussed by the Commission at its January 21, 1977 meeting. A public hearing was held on February 8, 1977 and subsequent to that hearing some revisions were made on the basis of industry's input. What we did was to modify the annual quota for Makapuu Bed and the revised draft was submitted to the Board of Land and Natural Resources for consideration at its March 24, 1977 meeting. However, it was withdrawn from the agenda of the meeting due to the objections received from certain individuals on the management of pink coral at the Makapuu Bed. Subsequent to the withdrawal of this item, we arranged for a meeting in Representative Charles Toguchi's office with representatives from Maui Divers, Edward Henry, Jim Maragos, Mr. Hideto Kono (Director of the Department of Planning and Economic Development and also Interim Marine Affairs Coordinator) and the Division of Fish and Game staff. As a result of this meeting I was asked to revise Section 5, which is the issue at hand, and the two alternatives were incorporated into this draft. Alternative I specifies an annual quota of 2,200 pounds of pink coral at the Makapuu Bed, while Alternative II specifies a two-year quota of 4,400 pounds. In a recent phone conversation I had with Dr. Richard Grigg, the foremost authority on Hawaiian precious coral, he advised

that from a biological standpoint he favored Alternative I; however, taking into consideration economics, he goes along with Alternative II.

I am still awaiting comment from Mr. Kono who is planning to schedule a meeting with Maui Divers and explore the economics of this problem and find out if indeed the economics dictate that we should have a quota other than the 2,200 pounds per year. I would like to receive Mr. Kono's response before preparing the final draft for presentation to the Board."

Mr. Takata asked the Commission members if the Division of Fish and Game should accept the recommendation or concensus of the group that is considering the draft regulation or accept the recommendation of Dr. Richard Grigg.

Motion by Dr. Ziegler, seconded by Dr. Conant and unanimously carried:

MOTION: That the Animal Species Advisory Commission express approval of proposed Regulation 41, except for Section 5 which we will have a telephone poll on as soon as it is available.

5. Discussion on Proposed and Potential Recreation Areas for Island of Hawaii

Chairman Beardsley said that he had added this item to the agenda just in case the Commission members had some input they wish to send to the Department of Land and Natural Resources on its proposed Recreation Resource System Plan for the Island of Hawaii.

There were no comments from the Commission members on this plan.

SPECIAL ANNOUNCEMENT:

Mr. Obata announced that he had submitted a letter of resignation to the Governor and this was his last meeting as a member of the Animal Species Advisory Commission. On behalf of the Commission, Chairman Beardsley thanked Mr. Obata for his valuable input on the Commission's proceedings, said that he will be missed, and wished him well.

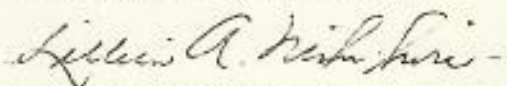
NEXT MEETING:

Next meeting scheduled for Friday, May 27, 1977.

ADJOURNMENT OF MEETING:

Meeting adjourned at 4:00 p.m.

Respectfully submitted,



LILLIAN A. NISHIHIRA
Secretary Pro-tem

MINUTES
OF ANIMAL SPECIES ADVISORY COMMISSION MEETING
Friday, May 28, 1976
DAGS Conference Room, State Office Building
Honolulu, Hawaii

MEMBERS PRESENT:

1. Beardsley, John W. (Chmn.)
2. Conant, Sheila
3. Gay, Ruth A.
4. Obata, John K.
5. Radovsky, Frank J.
6. Takata, Michio
7. Ziegler, Alan C.

MEMBERS ABSENT:

1. Fujimura, Takuji
2. Lau, Henry T. S.
3. Tanigawa, Alvin

OTHERS PRESENT:

1. Jardin, Caesar J., Vice-Chmn., Kauai Fish & Wildlife Advisory Committee
2. Sekora, Palmer, U. S. Fish and Wildlife Service
3. Montgomery, Steve, Natural Area Reserves System Commission
4. Ronald L. Walker, Division of Fish and Game
5. Kenji Ego, Division of Fish and Game
6. Lillian Nishihira, Division of Fish and Game

AGENDA:

1. Approval of Minutes of 3/19/76 and 4/23/76 meetings
2. ASAC Support of Game Management as Presented in Mauna Kea Master Plan Proposal of May 1976
3. Assessment Study, Marine Resources of Northwestern Hawaiian Islands
4. Discussion of Plans for Molokini Shoals
5. Division of Fish and Game Report on Status of Negative Declaration of Herbicide Application Program, Kekaha GMA, Kauai;
Chmn. Beardsley's Report on Consultation with U. H. Environmental Center
6. Added Item -- Hawaii Nene Restoration Program

The meeting was called to order by Chairman Beardsley at 1:20 p. m.

1. Approval of Minutes of 3/19/76 and 4/23/76 Meetings:

The Minutes were approved as submitted.

2. Proposed ASAC Support of Position on Game Management as Presented in Mauna Kea Master Plan Proposal of May 1976

Discussion ensued on the draft Mauna Kea Master Plan of May 1976.

Motion by Dr. Radovsky, seconded by Dr. Conant, and unanimously carried.

MOTION: The Animal Species Advisory Commission desires to go on record as supporting the position taken in the document, "A Plan for Mauna Kea, May 1976" in reference to game management and protection of the ecosystem; with particular reference to the points expressed in the section on the Mamane/Naio Forest Ecosystem Management Area (pp. 4-6) and the public hunting program (page 8). Further, that the Chairman of the Board of Land and Natural Resources be apprised of this support.

3. Proposed State-Federal Assessment Study of Marine Resources of Northwestern Hawaiian Islands

Senate Resolution No. 257 recently adopted by the 1976 legislature prompted Dr. Ziegler and Ms. Gay to include this item for discussion. This resolution asks that commercial fishing within the Hawaiian Islands National Wildlife Refuge (HINWR) which is administered by the U. S. Fish and Wildlife Service be allowed.

Discussion first centered around the effects of commercial fishing within the refuge area. Mr. Ego informed the members that at the present time commercial fishermen may take certain fishes during the closed season from the waters of the HINWR provided they obtain a permit as required by regulation of the Division of Fish and Game. Some members voiced their concern of the possible disturbance to the Monk seal, sea turtles and nesting birds that inhabit the islands, as a result of commercial fishing activities.

The problem of the disputed boundary was also discussed. Mr. Ego said insofar as the boundary, which includes submerged lands, is concerned, this is an area of dispute where jurisdictional authority involving the State of Hawaii and the Federal government has as yet not been resolved.

Mr. Palmer Sekora, Refuge Manager of the U. S. Fish and Wildlife Service, Department of the Interior, who was invited to the meeting, stated that the State's position is that only the islands are within the Refuge, whereas the Federal position is that the Refuge includes certain fringing reefs. So, in essence, shallow water areas around certain islands and within lagoons are disputed which amount to: Pearl and Hermes 95,505 acres; Laysan 800 acres; Maro Reef 52,000 acres; and French Frigate Shoals 106,000 acres.

He said further that the Interior Department in managing its national wildlife refuges classifies areas as closed to use until it is demonstrated or shown through scientific study that various uses can be made and still be compatible with the objective of the areas which is basically protection of all natural resources. In the case of the HINWR he said that its position is not against fishing, per se, but that there is a need for evidence that a fishery resource could be utilized on a sustainable yield basis, without harming the resources being protected.

He described an on-going study; a tri-party agreement with the State Department of Land and Natural Resources, National Marine Fisheries Service (NMFS) and the U. S. Fish and Wildlife Service to assess the fish and wildlife resources in the refuge area and determine the compatibility of a commercial fish harvest with the existence of other resources. Dick Barkley of the NMFS is the unofficial coordinator of this three to five-year study. Mr. Takata said that the Division of Fish and Game will be preparing its study plan for inclusion within the "package" and will have to come up with its plan in time for State funding before the next legislative session.

Ms. Gay drafted the following resolution because of her concern for (1) the adoption of SR 257 and (2) the Commission's unanimous approval at its March 9, 1973 meeting to support the inclusion of the national wildlife refuge into the wilderness system. This resolution which she presented as a motion was seconded by Dr. Ziegler.

MOTION: Whereas, the original purpose of protecting parts of the Northwestern Hawaiian Islands was to establish a preserve and breeding ground for native birds, four species of which are currently listed on the rare and endangered list;

Whereas, these islands are also the primary breeding ground of the rare Hawaiian monk seal and the green sea turtle, animals that spend most of the time in the water and thus are susceptible to disturbance resulting from commercial fishing activities;

Whereas, the marine organisms in waters around the islands are part of the food chain upon which the monk seal, the sea turtle and the seabirds are dependent for their existence; and

Whereas, some past commercial fishing activities in waters around the islands have resulted in exploitation of resources and/or relatively low economic profits;

Therefore, the Animal Species Advisory Commission advises the Division of Fish and Game and the Department of Land and Natural Resources that proposals for the development of commercial fishing in the Hawaiian Islands National Wildlife Refuge of the Northwestern Hawaiian Islands should not be considered until an assessment study is conducted and results of that study indicate that a profitable program of commercial fishing can be conducted without further endangering the wildlife within the refuge.

A discussion followed. Mr. Takata commented that as Ms. Gay's resolution was worded, the ASAC would be advising the Division of Fish and Game and the DLNR not to consider fishing in the refuge. He did not think the word "consider" was appropriate. In evaluating whether or not to fish, we need to consider that the ultimate decision might be not to "implement." He saw nothing wrong in considering SR 257 as it was adopted by the legislature which merely requests the Federal government to consider allowing fishing within the Northwestern Hawaiian Islands waters. The Division has been advising fishermen that there is no prohibition to fish in the area within the jurisdiction of the State of Hawaii. However, if they fish within the disputed area that has been administratively determined by the U. S. Fish and Wildlife Service as being within the boundaries of the refuge, they will have to answer to the Federal government.

Obviously, the area addressed in SR 257 is in the disputed area, he said. Therefore, Ms. Gay's resolution is being directed to the wrong agency since the Division of Fish and Game does not have the authority to implement the fishing program in the disputed area.

