



## Ka'ūpūlehu Administrative Record

This administrative record was compiled by Ka'ūpūlehu community members and technical advisors to the Ka'ūpūlehu Marine Life Advisory Committee (KMLAC). Its purpose is to inform groups and individuals engaged in the process of administrative rule making of the legal foundations, process of planning, summary of rule changes, relevant KMLAC and West Hawai'i Fishery Council (WHFC) meetings and outreach materials and initiatives, written comments and testimony, and scientific and cultural studies, reports, and compilations that support Ka'ūpūlehu's proposal.

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Note: the KMLAC's work to monitor marine resources, host education and community outreach programs, and engage individuals directly on the Ka'ūpūlehu proposal is ongoing and continues beyond the date mentioned above.

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## i. Executive Summary

*He ali'i ka 'āina, he kauwā ke kanaka*

The land is chief, man is a steward

-Hawaiian proverb

The Ka'ūpūlehu fishery, located in north Kona, Hawai'i island, served as a cultural kīpuka of marine resources. Historically, the area was renowned for near shore fish species such as 'ama'ama, 'u'u, moi, pualu, akule and manini. Off-shore, 'ōpelu was harvested from three ko'a. In addition, there was an abundance of kūpe'e, 'a'ama, 'opihi, and he'e. Limu pahe'e was gathered during the spring months. And the northern area of Ka'ūpūlehu was prized for its abundance of pa'akai (sea salt) for preserving food.

The resources gathered from the ocean played a vital role in the sustenance of the families who have a lineal connection to Ka'ūpūlehu. These families lived in harmony with the marine resources, understanding the connection between the land and ocean, seasonal changes, fishing patterns, and prudent fishing practices to ensure the protection and preservation of the marine resources for themselves and future generations. The fishing grounds of Ka'ūpūlehu have been traditionally cared for by several generations of local Hawaiian families who still care for them today.

However, within just the last 40 years, or one generation, the families of Ka'ūpūlehu have observed dramatic declines in ocean resources. Kama'āina testimony indicates that the decline may be attributed to numerous factors, including the resort construction in 1975 that required public vehicular access to the ocean, a rapidly growing population, increased fishing pressure from neighboring communities, and overfishing of limited marine resources.

Too often we rely upon government regulators to manage our resources. In this case, the Ka'ūpūlehu community through the Ka'ūpūlehu Marine Life Advisory Committee (KMLAC) – whose members include the Kona Hawaiian Civic Club, Office of Hawaiian Affairs, Kamehameha Schools, and Hualālai Development Corporation in consultation with kūpuna representatives from the families of Ka'ūpūlehu – are taking responsibility for restoring dwindling marine resources. They have developed a culturally-sensitive marine management plan based upon traditional knowledge and practices to address the dramatic decline in marine resources. For over 17 years, the KMLAC and the larger Ka'ūpūlehu community have researched the issues, met with community members and island residents, listened to input and concerns, and worked with the Department of Land and Natural Resources (DLNR) and the West Hawai'i Fishery Council (WHFC) to develop the administrative rules proposed below. If passed, these rules will allow them to manage marine resources within Ka'ūpūlehu reefs in cooperation with DAR and DOCARE for the purpose of re-establishing sustainable harvest of these once abundant marine resources.

The following Ka'ūpūlehu Administrative Record is intended to provide a comprehensive documentation of the historical background of Ka'ūpūlehu, the establishment of the KMLAC, legal authority for the proposed rules, purpose of the rules, a record of cooperation and coordination with stakeholders, fishermen, other community groups and state partners, and the extensive community engagement conducted by the KMLAC.

Chapter 1 provides a brief history of Ka'ūpūlehu and a description of the abundant marine resources that once existed there. The chapter further describes the establishment of the KMLAC.

Chapter 2 provides the legal authority for the proposed Ka'ūpūlehu administrative rules, specifically the West Hawai'i Fishery Management Area established under Act 306 in 1998, and Hawai'i Revised Statutes 188F-4.