When asked of his views on fishing in the refuge, Mr. Sekora said that he had to maintain a "No" position.

Mr. Obata suggested that further discussion on this subject matter be deferred until the Fish and Wildlife Service is able to respond to the Senate resolution.

Ms. Gay's motion (resolution) was then voted on and defeated 5:3.

Vote in Favor:	5	(Gay, Beardsley, Radovsky, Ziegler, Conant)
Opposed	: 3	(Takata, Obata, Jardin)
Abstention	: 0	

4. Discussion of Plans for Molokini Shoals

Discussion of this item was deferred since Mr. Lau, Maui Commission member, was absent.

5. Status of Negative Declaration on Herbicide Application Program,
Kekaha Game Management Area, Kauai

Mr. Walker reported that the Division of Fish and Game by memo of January 16, 1976 to the Environmental Quality Commission (EQC) provided additional information on its proposed herbicide application project within the Kekaha Game Management Area on Kauai and also sought EQC's advice on whether Fish and Game should proceed with the project, or whether an Environmental Impact Statement had to be prepared before proceeding (copies of this letter distributed to Commission members). In checking the status of the response, Mr. Walker learned that the EQC office referred the memo to Dr. Doak Cox of the University of Hawaii Environmental Center for advice and that is where it is now.

Chairman Beardsley reported that he had since talked to Dr. Cox who was in the process of formulating a guideline on EIS exemptions. This guideline basically would be for projects that are non-controversial, small, etc. Dr. Cox's office will be sending copies of this document to Dr. Beardsley as soon as they are available. It was the consensus of the members that a decision on this project be deferred until receipt of the guideline and requested that this item be included on the agenda for the next meeting.

6. Hawaii Nene Restoration Program -- Added Item

This item was added to the agenda by unanimous vote of the members present.

The members were apprised of an article that appeared in the National Parks and Conservation Magazine, May 1976 issue, entitled "The Return of Hawaii's Wild Goose," by Ginny Trumbull.

Motion by Dr. Ziegler, seconded by Dr. Conant, and unanimously carried.

MOTION: That the Animal Species Advisory Commission commends the Division of Fish and Game in its program to restore the Hawaiian goose and particularly cites Mr. Ah Fat Lee for his dedicated efforts on behalf of this endangered species.

NEXT MEETING:

Next meeting scheduled for Friday, July 2, 1976.

ADJOURNMENT OF MEETING:

Meeting adjourned at 3:45 p. m.

Respectfully submitted,

Lillian A. Nishihira
LILLIAN A. NISHIHIRA
Secretary Pro-tem



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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

Animal Species Advisory Commission
John W. Beardsley, Chairman

October 8, 1976

MEMORANDUM

To : Members, Animal Species Advisory Commission

From : John W. Beardsley, Chairman

Subject : October 1976 Meeting of the Animal Species Advisory Commission

DATE : Friday, October 15, 1976

TIME : 1:00 p. m.

PLACE : New State Office Building - Conference Room #322-a, 3rd floor,
1151 Punchbowl Street, Honolulu

- AGENDA:
1. Approval of Minutes of 7/2/76 and 8/6/76 meetings.
 2. Review and consideration of draft #4, Regulation 40, concerning the establishment, protection and conservation of the Manele-Hulopoe Marine Life Conservation District, Lanai ... Ego
 3. Response from County advisory committees on request to hold public meetings on amendment to Regulation 7, concerning Hawaii Seabird Sanctuary Walker
 4. Request for advice from ASAC on herbicide application program, Kekaha Game Management Area, Kauai Walker
 5. Progress report on State qualification for entering into Federal endangered species cooperative agreements Walker
 6. Opinion on mongoose situation on Kauai Walker

attachments:

- Parking permits
- P. O. for air fare (Pacheco, Lau, Jardin)
- Minutes of 7/2/76 and 8/6/76 meetings
- Draft #4, Regulation 40
- Info copy, memo from Akita to Cobb re: Memo of Law for Endangered Species program, dated 9/30/76
- Info copy, letter from Schoning to Beardsley re: green sea turtle, dated 9/2/76

John W. Beardsley (cl)

 JOHN W. BEARDSLEY, Chairman
 Animal Species Advisory Commission

MINUTES
OF ANIMAL SPECIES ADVISORY COMMISSION MEETING
Friday, August 6, 1976
Division of Fish and Game - Library
Honolulu, Hawaii

MEMBERS PRESENT:

1. Beardsley, John W. (Chmn.)
2. Jardin, Caesar J.
3. Lau, Henry T. S.
4. Obata, John K.
5. Pacheco, Earl J.
6. Takata, Michio
7. Ziegler, Alan C.

MEMBERS ABSENT:

1. Conant, Sheila
2. Fujimura, Takuji
3. Gay, Ruth A.
4. Radovsky, Frank J.

OTHERS PRESENT:

1. Ronald L. Walker, Division of Fish and Game
2. Eugene K. Burke, Division of Fish and Game
3. Lillian A. Nishihira, Division of Fish and Game

AGENDA:

1. Approval of Minutes of 5/28/76 meeting.
2. Report of Public Meeting on Molokini Shoals.
3. Proposed Federal Regulations regarding Green Sea Turtle.
4. Status of Request for Allotment of Funds for Mamane Forest Ecosystem Study.
5. Proposal to Hold Public Meetings to Consider Amendments to Regulation 7, Hawaii State Seabird Sanctuary.
6. Informal Report on Possible Progress in Qualifying the State for Federal Endangered Species Cooperative Agreements.

The meeting was called to order by Chairman Beardsley at 1:20 p.m.

1. Approval of Minutes of 5/28/76 meeting

Mr. Takata requested that the following corrections be made to the minutes:

Page 2, item 3, paragraph 2: Re-phrase 2nd sentence to read, "Mr. Ego informed the members that at the present time commercial fishermen may take fishes, for which no restrictions have been established, from the waters of the Northwestern Hawaiian Islands, including those species that are in closed season, provided they obtain a permit as required by regulation of the Division of Fish and Game."

Page 3, paragraph 2: Re-phrase paragraph to read, "He described a proposed (instead of an on-going) study under a tri-party agreement involving (instead of with) the State Department of Land and Natural Resources, National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service to assess fish and wildlife resources in the NWHI (instead of refuge area) and determine the compatibility of a commercial fish harvest with the existence of other resources. Dick Barkley of the NMFS is the unofficial coordinator of this proposed three to five-year study."

Page 4, paragraph 2, line 5: Clarify the 4th sentence to read, "In evaluating whether or not to fish, we need to consider the alternative of commercial fishing even though the ultimate decision might be not to 'implement'."

Dr. Ziegler requested that the following point he brought up during the discussion of this item be reflected in the minutes. "Dr. Ziegler stressed that the water area included in the Hawaiian Islands National Wildlife Refuge is only a small fraction of the total Northwestern Hawaiian Islands waters which are now open to fishing."

Since the above changes were acceptable to the members and there were no further corrections, the minutes were approved, as corrected.

2. Report of Public Meeting on Molokini Shoals

Mr. Lau reported that his Maui Fish and Wildlife Advisory Committee held a very successful public meeting on July 24, 1976 to discuss the protection of Molokini Shoals. He said that he had invited 15 to 20 organizations to the public meeting and a total of 39 interested parties were in attendance. The main concern of the group was on safety -- being able to land on Molokini for refuge during adverse weather conditions. They also felt that shellfish should not be taken and coral harvesting discouraged. Concensus was there should not be any permanent type of anchoring.

On the question of enforcement, Mr. Takata replied that the Division of Fish and Game has an appropriation of \$25,000 to purchase a boat that would be suitable for enforcing Molokini waters. If funds are released, we will then have enforcement capabilities, he said. According to the Maui District Fish and Wildlife Enforcement Officer Schmidling, the present boat is not seaworthy.

Mr. Lau further said that the Maui group expressed an interest to meet again, and prior to their next meeting would like to have the Division of Fish and Game draft a regulation for Molokini Shoals.

3. Proposed Federal Regulations Regarding Green Sea Turtle

Dr. Ziegler who asked that this item be included on today's agenda apprised the members that the U.S. Fish and Wildlife Service last year proposed that the green sea turtle be added to the threatened species list, and recently in the 6/30/76 issue of the U.S. Fish and Wildlife Service News Release it is proposing that the green sea turtle be treated as endangered under the "Similarity-of-Appearance" clause of the Endangered Species Act of 1973. He was concerned as to whether the Division of Fish and Game had written to the Federal government on this proposal.

Mr. Takata replied that the State (of Hawaii) submitted its comments earlier when the original proposal came up. The comment was to the effect that we asked the Fish and Wildlife Service and the National Marine Fisheries Service to exempt the Hawaiian population of green sea turtle. We have Regulation 36 which controls the taking of the green sea turtle and we believe that the Hawaiian population of green sea turtle should be managed rather than protected. Both the NMFS and the F&WS have advised that comments submitted previously are still valid. In view of this, Mr. Takata felt that it would be best not to submit the same comment over again.

Dr. Ziegler moved, Mr. Lau seconded, and the following motion passed unanimously:

MOTION: Regarding the two pending proposals to list the green sea turtle (*Chelonia mydas*) as either "threatened" or "threatened under the Similarity-of-Appearance Clause" of the U.S. Endangered Species Act of 1973, the ASAC requests the Directors of the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to include in final rulemaking, among other proposed exemptions, permission for continued taking of this turtle for home consumption in Hawaii under provisions of the current State Fish and Game Regulation 36.

4. Status of Request for Allotment of Funds for Mamane Forest Ecosystem Study

Mr. Walker informed the members that the Governor disapproved the Division's request for \$25,000 for a study of the Mamane Forest Ecosystem, as explained in a copy of the Governor's reply dated June 24, 1976 which was provided Commission members. He also stated that the appropriation had lapsed at 6/30/76 and there was no recourse to this action.

5. Proposal to Hold Public Meetings on all Major Islands to Consider Amendments to Regulation 7, Hawaii State Seabird Sanctuary

Mr. Walker explained that the Division of Fish and Game has had poor turnout at its public hearings on Regulation 7 concerning the Hawaii State Seabird Sanctuary. This was due mainly to the Division's failure in not publicizing the hearings. He felt a better approach to get more public response was to have the County Advisory committees conduct public meetings, with the Division of Fish and Game providing resource persons, if requested by the County Chairmen. Since there was no opposition to this proposal, Mr. Walker said he will be sending a memorandum to the advisory committees requesting their assistance in holding these formal meetings on Regulation 7.

6. Informal Report on Possible Progress in Qualifying the State for Federal Endangered Species Cooperative Agreements

Dr. Ziegler asked if any progress was made to have the State of Hawaii qualify for federal assistance under the Endangered Species Act of 1973. He recalled that Hawaii was ineligible to qualify for the endangered species program due technically to some omission of authority in the State endangered species act.

Mr. Takata responded by saying that the Department of Land and Natural Resources had written to the Attorney General's office requesting that a legal statement ("Memorandum of Law") be prepared in order to determine if Hawaii has the necessary legal authority to enter into cooperative agreements with the U.S. Fish and Wildlife Service for federal assistance in developing programs for the conservation of endangered and threatened species of fish and wildlife. However, he said the Department has not received a response as yet, but will be sending a tracer on this request.

Minutes of 8/6/76 meeting -- 4

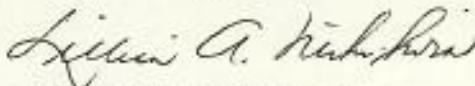
NEXT MEETING:

Next meeting scheduled for Friday, September 10, 1976.

ADJOURNMENT OF MEETING:

Meeting adjourned at 3:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Lillian A. Nishihira".

LILLIAN A. NISHIHIRA
Secretary Pro-tem

MINUTES
OF ANIMAL SPECIES ADVISORY COMMISSION MEETING
Friday, July 2, 1976
DAGS CONFERENCE ROOM, STATE OFFICE BUILDING
Honolulu, Hawaii

MEMBERS PRESENT:

1. Beardsley, John W. (Chmn.)
2. Conant, Sheila
3. Gay, Ruth A.
4. Lau, Henry T. S.
5. Obata, John K.
6. Radovsky, Frank J.
7. Reeser, Donald
8. Takata, Michio
9. Ziegler, Alan C.

MEMBERS ABSENT:

1. Fujimura, Takuji
2. Tanigawa, Alvin

OTHERS PRESENT:

1. James Kim, State Dept. of Agriculture
2. Steve Montgomery, Natural Area Reserves System Commission
3. Quentin Tomich, " " " " "
4. Vicky Ong, Honolulu Advertiser
5. Kenji Ego, Division of Fish and Game
6. David H. Woodside, Division of Fish and Game
7. Lillian A. Nishihira, Division of Fish and Game

AGENDA:

1. Minutes of 5/28/76 meeting.
2. Election of Chairman.
3. Advice from ASAC on Herbicide Application Program, Kekaha Game Management Area, Kauai.
4. Discussion of Plans for Protection of Molokini Shoals.
5. Informational Report on Division of Fish and Game Preliminary Assessment of Fishery Resources of Northwestern Hawaiian Islands.
6. Final Draft of Regulation 29 concerning Game Mammal Hunting on Kauai--Info.

The meeting was called to order by Chairman Beardsley at 1:10 p.m.

1. Minutes of 5/28/76 Meeting

This item was deferred since the Minutes were not available.

2. Election of Chairman

Dr. Radovsky nominated Dr. Beardsley for re-election as Chairman; Mr. Obata seconded. Mr. Lau moved to close the nomination; Dr. Conant seconded. Dr. Beardsley was re-elected Chairman of the Animal Species Advisory Commission by unanimous show of hands.

3. Advice from ASAC on Herbicide Application Program, Kekaha Game Mgt. Area, Kauai

Next on the agenda was a follow up of an earlier discussion on the negative declaration for herbicidal removal of noxious plants in the Kekaha Game Management Area on Kauai as proposed by the Division of Fish and Game. Mr. James Kim of the State Department of Agriculture, Plant Industry Division, was invited at the request of the Commission to speak on the State's pesticide regulation. Dr. Beardsley asked Mr. Kim if he could explain the differences in the labeling requirements for herbicide, State label vs. Federal label.

Under the new Federal Environmental Pesticide Act of 1972, Mr. Kim stated that the federal government requires all pesticides be registered with the U. S. Environmental Protection Agency (EPA). The State can also register federally registered products. There are two types of uses for pesticides -- restricted and general. Tordon because of its hazard to non-target plants has been classified as "restricted" under the State Department of Agriculture (DOA) regulation. One of the requirements of the Federal Act is that applicants of restricted pesticides be knowledgeable and competent in the application of various pesticides. Therefore, they require that all users be "certified." In Hawaii, the State DOA, in cooperation with the U. H. Extension Service, is embarking on a Certification Program. All pesticide applicators will have to be trained in the use and handling of pesticides. There are two classes of applicators -- one is the farmer who is the private applicator; the other is the commercial people who are the pest control operators. The U. H. Extension Service is the agency that will be providing the classes.

As far as Federal and State labeling is concerned, the only time the State can change the label is when a request is made for a special local need. That is, if something is needed in the State and is not on the label, the State can request EPA for approval to use that product for State special needs.

While the Federal label does not allow the use of Tordon by air, the State label makes no such admonitions. However, in order to apply Tordon aurally, the applicant must first clear with DOA for a permit. DOA will then consider the purpose of the application, investigate it and if the useage is deemed non-hazardous and the project cleared environmentally, a permit is issued.

Ms. Gay was under the assumption that when a permit is issued, the Environmental Quality Commission office is alerted and that is when the project undergoes environmental assessment. Mr. Takata thought that all conditions of the environmental regulations must be met before a permit can be issued. In any event, he said that Fish and Game has not used the chemical and is still awaiting a response from the OEQC on the negative declaration.

No action was taken by the Commission on the herbicide removal of noxious plants at Kekaha although there was some discussion as to whether some recommendation should be made at this time.

Chairman Beardsley thanked Mr. Kim for coming to the meeting and providing expertise on the subject of pesticide regulations.

Ms. Gay handed out to the Commission members a copy of a letter dated July 2, 1976 from the University Environmental Center to the Environmental Quality Commission. The purpose of this letter was to correct a statement made in the Environmental Center letter of May 27, 1976 in which Ms. Gay's name was inappropriately listed as giving advice in developing the position taken by the Center with regard to the EIS requirements for the use of pesticides. This was in error since Ms. Gay declined to offer any comments because of her work with the Animal Species Advisory Commission.

4. Discussion of Plans for Protection of Molokini Shoals

Mr. Ego reported that a special meeting was called on June 10 by Mr. Edgar Hamasu, Deputy to the Chairman of the Dept. of Land and Natural Resources, to set the course of action to protect Molokini Shoals. In attendance were Steve Montgomery, Chapman Lam, Mr. Hamasu and Mr. Ego. It was decided the better route to take was to establish Molokini as a marine life conservation district, rather than a natural area reserve, basically because of the growing recreational use of the Shoals by divers. Further, he said, the NARS Commission met yesterday and the Commission unanimously passed a motion which in essence would support the Department of Land and Natural Resource's plan to designate Molokini Shoals as a marine life conservation district.

Mr. Ego said he had contacted Mr. Lau suggesting that a meeting be held on Maui. That meeting to be conducted by the Maui Fish and Wildlife Advisory Committee is scheduled for July 26, 1976 at 7:00 p.m. at the Kahului public library. A survey trip of Molokini Shoals has also been arranged to take place in mid-July.

5. Informational Report on Division of Fish and Game Preliminary Assessment of Fishery Resources of Northwestern Hawaiian Islands

At Dr. Ziegler's request this item was carried over from the last meeting.

Mr. Ego provided the Commission members with copies of the cruise report and also showed some interesting slides of the trip from May 5 to 19, 1976 aboard the vessel Townsend Crowell to survey the fishery resources as well as the sea birds, green sea turtle and the Hawaiian Monk seal of the Northwestern Hawaiian Islands.

6. Final Draft of Regulation 29 concerning Game Mammal Hunting, Kauai (Information)

For the information of the Commission members, Mr. Takata reported that the final draft of Regulation 29 was approved by the Board of Land and Natural Resources at its meeting of June 25, 1976 and is presently awaiting the Governor's signature and subsequent filing of the regulation with the Lt. Governor's office.

Minutes of 7/2/76 Meeting -- 4

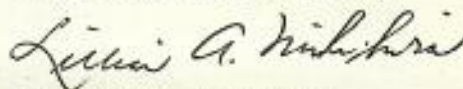
NEXT MEETING:

Next meeting scheduled for Friday, August 6, 1976.

ADJOURNMENT OF MEETING:

Meeting adjourned at 4:05 p.m.

Respectfully submitted,



LILLIAN A. NISHIHIRA
Secretary Pro-tem



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

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

John W. Beardsley, Chairman
Animal Species Advisory Commission

July 30, 1976

MEMORANDUM

- To : Members, Animal Species Advisory Commission
- From : John W. Beardsley, Chairman
- Subject : August 1976 Meeting of the Animal Species Advisory Commission
- DATE : Friday, August 6, 1976
- TIME : 1:00 p.m.
- PLACE : Division of Fish and Game - library
1151 Punchbowl Street, Room 330, 3rd floor, Honolulu, Hawaii
- AGENDA :
1. Approval of Minutes of Meeting of 5/28/76
 2. Report of Public Meeting of 7/26/76 on subject of
 Molokini Shoals Lau
 3. Proposed Federal Regulations regarding Green Sea Turtle
 and Possibility of State Exemption for Home Consumption
 Taking (Fish & Wildlife Service News Release of 6/30/76
 attached). Requested by Ziegler Ego/Burke
 4. Status of Request for Allotment of Funds for Mamane Forest
 Ecosystem Study (Information) Walker
 5. Proposal to hold Public Meetings on all Major Islands to
 consider Amendments to Regulation 7, Hawaii Seabird
 Sanctuary Walker
 6. Informal Report on Possible Progress in Qualifying the
 State for Federal Endangered Species Cooperative
 Agreements (Fish & Wildlife Service News Release of
 6/30/76 attached). Requested by Ziegler Walker

John W. Beardsley

(for) JOHN W. BEARDSLEY, Chairman
Animal Species Advisory Commission

attachments:

- Parking permits
- P.O. for air fare (Pacheco, Lau, Tanigawa)
- Gov's memo of 6/24/76 disapproving allotment request for Mamane Forest
Ecosystem Study
- U.S. Fish & Wildlife Service News Release of 6/30/76



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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

John W. Beardsley, Chairman
Animal Species Advisory Commission

June 25, 1976

MEMORANDUM

To : Members, Animal Species Advisory Commission

From : John W. Beardsley, Chairman

Subject : July 1976 Meeting of the Animal Species Advisory Commission

DATE : Friday, July 2, 1976

TIME : 1:00 p. m.