Chapter 3 contains the proposed Ka'ūpūlehu administrative rule. Essentially the rule sets forth a 10-year rest period over a 3.6 mile stretch of the Ka'ūpūlehu coastline (less than 1% of the entire Hawai'i Island coast), identifies prohibited activities and exceptions, outlines plans to continue scientific and community monitoring programs and outreach, and addresses the need to develop and implement (during the rest period) a plan for sustainable harvest after the 10-year rest period. The KMLAC recognizes that the proposed rules may be not embraced by all due to the restriction of certain activities during the rest period. However, this period of rest is viewed as a temporary measure to ensure the viability of these valuable marine resources for generations to come.

Chapter 4 describes in great detail the justification for the proposed rules from a cultural perspective as well as a scientific basis. The 10-year rest period is founded in Native Hawaiian traditional fisheries management known as kapu, a system that permits a species to rest in order to replenish. In addition, there is extensive scientific research to document the current dire state of the marine resources and research that supports a reasonable marine management plan.

Chapter 5 describes in detail the extensive community engagement process by the KMLAC and Ka'ūpūlehu community. Since the KMLAC undertook this initiative, they have conducted over 350 meetings, exchanges, and outreach efforts that includes meeting with over 4,450 individuals. These meetings included fishermen (local and off-island), cultural practitioners, community members, state natural resource managers, organizations, regulators, enforcement officers, etc. Meetings were held before the proposed rules were drafted to gather input. The proposal was revised several times to address State managers, community's and fishermen's concerns and ideas for improvement, until finally the KMLAC and Ka'ūpūlehu community felt that the rules reflected a majority of the community's concerns, sentiments, and support.

Clearly not everyone is going to support the proposed rules. However, the rules represent the sentiments of the local community, are based upon traditional and contemporary

knowledge unique to Ka'ūpūlehu, and have been developed and vetted through an inclusive, lengthy, and fair process. It is a reasonable and prudent proposal that seeks to ensure that these once abundance marine resources are given an opportunity to replenish for future generations.

In conclusion, the community of Ka'ūpūlehu, like many other Hawaiian communities and families who have traditionally cared for these vital marine resources (including Hā'ena, Mo'omomi, Kīpahulu, etc.), are taking bold actions to manage their community resources in a culturally-sensitive and prudent way, in cooperation with the state, to improve the health and sustainability of resources for future generations.

# I. Introduction and Background<sup>1</sup>

## A. Brief History of Ka'ūpūlehu

The ahupua'a of Ka'ūpūlehu is located within Kekaha at North Kona, Hawai'i. The Kaha lands run from Pu'uana'hulu in the north, through Honokohauiki in the south and are comprised of a mosaic of Hualālai and Mauna Loa lavas.<sup>2</sup> These lands are scarce in water resources, and thus limited in land-based food support. However, Ka'ūpūlehu's fishery was abundant and the resources gathered from the ocean played a vital role in the diet of Ka'ūpūlehu families and their subsistence practices. In 1801, the lava of Hualālai flowed over the village of Manuahi and destroyed the 'ulu groves of Kameha'ikana. Life was not easy in Ka'ūpūlehu, but the families that lived there were experts in their resources and knew how to survive within these rugged Kaha lands. Ka'ūpūlehu was an isolated community and is referenced as a cultural kīpuka, a rural Hawaiian community where the people "have maintained a close relationship to and knowledge of their wahi pana. These rural communities are special strongholds for the perpetuation of Hawaiian culture as a whole."<sup>3</sup>

Within the last 40 years, the kama'āina of Ka'ūpūlehu have observed drastic declines in their ocean resources. Resort construction required public vehicular access and in 1975, the Ka'ahumanu highway opened, providing easier access to the previously isolated waters of Ka'ūpūlehu. Ka'ūpūlehu experienced an influx of people to its shoreline, contributing to a noticeable and drastic decline on the marine resources.<sup>4</sup>

Kama'āina informants:

*I can remember seeing large red uhu swimming carelessly at the waters edge of a natural spring (Wai o Kane) everyday in the early 70s and 80s. No employee sought to hook, spear, or net this item of food. They learned and understood there are some things you take and some things you don't especially if it's swimming someplace important. Not today. Today, the mindset that is hurtful to our cultural practices and resources is, if you don't get it now somebody else will. – Auntie Leina'ala Lightner, Ka'ūpūlehu kama'āina<sup>5</sup>*

*When I was a young kid I used to swim around in about 15 feet of water, take one fish from a spot and then swim a little more and take a fish from another spot. It was*

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<sup>1</sup> Mahalo to the kūpuna, kama'āina, and hoa'āina of Ka'ūpūlehu for contributing to this section of Ka'ūpūlehu's Administrative Record.