PLACE : Conference Room 322-a, State Office Building #1,
1151 Punchbowl Street, 3rd floor, Honolulu, Hawaii

AGENDA: 1. Approval of Minutes of 5/28/76 meeting

2. Election of Chairman

3. Advice from ASAC on Herbicide Application Program,
Kekaha Game Management Area, Kauai (old business)
Speaker: James Kim, Div. of Plant Industry, State Dept. of Agric.

4. Discussion of Plans for Protection of Molokini Shoals

✓ 5. Request for an Informational Report on May 5-26, 1976
Division of Fish and Game Preliminary Assessment of Fishery
Resources of Northwestern Hawaiian Islands aboard Townsend
Cromwell (requested by Ziegler)

6. Information -- Final draft of Regulation 29, concerning
Game Mammal Hunting, Island of Kauai

John W. Beardsley
(for) JOHN W. BEARDSLEY, Chairman
Animal Species Advisory Commission

attachments:

- Parking permits
- P. O. for air fare (Reeser, Lau, Tanigawa)
- Final draft, Regulation 29
- Cruise report - Leg II
- Info copies: letter from Beardsley to Cobb, 6/4/76, re: Nene
- " " " " " " re: Mauna Kea Plan
- " " D. Cox to A. Suematsu, 5/27/76, herbicide, Kekaha



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FISH AND GAME
1179 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

December 13, 1974

MEMORANDUM

To : Members, Animal Species Advisory Commission

From : Ronald J. Endrizal, Chairman

Subject : December 1974 Meeting of the Animal Species Advisory Commission

Date : Friday, December 20, 1974

Time : 12:30 p. m.

Where : Governor's conference room, State Capitol, 5th floor, Honolulu

Agenda : 1. Discussion of status and report on enforcement of Regulation 36, turtle protection -- requested by Radovsky

2. Assessment report of wildlife on Mauna Kea -- Walker

3. Resubmittal -- Proposal to change opening day of bird hunting (Regulation 3) from the first Saturday in November to the Saturday preceding Veterans Day in October -- Endrizal

4. Closure of Hunter Access Road to Kuaokala Public Hunting Area, Kaena Point, Oahu, by U. S. Air Force -- requested by Endrizal

5. Advisability of requiring an Environmental Impact Statement for Hawaii's 1975-76 hunting season (attachment: News Release from U. S. Fish and Wildlife Service re "Migratory Game Bird Hunting Ban Court Case Settled") -- Ziegler

6. Disbanding of ASAC since major fish and wildlife issues may be resolved by Environmental Impact Statements -- Endrizal

Ronald J. Endrizal

(for) RONALD J. ENDRIZAL, Chairman
Animal Species Advisory Commission

attachs: PO for air fare
Parking permits
News release, U.S. Fish & Wildlife Service

DEPARTMENT of the INTERIOR

news release

FISH AND WILDLIFE SERVICE

For Immediate Release November 20, 1974

McGarvey 202/343-5634

MIGRATORY GAME BIRD HUNTING BAN COURTCASE SETTLED

A lawsuit to halt migratory game bird hunting nationwide has been settled out of court by the U.S. Fish and Wildlife Service and four private organizations.

As a result, waterfowl hunting will not be interrupted this year, and the Interior Department has agreed to prepare an environmental impact statement (EIS) before next year's migratory bird hunting regulations are issued.

The suit was filed because an environmental impact statement was not prepared for the 1974-1975 migratory bird hunting season. The National Environmental Policy Act requires that major Federal actions significantly affecting the quality of the human environment must be preceded by publication of a detailed statement by the responsible official on the environmental impact of the proposed action.

The EIS will describe and evaluate the long established procedure for setting migratory bird hunting regulations in the United States and the extensive data gathering programs on which annual decisions about regulations are based. Moreover, as part of the agreement the EIS will discuss and evaluate the points of concern expressed by the plaintiffs in the case, who are the Fund for Animals, Inc.; the Humane Society of the United States, New Jersey Branch; Wildlife Preserves, Inc., and Deer Ecology Environment and Resources, Inc. The points to be considered in connection with the preparation of the EIS include shooting hours, bonus bags, bonus and special seasons, hunting of restricted species, the point system, and hunting of cranes, swans, and mergansers.

Other points of concern to the plaintiffs were simplification of waterfowl hunting regulations to the extent possible; requiring a duck stamp for all waterfowl hunters regardless of age; encouraging more effective enforcement of migratory bird hunting regulations; and more direct participation by the plaintiffs in development of annual migratory bird hunting regulations.

In the agreement the plaintiffs reserve all rights to challenge the EIS with the exception that once the EIS is completed the plaintiffs will be barred from legal action challenging it on the scope of the subject assessed. They retain the right to challenge the quality with which the subject is treated, however.

x x x

ANIMAL SPECIES ADVISORY COMMISSION

1. Mr. Ronald J. Endrizal, Chairman
33 S. King Street, Suite 503
Honolulu, Hawaii 96813
Ph. 536-3592 (bus.)
373-3820 (res.)
(Term: re-appointed to 12/31/74)
2. Mr. Michio Takata, Director
Division of Fish and Game
1179 Punchbowl Street
Honolulu, Hawaii 96813
Ph. 548-4000 (bus.)
734-6521 (res.)
3. ~~Dr. Garth I. Murphy~~
~~46-093 Lilipuna Road~~
~~Kaneohe, Oahu 96744~~
Ph. 948-7429 or 948-7569 (U.H.)
247-3826 (res.)
(Term: re-appointed to 12/31/77)
4. Dr. Alan C. Ziegler
Bishop Museum
P. O. Box 6037
Honolulu, Hawaii 96818
Ph. 847-3511 (bus.)
247-5318 (res.)
(Term: re-appointed to 12/31/76)
5. Dr. Andrew J. Berger
University of Hawaii
Dept. of Zoology
Honolulu, Hawaii 96822
Ph. 948-8655 (U.H. Lab.)
948-8617 (U. H.)
(Term: re-appointed to 12/31/75)
6. Dr. John W. Beardsley
892 Hao Street
Honolulu, Hawaii 96821
Ph. 948-8261 (UH Entomology Dept.)
373-9165 (res.)
(Term: re-appointed to 12/31/77)
7. Dr. Frank J. Radovsky
Bishop Museum
P. O. Box 6037
Honolulu, Hawaii 96818
Ph. 847-3511 (bus.)
262-7242 (res.)
(Term: 9/21/72 - 12/31/75)
8. Mrs. Ruth Aline Gay
1626 Ruth Place
Honolulu, Hawaii 96816
Ph. 948-7220 or 948-8304 (UH Botany Dept.)
737-4283 (res.)
(Term: 9/21/72 - 12/31/76)
9. Mr. John Perreira, Jr.
RR #1, Box 719-D
Pukalani, Maui 96788
Ph. 877-0081 (Hawaii Commercial & Sugar Co.)
572-8792 (res.)
(Term: re-appointed to 12/31/74)
10. Mr. Donald W. Reeser
Box 65
Hawaii Volcanoes National Park
Volcano, Hawaii 96718
Ph. 967-7311 (bus.)
967-7298 (res.)
(Term: 5/6/74 - 12/31/74)
11. Mr. Donn Carswell
P. O. Box 121
Hanalei, Kauai 96714
Ph. 826-6561 (Eagle County Development Corp.)
826-6484 (res.)
(Term; re-appointed to 12/31/74)

Kauai Fish & Wildlife Advisory CommitteeTerm Expires

Mr. Caesar R. Jardin P. O. Box 485 Kalaheo, Kauai 96746	Ph. 332-0692 (res.) 245-6795 (bus.)	12/31/75
Mr. Donn Carswell Hanalei Kauai 96714	Ph. 826-6484	12/31/74
Mr. Yoshito Nakamoto Hanapepe Kauai 96716	Ph. 335-5358	12/31/75
Mr. Melvin Kua P. O. Box 172-H Kekaha, Kauai 96752	Ph. 337-1471 (bus.)	12/31/74
Mr. Alvin Tanigawa RR #1, Box 288-H8 Kapaa, Kauai 96746	Ph. 245-2825 (bus.) Ph. 822-4717 (res.)	12/31/74
Ex-Officio Mr. Hisao Munechika P. O. Box 166 Waimea, Kauai 96796	Ph. 338-8342	

Oahu Fish & Wildlife Advisory Committee

Chairman:

Mr. Ronald J. Endrizal Suite 503-A, 33 South King Street Honolulu, Hawaii 96813	Ph. 536-3592	12/31/74
Mr. James A. Rathburn 617-A 7th Avenue Honolulu, Hawaii 96816	Ph. 734-5096	12/31/74
Mr. John K. Obata 1337 Ala Aolani Street Honolulu, Hawaii 96819	Ph. 839-0068	12/31/75
Mr. Charles M. Ichiyama 1427 Clark Place Wahiawa, Oahu 96786	Ph. 621-5922	12/31/75
Mr. Paul Ebesu 1738 Hoe Street Honolulu, Hawaii 96819	Ph. 845-6346 (res.) 841-5311 (bus.)	12/31/74
Ex-Officio Mr. Moses W. Kealoha 1508 Laukahi Street Honolulu, HI 96821	Ph. 373-2018 (res.) 845-6651 (bus.)	

Updated 5/6/74

distributed at 5/9/74 GSAC meeting

(....OVER)

Maui Fish & Wildlife Advisory Committee

Term Expires

Mr. Henry Lau
RR #1, Box 83
Kula, Maui 96720 Ph. 878-1016 12/31/75

Mr. John Perreira, Jr.
RR #1, Box 719-D
Pukalani, Maui 96788 Ph. 572-8792 12/31/74

Mr. Charles Pico
291 Kaoho Street
Wailuku, Maui 96793 Ph. 244-3077 12/31/75

Mrs. Jay Nakasone
331 West Hawaii Street
Kahului, Maui 96732 Ph. 877-3727 12/31/75

Mr. Christopher K. Cockett
P. O. Box 316
Kaunakakai, Molokai 96748 Ph. 553-5401 12/31/74

Ex-Officio

Mr. Manuel Moniz, Jr.
525 One Street
Kahului, Maui 96732 Ph. 877-4286

Hawaii Fish & Wildlife Advisory Committee

Major Henry Hara
17-C Olono Street
Hilo, Hawaii 96720 Ph. 935-4236 12/31/75

Mrs. Nancy A. Nakatani
P. O. Box 119
Hilo, Hawaii 96720 Ph. 935-6775 12/31/74

Mr. Donald W. Reeser
Box 65
Hawaii Volcanoes National Park
Volcano, Hawaii 96718 Ph. 967-7298 12/31/74

Mr. Fred S. Botelho
Ahualoa
Hawaii 96720 Ph. 775-7381 12/31/74

Mr. Charles Martin
588 Hinano
Hilo, Hawaii 96720 Ph. 935-8800 12/31/75

Ex-Officio

Mr. Larry Mehau
P. O. Box 666
Kamuela, Hawaii 96743 Ph. 885-7055

BOARD OF LAND AND NATURAL RESOURCES

OAHU MEMBERS

RESIDENCE AND PHONE

- | | |
|---|--|
| 1. Mr. Sunao Kido, Chairman
P. O. Box 621
Honolulu, Hawaii 96809

(Term: 1/1/71 to 12/31/74) | 1480 Oili Loop
Honolulu, Hawaii 96816

732-0101 (res.)
<u>548-6550</u> & 533-6378 (bus.) |
| 2. Mr. Shinichi Nakagawa

(Term: to 12/31/77) | 94-1132 Awaiki Street
Waipahu, Hawaii 96797

677-3603 (res.)
<u>671-4800</u> (bus.) |
| 3. Mr. Moses W. Kealoha
3149 N. Nimitz Hwy.
Honolulu, Hawaii 96819

(Term: 9/27/73 to 12/31/76) | 1508 Laukahi Street
Honolulu, Hawaii 96821

373-2018 (res.)
<u>845-6651</u> (bus.) |

HAWAII MEMBER

- | | |
|--|--|
| 4. Mr. Larry Mehau
P.O. Box 666
Kamuela, Hawaii 96743

(Term: 1/6/70 - 12/31/77) | Kamuela, Hawaii 96743

<u>885-7055</u>
885-4276
885-4633 |
|--|--|

MAUI MEMBER

- | | |
|---|--|
| 5. Mr. Manuel Moniz, Jr.
c/o Hawaiian Airlines
Kahului, Maui 96732

(Term: 6/8/73 - 12/31/76) | 525 One Street
Kahului, Maui 96732

877-4286 (res.)
<u>877-5511</u> (bus.) |
|---|--|

KAUAI MEMBER

- | | |
|--|--|
| 6. Mr. Hisao Munechika
P. O. Box 166
Waimea, Kauai 96796

(Term: 4/25/72 - 12/31/75) | Waimea, Kauai 96796

<u>338-1111</u> |
|--|--|

#####

[Rec'd: 18 JULY 1974]

5 January 1973

Director, Bureau of Sport Fisheries and Wildlife,
U.S. Department of the Interior
18th and C Streets NW
Washington, DC 20240

Dear Sir,

I recently received from our local Bureau of Sport Fisheries and Wildlife Office a copy of "Proposed Rule Making... Marine Mammals." This is dated November 24, 1972, and deals the addition of a Part 18 to Title 50 of the Code of Federal Regulations. The publication notes that interested persons may submit comments or suggestions until February 21, 1973, which may be considered by you with regard to possible future amendment of this Part 18. I am therefore taking this opportunity to so comment.

The new Part seems generally excellent in its purpose and provisions; and, I think, represents an extremely enlightened--and necessary--act of Federal regulatory initiative. My only significant suggestion for changing the present Regulation format involves the use of subspecific names in the mammal listing of Section 18.12, paragraph (h).

The use of this third part of the scientific name of an animal may often create some confusion or uncertainty on the part of the enforcement officer or of others such as myself who may be called upon occasionally to attempt to identify specific animal specimens. For example, if the specimen in question is a pelt (or other part) of a sea otter (Enhydra lutris), the Federal official or other identifier would check the Regulation and find two subspecies of this animal listed as protected. He must then consult one or more scientific publications to attempt to identify this particular specimen to subspecies (--quite often an impossible task when only a portion of the entire animal is represented--), or to see if there are possibly additional subspecies which are not covered by the Regulation. And, unfortunately, the publication being consulted may be an older work--not used by the Department of the Interior in drawing up its list, although the official has no way of knowing this--of course--which could list three subspecies of sea otter: Enhydra lutris lutris, E. l. nerái, and E. h. kamschatica. Thus, what does the enforcement official do at this point?

Because, I assume in the case of the sea otter, the Department intends protection to all sea otters, regardless of subspecies and/or geographic locality, the use of the trinomial seems both superfluous and--more importantly--confusing. In other words, it would appear more expedient to simply list in the Regulation: "Enhydra lutris (or Enhydra lutris, all subspecies).... sea otter" rather than the two separate trinomials. Then, there can be no reason to suspect that there might be additional subspecies of sea otters which are not protected.

All of the foregoing, of course, could be repeated for the two subspecies of walrus that are also listed in the present version of Part 18.

I hope that this suggestion may be of aid in your consideration of future amendment of Part 18, as well as other Regulations containing similar lists of animals. Thank you very much for the opportunity to comment on this Proposed Rule Making--and, again, my appreciation for this admirable piece of work!

Sincerely,

Alan C. Ziegler, Ph.D.
Vertebrate Zoologist

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 18]

MARINE MAMMALS

Notice of Proposed Rule Making

Chapter I, Subchapter B, of Title 50 of the Code of Federal Regulations is proposed to be amended by adding a new Part 18.

The Marine Mammal Protection Act of 1972¹ becomes effective on December 21, 1972. It is therefore deemed desirable to publish interim regulations to be made effective on that date. Accordingly, Subparts A, B, and C are issued as proposed rule making at this time. Additional subparts will be proposed at a later date which will fully implement the Marine Mammal Protection Act of 1972.

PART 18—MARINE MAMMALS

Subpart A—Introduction

- Sec.
18.11 Purpose of regulations.
18.12 Definitions.
18.13 Other applicable laws or regulations.

Subpart B—Actions Prohibited by the Act

- 18.21 Taking marine mammals prohibited.
18.22 Importing marine mammals prohibited.
18.23 Certain uses, possession, transportation, and sales prohibited.

Subpart C—Exceptions to Prohibited Acts

- 18.31 Exception by permit.
18.32 Taking incidental to commercial fishing operations.
18.33 Undue economic hardship.
18.34 Actions permitted by international treaty, convention, or agreement.
18.35 Taking by officials for protection of the mammal or humans.
18.36 Exception where taking, sale, or importation of marine mammal was legal.
18.37 Native exceptions.

Authority: The provisions of this Part 18 issued under 86 Stat. 1027.

Subpart A—Introduction

§ 18.11 Purpose of regulations.

The following regulations implement the Marine Mammal Protection Act of 1972, 86 Stat. 1027, which among other things, restricts the taking, possession, transportation, selling, and importing, of marine mammals for the purpose of protecting marine ecosystems and preventing the extinction or depletion of marine mammals as a result of man's activities.

¹ Filed as part of the original document.

§ 18.12 Definitions.

For the purposes of this part:

(a) "The Act" means the Marine Mammal Protection Act of 1972, 86 Stat. 1027;

(b) "Person" means any individual or legal entity and any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government;

(c) "Take" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill;

(d) "Waters under the jurisdiction of the United States" includes the territorial sea and the fisheries zone of the United States;

(e) "Fisheries zone of the United States" means the area described in 16 U.S.C. sections 1091-1094;

(f) "High seas" means the waters which lie outside the territorial sea of the United States and outside such territorial waters of any other national state as may be recognized by the United States; it includes the fisheries zone of the United States, as well as the fisheries zone of any other national state which may lie outside the territorial waters thereof, as recognized by the United States;

(g) [Reserved]

(h) "Marine mammal" means a specimen of the following species or subspecies of mammal, whether alive or dead, and any part thereof, including but not limited to, any raw, dressed, or dyed fur or skin:

Scientific name	Common name
<i>Ursus maritimus</i>	Polar bear.
<i>Enhydra lutris lutris</i> ...	Northern sea otter.
<i>Enhydra lutris nereis</i> ..	Southern sea otter.
<i>Odobenus rosmarus</i>	
<i>rosmarus</i>	Atlantic walrus.
<i>Odobenus rosmarus</i>	
<i>divergens</i>	Pacific walrus.
<i>Dugong dugong</i>	Dugong.
<i>Trichechus manatus</i> ...	West Indian manatee.
<i>Trichechus inunguis</i> ...	Amazonian manatee.
<i>Trichechus senegalensis</i>	West African manatee.

(NOTE: Common names given may be at variance with local usage, they are not required to be provided by the Act, and they have no legal significance.)

(i) "Marine mammal product" means any item of merchandise which consists, or is composed in whole or in part, of any marine mammal;

(j) "Population stock" or "stock" means a group of marine mammals of the same species or subspecies in a common spatial arrangement that interbreed when mature;

(k) "Endangered species" means a species or subspecies of marine mammal found by the Secretary to be threatened

with worldwide extinction and listed in Part 17 of this chapter;

(l) "Depletion" or "depleted" means, with respect to marine mammals, any species or stock which the Secretary, after consultation with the Marine Mammal Commission, may determine to be depleted;

(m) "Humane" means, in the context of taking, that method of taking which involves the least possible degree of pain and suffering practicable to the animal;

(n) "Pregnant" means pregnant near term.