<sup>2</sup> Notes of Hannah Springer at Legal Meeting, 1 (Oct. 22, 2014) (on file with author).

<sup>3</sup> DAVIANNA PŌMAIKA'I MCGREGOR, NĀ KUA'ĀINA: LIVING HAWAIIAN CULTURE 6 (2007).

<sup>4</sup> Notes of Hannah Springer at Legal Meeting, 1 (Oct. 22, 2014) (on file with author).

<sup>5</sup> [Personal testimony submitted](#) to the Board of Land and Natural Resources October 24, 2014. (Appendix B)

*easy...Today at age 25 I have to swim a mile and go out to 60 feet of water or deeper. It's hard.* –Kekaulike Tomich, Ka'ūpūlehu kama'āina<sup>6</sup>

The tiger cowries, helmet shells, lobsters, and other mollusks and crustaceans were decimated along with pāku'iku'i, na'ena'e, he'e, yellow eye kole, and many other populations of fish species. These drastic declines have all been experienced within one human generation. While Ka'ūpūlehu was undergoing drastic changes, communities throughout Kona and West Hawai'i were growing rapidly. Increased fishing pressure from these growing neighbor communities had an eventual and devastating effect on Ka'ūpūlehu's marine resources and the traditional, subsistence activities of the long-time 'ohana of Ka'ūpūlehu. Part B of this section describes the kuleana (responsibility) these families undertook to protect their homelands and waters and sustain their practice of fishing.

## **B. Ka'ūpūlehu Marine Life Advisory Committee Background**

Two major community initiatives contributed to the creation of the Ka'ūpūlehu Marine Life Advisory Committee (KMLAC), the first resulting from an intervention on a U.S. Army Corps of Engineers (Army Corps) dredging permit application and the other as an offshoot from legislation creating the West Hawai'i Fishery Management Area (WHFMA). The KMLAC formed as a result of a court settlement in 1997 as a subcommittee under a Memorandum of Agreement (MOA) between Hualālai Development Corporation (HDC) and Kona Hawaiian Civic Club (KHCC) (see Appendix F, page 76).

Four primary members constitute the KMLAC: KHCC, Office of Hawaiian Affairs (OHA), Kamehameha Schools (KS), and HDC. As described in the MOA, nā kūpuna representatives from Ka'ūpūlehu participate in KMLAC meetings. Decisions are reached by group consensus. In the event of a lack of consensus among the four primary voting members, nā kūpuna representatives serve as the deciding factor for KMLAC. A marine management plan for Ka'ūpūlehu was created for the HDC as a condition of its Conservation District Use Permit (CDUP) (see Appendix E, page 75). However, the Ka'ūpūlehu community experienced rapid declines in their fisheries, warranting the KMLAC to look towards additional marine management options.

In 2009, following ten years of public failure to comply with voluntary fisheries management guidelines and continued decline in fish abundance, the KMLAC actively began a policy planning initiative to develop a rule proposal designed to improve the health of the fisheries of Ka'ūpūlehu and Kūki'o to sustain traditional fishing and subsistence practices. Over the course of many meetings (ranging in frequency from quarterly to weekly as needed) and much debate, KMLAC members, community members, other stakeholders, and the Department of Land and Natural Resources (DLNR) staff, developed a draft rule proposal requesting a 10-year rest period on the taking of native reef fish and other marine species along 3.6 miles of shoreline, with some exceptions to allow specific types of fishing to continue.

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<sup>6</sup> [Personal testimony submitted](#) to the Board of Land and Natural Resources October 24, 2014. (Appendix B)

To ensure a general understanding of this proposal, community members and supporters and DLNR staff shared this plan throughout the communities of Ka'ūpūlehu and Pu'uānāhulu through a series of presentations, before submitting their proposal to the West Hawai'i Fishery Council (WHFC) in November 2011. After reformatting the proposal language for legal consistency State administrative rule making procedures, the WHFC announced and hosted public information sessions in Ka'ūpūlehu, Waimea, Kailua-Kona, and Kealahou in Summer 2012 to ensure interested parties in West Hawai'i were aware of the proposal and to collect written comments on the proposed rest period. In August 2012, the WHFC voted to approve the amended rule request and submitted the rule proposal, along with supplemental materials, to the DLNR, Division of Aquatic Resources (DAR). KMLAC members continue to meet and share information on their proposal with community groups from North Kohala to South Kona and to move forward with research and education programs at Ka'ūpūlehu while the rule proposal is evaluated by the State of Hawai'i.