§ 18.13 Other applicable laws or regulations.

Nothing in this part, nor any permit issued under authority of this part, shall be construed to relieve a person from any other requirements imposed by a statute or regulation of the United States, including any applicable health, quarantine, agriculture, or customs statutes or regulations, or other Bureau enforced statutes or regulations.

Subpart B—Actions Prohibited by the Act

§ 18.21 Taking marine mammals prohibited.

Except by permit or in accordance with an exception referred to in Subpart C of this part, the Act prohibits—

(a) any person, vessel, or conveyance subject to the jurisdiction of the United States from taking marine mammals on the high seas, or

(b) any person, vessel, or conveyance from taking marine mammals in waters or on lands subject to the jurisdiction of the United States.

§ 18.22 Importing marine mammals prohibited.

(a) Except by scientific research permit or in accordance with an exception referred to in §§ 18.33, 18.34, 18.36, and 18.37, the Act prohibits the import of:

(1) Any marine mammal which was pregnant at the time of taking,

(2) Any marine mammal which was nursing at the time of taking, or less than 8 months old, whichever occurs later,

(3) Any specimen of an endangered species or subspecies of marine mammals,

(4) Any specimen of a depleted species or stock of marine mammals, or

(5) Any marine mammal taken in an inhumane manner.

(b) The Act prohibits the import of—

(1) Any marine mammal which was taken in violation of the Act,

(2) Any marine mammal product, if such product is made from a marine mammal which was taken in violation of the Act,

(3) Any marine mammal which was taken in another country in violation of the law of that country.

(4) Any marine mammal product, if such product is made from a marine mammal which was taken in another country in violation of that country's laws.

(5) Any marine mammal product, if the sale in commerce of such product in the country of origin of the product is illegal, or

(6) Any fish, whether fresh, frozen, or otherwise prepared, if such fish was caught in a manner proscribed for persons subject to the jurisdiction of the United States by the Secretary of Commerce, whether or not any marine mammals were in fact taken incidental to the catching of the fish.

§ 18.23 Certain uses, possession, transportation, and sales prohibited.

Except by permit or in accordance with an applicable exception referred to in Subpart C of this part, the Act prohibits persons from:

(a) Using any port, harbor, or other place under the jurisdiction of the United States for any purpose in any way connected with the taking or importation of marine mammals or marine mammal products,

(b) Using, in a commercial fishery, any means or method of fishing in contravention of regulations and limitations issued by the Secretary of Commerce for that fishery to achieve the purposes of this Act,

(c) Possessing any marine mammal taken in violation of the Act, or

(d) Transporting, selling, or offering for sale any marine mammal, or any marine mammal product made from any such marine mammal, which was taken in violation of the Act.

Subpart C—Exceptions to Prohibited Acts

§ 18.31 Exception by permit.

Certain actions are not prohibited by the Act, provided that they are undertaken under a valid permit previously issued by the Secretary, which include, for example:

(a) Taking and/or importing marine mammals for scientific research purposes;

(b) Taking and/or importing non-endangered and non-depleted marine mammals for public display purposes.

§ 18.32 Taking incidental to commercial fishing operations.

Persons may take marine mammals incidental to commercial fishing operations until October 21, 1974; Provided, That, such taking is by means of equipment and techniques proscribed in regulations issued by the Secretary of Commerce to reduce such incidental taking to the maximum extent practicable.

§ 18.33 Undue economic hardship.

Persons other than those engaged in commercial fishing operations referred to in § 18.32 may be exempted by the Secretary from the provisions of the Act through October 20, 1973, if the Secretary

determines to his satisfaction, that such persons will suffer an undue economic hardship.

§ 18.34 Actions permitted by international treaty, convention, or agreement.

Persons, vessels, or conveyances may take marine mammals in waters or on lands under the jurisdiction of the United States, and they may use any port, harbor, or other place under such jurisdiction for purposes connected with the taking and importation of marine mammals or marine mammal products, if these acts are expressly provided for by international treaty, convention, or agreement to which the United States is a party which entered into force prior to December 21, 1972, or by any statute implementing any such treaty, convention or agreement.

§ 18.35 Taking by officials for protection of the mammal or humans.

A State or local government official or employee may take a marine mammal in the course of his duties as an official or employee, if:

(a) It is taken in a humane manner,

(b) The taking is for the welfare of such marine mammal or for the protection of the public health and welfare, and

(c) The taking includes steps designed to assure the return of such mammal to its natural habitat.

§ 18.36 Exception where taking, sale, or importation of marine mammal was legal.

(a) The Act does not apply to any marine mammal taken before December 21, 1972, or to any marine mammal product consisting of, or composed in whole or in part of, any marine mammal taken before such date.

(b) Notwithstanding §§ 18.22(b)(3)-18.22(b)(5) persons may import marine mammals or marine mammal products from foreign countries which prohibit the taking or sale, as the case may be, of such marine mammal or marine mammal product, but only if said importation predates the effective date of that foreign law.

(c) The prohibitions against the importation of any marine mammal taken from an endangered or depleted species, subspecies, or stock, which are referred to in §§ 18.22(a)(3) and 18.22(a)(4) do not apply to acts of importation accomplished prior to the date of the notice published in the FEDERAL REGISTER of proposed rule making with respect to the designation of the species, subspecies, or stock concerned as depleted or endangered.

§ 18.37 Native exceptions.

(a) Taking. Notwithstanding the prohibitions of Subpart B of this part, but only in conformance with the conditions and definitions contained in this section, any Indian, Aleut, or Eskimo who dwells on the coast of the North Pacific Ocean or the Arctic Ocean may take any marine mammal, if such taking:

(1) Is by Alaskan Natives who reside in Alaska and such taking is for subsistence purposes, or

(2) Is done for purposes of creating and selling authentic native articles of handicraft and clothing, and

(3) In each case, is not accomplished in a wasteful manner.

(b) Conditions. No marine mammal taken pursuant to paragraph (a)(2) of this section may be sold except when transformed into authentic native articles of handicraft and clothing: Provided, That edible portions may be sold in Alaskan native villages and towns or for native consumption, so long as no interstate commerce is involved. As used in this subsection, "native villages or towns" means any tribe, band, clan, group, village, community, or association in Alaska which the Alaska Native Claims Settlement Act or the Secretary finds eligible for land conveyances under subsection 14(a) of that Act.

(c) Definitions. For the purposes of this section:

(1) "Alaskan native" is a person defined in the Alaska Native Claims Settlement Act [43 U.S.C. 1603(b) (85 Stat. 568)] as a citizen of the United States who is of one-fourth degree or more Alaska Indian (including Tsimshian Indians enrolled or not enrolled in the Metlaktila Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any native, as so defined, either or both of whose adoptive parents are not natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska native by the native village or town of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as native by any native village or native town. Any such citizen enrolled by the Secretary pursuant to section 5 of the Alaska Native Claims Settlement Act shall be conclusively presumed to be a "Native" for purposes of this part;

(2) "Subsistence purposes" means, in the context of taking marine mammals, food, clothing, shelter, heating, and transportation for the taker or for those who depend upon the taker to provide them with such subsistence, but only if such subsistence is necessary to maintain their lives and the marine mammal is totally consumed by such taker or dependent;

(3) "Authentic native articles of handicrafts and clothing" means items composed wholly or in some significant respect of natural materials, and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting, so long as the use of pantographs, multiple carvers, other mass copying devices, or other improved methods of production utilizing modern implements such as sewing machines, are not utilized. The formation of traditional native groups such

25526

as cooperatives for mass copying is permitted so long as no large scale mass production industry results.

It is planned to publish Subparts A, B, and C in final form on or about December 20 to be effective on December 21. The required notice under 5 U.S.C. 553(d) is dispensed with inasmuch as these regulations are interpretative rules and statement of policy, thus falling within the exceptions provided by 5 U.S.C. 553(d) (2) and (3).

Comments received by December 15 will be considered for incorporation into that publication. Because of the necessity of having interpretive regulations become effective simultaneously with the Act a longer comment period cannot be given with respect to interim regulations published on December 21, 1972. However, in order to allow the interested public an adequate period of time in which to participate in the rule making process, additional comments will be received until February 21, 1973. If significant changes are warranted, the regulations will be amended accordingly.

Interested persons may submit written comments, suggestions, or objections with respect to this proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, 18th and C Streets NW, Washington, DC 20240.

November 24, 1972.

CURTIS BOHLEN,
*Acting Assistant Secretary
of the Interior.*

NOVEMBER 24, 1972.

[FR Doc. 72-20477 Filed 11-28-72; 8:51 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service,
Department of the InteriorPART 17—CONSERVATION OF ENDANGERED SPECIES AND
OTHER FISH OR WILDLIFE

List of Endangered Foreign Fish and Wildlife

By notice of proposed rule making published in the FEDERAL REGISTER on February 3, 1972 (37 F.R. 2589), notice was given that it was proposed to amend Appendix A to Part 17 of Title 50 CFR by adding additional mammals to the list of foreign endangered species.

Interested persons were invited to submit their views, data, or arguments regarding the proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20250, within 30 days following the date of the publication of the notice. All relevant matters presented have been considered and the proposal is adopted.

Accordingly, Appendix A of 50 CFR is amended by adding to the "U.S. List of Endangered Foreign Fish and Wildlife" the following species of mammals:

Common name	Scientific name	Where found
Cheetah.....	<i>Acinonyx jubatus</i>	Africa, Asia Minor, India.
Leopard.....	<i>Panthera pardus</i>	Africa, Asia Minor, India, Southeast Asia, Korea.
Tiger.....	<i>Panthera tigris</i>	Central Asia, China and Korea, to India, Indonesia and Malaysia.
Snow leopard.....	<i>Panthera uncia</i>	Central Asia.
Jaguar.....	<i>Panthera onca</i>	Central and South America.
Ocelot.....	<i>Felis pardalis</i>	Do.
Margay.....	<i>Felis wiedii</i>	Do.
Tiger cat.....	<i>Felis tigrina</i>	Costa Rica to northern South America.