## II. Legal Foundations<sup>7</sup>

The purpose of this section is to provide an explanation of the legal foundations for Ka'ūpūlehu's proposal, which includes: 1) the statutory authorization that the Ka'ūpūlehu community has decided to utilize to effectuate its community driven marine management proposal; and 2) Native Hawaiian rights law, public trust, and ceded lands protections.

### A. Statutory Authority

The KMLAC is proposing its management plan as an amendment to the West Hawai'i Fishery Management Area (WHFMA) regulations, a framework of marine management established by Act 306 in 1998. Ka'ūpūlehu is currently designated as a Fish Replenishment Area (FRA) within the WHFMA. As authorized by WHMA statute to "[e]stablish a portion of the fish replenishment areas as fish reserves where no fishing of reef-dwelling fish is allowed,"<sup>8</sup> the KMLAC is seeking to establish Ka'ūpūlehu's FRA as a fish reserve, which it terms Ka'ūpūlehu Marine Reserve in its Ramseyer rules.

### B. Native Hawaiian Rights

The foundational laws of Native Hawaiian rights and natural resource protections include Article XII, Sec. 7<sup>9</sup> and Article XII, Sec. 4<sup>10</sup> of the Hawai'i State Constitution and Hawai'i Revised Statute, Sections 1-1<sup>11</sup> and 7-1.<sup>12</sup> There have also been a number of landmark Supreme Court of Hawai'i cases that have further interpreted these foundational laws. The following goes through main points that are important to recognize as they establish a solid legal foundation for Ka'ūpūlehu's rule proposal.

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<sup>7</sup> Mahalo to Malia Akutagawa and David Forman, Professors at the William S. Richardson School of Law, Wayne Tanaka, Policy Advocate at the Office of Hawaiian Affairs, and Shae Kamaka'ala, Marine Legal Intern at The Nature Conservancy for contributing to this section of Ka'ūpūlehu's Administrative Record.

<sup>8</sup> HRS § 188F-4 (1998).

<sup>9</sup> "The State reaffirms and shall protect all rights, customarily and traditinally exercised for subsistence cultural and religious purposes and possessed by ahupua'a tenants who are descendants of Native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights." Haw. Const., Art. XII, Sec. 7.

<sup>10</sup> "The lands granted to the State of Hawai'i . . . shall be held by the State as a public trust for Native Hawaiians and the general public." Haw. Const., Art. XII, Sec. 4.

<sup>11</sup> "The common law of England . . . is declared to be the common law of the State of Hawai'i, except as otherwise expressly provided by the Constitution or laws of the United States, or by the laws of the State, or fixed by Hawaiian judicial precedent, or established by Hawaiian usage." Hawai'i Revised Statute (HRS) § 1-1 (1955).

<sup>12</sup> "[T]he people . . . shall not be deprived of the right to take firewood, house-timber, aho cord, thatch, or ki leaf, from the land on which they live, for their own private use, but they shall not have a right to take such articles to sell for profit." HRS § 7-1 (1955).

### *i. The Ahupua‘a Runs From the Mountains Out To The Sea*

Traditional and customary practices of Native Hawaiians are protected mauka to makai, from the mountains out to the sea.<sup>13</sup> The ahupua‘a includes the fishponds and fisheries out to the seaward edge of the coral reef, or where there is no coral reef, out to one nautical mile from the shore.<sup>14</sup> Kingdom laws codified customary law on konohiki fisheries and identified the vested right holders as the mō‘ī, chiefs, konohiki, and hoa‘āina (ahupua‘a tenants).<sup>15</sup>