Consistent with the foregoing, and in recognition of the fact that by listing the species the law will apply to their subspecies as well, the "U.S. List of Endangered Foreign Fish and Wildlife" is further amended by deleting the following subspecies of the species named above:

Common name	Scientific name	Where found
Asiatic cheetah.....	<i>Acinonyx jubatus venaticus</i>	U.S.S.R., Afghanistan, Iran, Pakistan (formerly India, Iraq, and Saudi Arabia).
Finn leopard.....	<i>Panthera pardus farsus</i>	Finland, Saudi Arabia.
Barbary leopard.....	<i>Panthera pardus panthera</i>	Morocco, Algeria, Tunisia.
Andallean leopard.....	<i>Panthera pardus tullianus</i>	Lebanon, Israel, Jordan, Turkey, Syria.
Bali tiger.....	<i>Panthera tigris balina</i>	Bali (Indonesia).
Javan tiger.....	<i>Panthera tigris sondaica</i>	Indonesia.
Caspian tiger.....	<i>Panthera tigris caspica</i>	Russia, Afghanistan, Iran.
Sumatran tiger.....	<i>Panthera tigris sumatrae</i>	Indonesia.

It is determined that these animals should be added to the "U.S. List of Endangered Foreign Fish and Wildlife" at this time in order to give them immediate protection without further delay. Consequently, for good cause found, it is determined that this amendment is to be effective upon publication in the FEDERAL REGISTER.

(16 U.S.C. 668aa et seq.)

Effective date: Upon publication in the FEDERAL REGISTER (3-30-72).

ROBERT C. B. MORTON,
Secretary of the Interior.

MARCH 28, 1972.

[FR Doc 72-4655 Filed 3-29-72; 9:14 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION § 28.20 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

Kenai National Moose Range, Alaska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (3-30-72).

ALASKA

KENAI NATIONAL MOOSE RANGE

The use of engines, motorized boats, motorized canoes, and other motorized

watercraft is prohibited on the Kenai National Moose Range Canoe System. This Canoe System includes those lakes and their associated shore areas and portages within the existing Swan Lake Canoe Route and the Swanson River Canoe Route as described on the maps available at Kenai National Moose Range Headquarters, Kenai, Alaska.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through April 30, 1973.

LONER W. CROXTON,
Deputy Area Director, Bureau
of Sport Fisheries and Wildlife,
Anchorage, Alaska.

MARCH 22, 1972.

[FR Doc. 72-4658 Filed 3-29-72; 8:48 am]

PART 33—SPORT FISHING

Salt Plains National Wildlife Refuge,
Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (3-30-72).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Sport fishing on the Salt Plains National Wildlife Refuge, Okla., is permitted only on areas designated by signs as open to fishing. These open areas, comprising 7,800 acres, are delineated on maps available at refuge headquarters, Jet, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1396, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from April 15 through October 15, 1972, inclusive, in Great Salt Plains Lake as posted in Sand Creek, the three main channels of Salt Fork River, and the right-of-way of Oklahoma State Highway 11 as posted.

(2) It is illegal to take game fish by any means other than hook and line. The net may be used only in waters at the close of the fishing season.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1972.

ROBERT C. B. MORTON,
Refuge Manager, Salt Plains
National Wildlife Refuge, Jet,
Okla.

MARCH 20, 1972.

[FR Doc. 72-4667 Filed 3-29-72; 9:14 am]

LIBRARY OF
GEORGE H. BALAZS

APPENDIX A
U.S. LIST OF ENDANGERED FOREIGN FISH AND WILDLIFE

AMPHIBIANS AND REPTILES

Common name	Scientific name	Where found
Small pointed frog.....	<i>Dicrochisma nigricauda</i>	Israel
Stephen Island frog.....	<i>Leiopelma kowhaii</i>	New Zealand.
River terrapin, longleg.....	<i>Bataguraska</i>	Burma, India, Indonesia,
		Ceylon, Java, Philippines,
		Madagascar (Palaus),
		Yemen, etc.
Galapagos tortoise.....	<i>Testudo galapagensis</i>	Galapagos, Ecuador.
Madagascar radiated tortoise.....	<i>Testudo radiata</i>	Madagascar.
Haw kribbit turtle.....	<i>Eretmochelys imbricata</i>	Yemen, etc.
Leatherback turtle.....	<i>Dermochelys coriacea</i>	Tropical and temperate zone.
Atlantic ridley turtle.....	<i>Lepidochelys kempii</i>	Sea to sea.
South American river turtle.....	<i>Podemecus eximius</i>	Orinoco and Amazon River
Do.....		Basin.
Short-necked or swamp tortoise.....	<i>Podemecus nasutus</i>	Do.
Yacare.....	<i>Pseudemys trinitatis</i>	Australia.
Orinoco emydid.....	<i>Clemmys yacare</i>	Bolivia, Argentina, Peru, Brazil.
Cuban crocodile.....	<i>Crocodilus rhomboidalis</i>	Orinoco River drainage.
Moroni's crocodile.....	<i>Crocodilus rhomboidalis</i>	Cuba.
	<i>Crocodilus moreletii</i>	Mexico, British Honduras,
		Guatemala.
Nile crocodile.....	<i>Crocodilus niloticus</i>	Africa.
Gavial.....	<i>Gavialis gangeticus</i>	Asia.
Round headed gey pecko.....	<i>Pachemys granulifer</i>	Yakutian.
Bay pecko.....	<i>Pachemys granulifer</i>	Mauritius.
Harrington land lizard.....	<i>Pachemys granulifer</i>	Do.
Turkey.....	<i>Crotaphytus poitotus</i>	Galapagos.
Samoa bee.....	<i>Sphenomorphus pacificus</i>	New Zealand.
Atlapala ground guano.....	<i>Sphenomorphus pacificus</i>	Jamaica.
	<i>Cyclura pinguis</i>	Ausgard Island.
Fish		
Ala halibut.....	<i>Saicho polyphephalus</i>	Turkey.
Creek.....	<i>Acanthopoma areolaris</i>	Do.
Myxale tarago.....	<i>Myxale tarago</i>	Japan.
Ayamohaki.....	<i>Pomacentrus muriei</i>	Do.
Mexican blindcat.....	<i>Pomacentrus muriei</i>	Do.
Nekogoi.....	<i>Pomacentrus muriei</i>	Mexico.
Giant catfish.....	<i>Pomacentrus muriei</i>	Japan.
Catfish.....	<i>Pomacentrus muriei</i>	Thailand.
	<i>Pomacentrus muriei</i>	Do.
Mollusk		
.....	<i>Papudys papillaria</i>	Manus Island (Admiralty
		Island).

BERNICE P. BISHOP MUSEUM

P. O. Box 6037, Honolulu, Hawaii 96818 • Telephone 847-3511

24 February 1973

Mr. Shelby V. Candland
Anzac Trading Ltd,
Hilton Hawaiian Village
2005 Kalia Road
Honolulu, Hawaii 96815

Dear Mr. Candland,

I read with much interest your news article concerning kangaroos in the February 21, 1973, Honolulu STAR-BULLETIN.

The report compiled by the Kangaroo Industries Association of Australia, sent to you by the Australian Government, unfortunately seems to represent a somewhat biased view of the present kangaroo situation in Australia. I have enclosed here a Xerox copy of "The Current Status of Australian Macropodidae" by John H. Calaby of the Australian Government's own Commonwealth Scientific and Industrial Research Organisation, and issued in 1971.

I hope this paper by Mr. Calaby will serve to correct some of the apparent inaccuracies in the Kangaroo Industries' report--especially any such ideas that kangaroo species since 1857 or earlier have thrived and increased in number with controlled killing. (Mr. Calaby has worked for the Australian Government for many years and has a thorough understanding of the need to both preserve Australia's native mammals and control them where necessary. His address is: Division of Wildlife Research
C.S.I.R.O., P.O. Box 84
LYNEHAM, A.C.T. 2602
AUSTRALIA

and I am sure he would be most pleased to hear of your ideas and comments if you would care to share them with him.)

Also enclosed here for your possible interest are Xerox copies of two U.S. Department of the Interior documents. One is a current List of Endangered Foreign Fish and Wildlife (containing nine species of kangaroos) and the other is a copy of the proposed additions of 1973 to this original List (including eight additional kangaroo species). Note that of this total of seventeen kangaroo species probably only three at most (Red, Eastern Gray, and Western Gray Kangaroos) form any significant portion of your trade in kangaroo fur and leather products or are of substantial competition to stock in most parts of Australia.

Although I personally do not like to see wild animals anywhere in the world taken for commercial purposes (--nowadays there are obviously equally good or better synthetic substances or other substitutes for almost every product that previously had to be obtained from wild animals--), it is true that population numbers of some of the larger species of kangaroos in Australia do periodically have to be thinned out on certain grazing and farming lands within their ranges. (As your article stated, the United States does allow "controlled harvest" of its deer, bear, elk, and other wild game mammals and birds to cut down excessively high population numbers--the latter due mainly

to the now-regretted earlier extermination of their natural predators. But note that the meat or other possible products from these American wild animals definitely cannot be used commercially.)

So, as a purely practical matter, I think your suggestion of allowing controlled harvesting of certain kangaroo species in appropriate parts of Australia has great merit, especially if this harvesting is closely regulated by the Australian Government. As a possible historical parallel to this situation, it may be pointed out that the original millions of the American Bison, unfortunately, necessarily had to be reduced in population numbers as parts of the American West became settled many years ago.

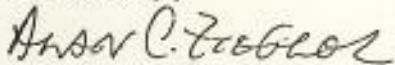
But, if this Bison "surplus" had been harvested under strict Government regulation, at least this species would not have been brought to the very brink of extinction before enough sentiment for native resources finally arose (--over the loud protests, even then, of the "buffalo" skin and tongue sellers--) to completely protect the animal and thus save the last pitiful remnants of the once-countless herds. Also, it's nice to at least think that such early Government regulation might even have resulted in the setting aside of natural-area habitat reserves for the species--on lands that are now irretrievably committed to human settlement as well as completely changed in ecological characteristics.

Exactly the same, of course, may be said for a number of other native American species, such as the now-lost Passenger Pigeon, the almost-extinct Grizzly Bear, the slowly vanishing American Crocodile, and so on. (We all just wish there had been more people like the Sierra Club at this earlier stage in America's history!) Hopefully, the Australian Government will learn from our past folly, and keep her people from making the same mistakes that will inevitably cause Australia to lose forever the now-abundant kangaroos and other native species, by prompt governmental action today.

Thus, I hope it will be possible for individual citizens such as you and I, as well as different governments of all nations, to work together more closely for the same basic conservation purposes: first, to prevent by all means a single additional species of native animal from becoming extinct in any country of the world and, second, to manage wisely and utilize fully any obvious surplus of various species that may arise from time to time.

Again, please accept my thanks for caring enough to express so well your interest and concern in this matter of wildlife conservation. May I wish you the continued best of fortune in all of your endeavors!

Sincerely,



Alan C. Ziegler
Vertebrate Zoologist

encls.

Xerox Copy: Hawaii Chapter, Sierra Club
John H. Calaby, C.S.I.R.O.

Honolulu Star-Bulletin

Hawaii's Greatest Newspaper

Member of The Gannett Group

JOHN A. SCOTT Publisher

CHINN HO Chairman

ALEXANDER S. ATHERTON President

A. A. SMYSER Editor

ROBERT DUNCAN Executive Editor

Published at 605 Kapiolani Boulevard / Honolulu, Hawaii, 96813

Monday, February 12, 1973

Page A-20



To Protect Kangaroos

(An editorial in the New York Times)

The kangaroo is a unique and fascinating animal, as intriguing to adults as it is delightful to the imagination of children the world over who make its acquaintance in their storybooks. But like the dolphin, the whale, the tiger and other highly distinctive members of the animal kingdom, the kangaroo has been taken for granted and frivolously slaughtered to make women's shoes and cat food.

Once abundant in Australia, the kangaroo has been killed on such a scale in recent years that it is now threatened with extinction. As a result, E. Gough Whitlaw, Australia's new prime minister, announced last month as one of his first acts that his government would henceforth ban the export of all kangaroo products.

Meanwhile, the United States Department of the Interior after prodding by the Fund for Animals, a private organization, has proposed a ban on importation of kangaroo skins and products.

Complementing the Australian action, this American move should serve to abolish the principal economic incentive for slaughter of the kangaroo.

Inevitably, however, there are business interests in both countries which wish to keep the kangaroo trade flourishing even though the dollar volume is small and there are many substitutes available. It is important that Australia and the U.S. not yield to these commercial pressures.

The willingness to save these gentle, amiable, almost defenseless creatures is important not only in keeping the kangaroos alive but also in keeping human beings human.

Control Kangaroo 'Harvest'

By Shelby V. Candland

Honolulu STAR-BULLETIN p. A-19
Wednesday, February 21, 1973

ON FEB. 12 you ran an article about kangaroos from the New York Times on your editorial page. This article was chock full of errors, mistakes and omissions. These errors, mistakes and omissions, I attribute to the emotional appeal of the ecologists.

I own and operate a retail shop, Anzac Trading Ltd., in the Hilton Hawaiian Village, Rainbow Bazaar. I buy and sell merchandise from New Zealand, Australia and other areas of the South Pacific. From Australia I import items manufactured of kangaroo fur, i.e., golf covers, purses, Koala bears, moccasins, etc.

Naturally I became concerned when the announcement came from Australia of the ban on exporting "kangaroo products" starting in April, 1973.

Since my work depends upon imports from Australia I did three things: 1) started asking people from Australia about the roos; 2) wrote to the Federal Australian Government, and 3) asked my suppliers.

HERE'S A tabulation of my results:

1. Asking Australian people: In the larger cities as Sydney, Melbourne, etc. certain species of roo are scarce if not endangered. But as a person travels into the outback, cars, trucks, buses are equipped with roo guards because of the large number of roos. Australian conservationists urge the controlled killing of roos to assist them (roos) to multiply and prosper. Roos, sheep and cattle are compatible. Most people are against the wanton destruction of roos which admittedly is all done by Australian farmers themselves!

2. Writing to the Federal Australian government: I was sent the report compiled by the Kangaroo Industries Association of Australia and submitted to the Select Committee on Wildlife Conservation, House of Representatives, September, 1970. Studying this report I found *only two* species of roo are no longer in Australia, Victoria to be specific. These died of natural causes in 1857! Every other species has thrived and increased in number with controlled killing. And the report continues, the biggest killers of roos are the Australia farmers who consider them a pest. But, the report continues, the damage caused by roos is minimal.

3. Writing my suppliers. On Jan. 15 I wrote to Regal Australian Products, Norwood, South Australia. I quote Mr. Bryce, Managing Director:

"The situation concerning kangaroo hides is still confused. We can still export our manufactured goods but we believe your Congress is about to ban imports so the problem will be at your end, not ours. The situation here is that there are still as many kangaroos in Australia today as when our ancestors arrived 200 years ago. An official government scientific report last year proved that. We have had, however, a change of government which bowed to the wishes of the ecologists who helped put them into power. The ban at our end is on export of unprocessed hides only but not on manufactured goods, which is really crazy. It should last only a year or so until kangaroos become a real pest again."

IT'S NOT MY idea to get embroiled in any controversy. But I strongly believe the ecologists in America (members of the Sierra Club started this whole bloody business about five years ago) should keep their noses out of other nations' business. Because, mainly, they do not realize, or they care less about what their ac-

tions are doing to others. It's fine to protect our environment, but someone, someday, has yet to realize the far-reaching repercussions of their action(s).

For instance, imagine what would happen if roos were not killed any longer: 1) reduction in number of people gainfully employed, now numbering in the thousands) 2) wages lost; 3) merchandise of all sorts not produced/purchased; 4) exports at a standstill; 5) taxes at a standstill — and the list is endless.

I'M NOT "sticking up" for the wanton killing of roos or any other animal. The same is done on the Mainland, Hawaii, Europe, Africa, etc. What I wish to see is a controlled harvest of all animals regardless of what country. This has been, and is being achieved with deer, bear, elk and has worked in Africa.

Ecologists, up to a point, are doing a good job. But when they work on emotions of the ordinary bloke and prevent or lose them jobs, wages, and start lengthy court actions, it's time to stop this nonsense.

DEPARTMENT of the INTERIOR

FISH AND WILDLIFE SERVICE

news release

For Release January 17, 1973

Sayre 202/343-5634

SECRETARY MORTON PROPOSES KANGAROOS AND OTHER AUSTRALIAN ANIMALS FOR ADDITION TO THE LIST OF ENDANGERED FOREIGN FISH AND WILDLIFE

Secretary of the Interior Rogers Morton proposed today the addition of 18 species to the List of Endangered Foreign Fish and Wildlife. Seventeen of the species, including all the large kangaroos, are from Australia and one, the aquatic box turtle, is found in Mexico.

Listing of these species would result in a prohibition against importation, pursuant to the Endangered Species Conservation Act of 1969.

Secretary Morton's announcement concerning the kangaroos was made following consultation with the government of Australia, which announced on January 11 that it would prohibit the export of kangaroo hides and meat, effective April 1, 1973.

The Secretary's proposal is based on evidence gathered by the U.S. Fish and Wildlife Service which shows these animals to be threatened with worldwide extinction due to one or more of the following: destruction of their habitat, exploitation for commercial or sporting purposes, the effect of disease or predation or other natural or manmade factors affecting their continued existence.

The kangaroos in particular have been under heavy pressure by hunters who sell their hides for leather and fur to a worldwide market.

Secretary Morton has also proposed the addition of eight species to the List of Endangered Native Fish and Wildlife. One species, the eastern cougar, has been believed extinct. But numerous reported sightings throughout the Appalachian Mountains give hope that the animals still exist.

Interested persons have 60 days from the date of publication of this proposal in the Federal Register to submit written comments to the Director, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

The proposed additions to both lists are as follows:

U.S. LIST OF ENDANGERED FOREIGN FISH AND WILDLIFE

Common Name	Scientific Name	Where Found
Yellow-footed rock wallaby	<u>Petrogale xanthopus</u>	Australia
Red kangaroo	<u>Megaleia rufa</u>	Australia
Eastern gray kangaroo	<u>Macropus giganteus</u>	Australia
Western gray kangaroo	<u>Macropus fuliginosus</u>	Australia
Desert bandicoot	<u>Perameles eremiana</u>	Australia
Gaimards rat-kangaroo	<u>Bettongia gaimardi</u>	Australia
Quokka	<u>Setonix brachyurus</u>	Australia
Queensland hairy-nosed wombat	<u>Lasiorhinus gillespiei</u>	Australia
Eastern native-cat	<u>Dasyurus vinerrinus</u>	Australia
Numbat	<u>Myrmecobius fasciatus</u>	Australia
Stick-nest rat	<u>Leporillus conditor</u>	Australia
Gould's mouse	<u>Pseudomys gouldii</u>	Australia
Magpie goose	<u>Anseranas semipalmata</u>	Australia
Freckled duck	<u>Stictonetta naevosa</u>	Australia
Plain wanderer	<u>Pedionomus torquatus</u>	Australia
Bustard	<u>Otis australis</u>	Australia
Ground parrot	<u>Pezoporus wallicus</u>	Australia
Aquatic box turtle	<u>Terrapene coahuila</u>	Mexico

U.S. LIST OF ENDANGERED NATIVE FISH AND WILDLIFE

Common Name

Scientific Name

Mammals

Utah prairie dog

Cynomys parvidens

Northern Rocky Mountain wolf

Canis lupus irremotus

Eastern cougar

Felis concolor cougar

Birds

Mississippi sandhill crane

Grus canadensis pulla

Puerto Rico Whip-poor-will

Caprimulgus noctitherus

Santa Barbara song sparrow

Melospiza melodia graminea

Amphibians

Desert slender salamander

Batrachoseps aridus

Fish

Okaloosa darter

Etheostoma okaloosae