In the case, *Application of Kamakana*, 574 P.2d 1346 (1978), 633 when an ahupua‘a was awarded by name, the grant was meant to cover all that had been included in the ahupua‘a according to its ancient boundaries,<sup>16</sup> which included inland and shore fishponds.<sup>17</sup> The ancient boundaries of an ahupua‘a generally ran from the mountain out to the sea<sup>18</sup> and in the case, *In re Boundaries of Pulehunui*, 4 Haw. 239 (1879), 241, the chief and people of an ahupua‘a were afforded “a fishery residence at the warm seaside, together with the products of the highlands, such as fuel, canoe timber, mountain birds, and the right of way to the same and all the varied products of the intermediate land.”<sup>19</sup> Thus, the rights of hoa‘āina ran from the mountain out to the sea.

Establishing the boundaries of the ahupua‘a, the practices that occur within the ahupua‘a, and the rights and responsibilities that are coupled with these practices, is important in ensuring that the State is meeting its affirmative obligation to protect traditional and customary Native Hawaiian practices. It is also important to recognize that hoa‘āina<sup>20</sup> had rights to their respective fisheries. Kingdom law codified and recognized that the mō‘ī/ali‘i, konohiki, and hoa‘āina had the right to fish in their ahupua‘a, to the exclusion of the general public.<sup>21</sup> The next subsection explains how these rights also encompass traditional and customary practices of mālama and how Ka‘ūpūlehu’s proposal reflects the exercise of those rights and practices of mālama.

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<sup>13</sup> LILIKALĀ KAME‘ELEIHIWA, *NATIVE LAND AND FOREIGN DESIRE: PEHEA LĀ E PONO AI?* 26-29 (1992); for definitions generally, see MARY KAWENA PUKUI & SAMUEL H. ELBERT, *HAWAIIAN DICTIONARY* (rev. & enlarged ed. 1986); see also PAUL F. NAHOA LUCAS, *A DICTIONARY OF HAWAIIAN LEGAL LAND-TERMS* (1995).

<sup>14</sup> KING. HAW. CIV. CODE §§ 384-396 (1859).

<sup>15</sup> *Id.*

<sup>16</sup> See also *In re Boundaries of Paunau*, 24 Haw. 546, 554.

<sup>17</sup> *Application of Kamakana*, 574 P.2d 1346 (1978), 633.

<sup>18</sup> *In re Boundaries of Pulehunui*, 4 Haw. 239, 241; see also KAME‘ELEIHIWA, 26-59.

<sup>19</sup> *In re Boundaries of Pulehunui*, 4 Haw. 239, 241.

<sup>20</sup> The term hoa‘āina refers to an ahupua‘a tenant. See *Bishop Trust Co.*, 41 Hawai‘i 361, 362; PUKUI & ELBERT, *supra* note 1, at 73.

<sup>21</sup> Explaining the proclamation of King Kamehameha III and its codification to vest the exclusive rights of the mō‘ī/ali‘i, konohiki, and hoa‘āina to the fisheries. See MELODY MACKENZIE, *Konohiki Fishing Rights*, in *NATIVE HAWAIIAN LAW TREATISE* 10-4, note 29 and 30 (April 20, 2012) (confidential working draft) (on file with author).

## ii. *The Right and Responsibility to Mālama*

Inherent to Native Hawaiian rights to access and gather resources important to traditional subsistence, religious, and ceremonial practices is the kuleana (responsibility) to mālama (care for and manage) these resources. Protecting Native Hawaiian gathering and access rights is moot if the resources are in poor health, depleted quantities, or if there are no resources to gather. While the State has the authority to reasonably regulate Native Hawaiian traditional and customary rights, they cannot regulate these rights out of existence.<sup>22</sup> Maintaining resource health and providing the flexibility for native communities to mālama ahupua‘a resources through co-management mechanisms and the administrative rule-making informed by Hawaiian practices are mechanisms by which the State can fulfill its statutory and constitutional obligations to Kānaka Maoli.

Hawaiians were a thriving culture and people and their intimate connections to the ‘āina (land) and management of the ahupua‘a, allowed for lifestyle that understood sustainability as a state of abundance, versus today’s common notion of sustainability as a place of deficit.<sup>23</sup> Abundance was designed into the landscape and ocean by maintaining the upper rainforests as wao akua (realm of the gods), which was essential to catching the rain clouds. Terracing the land and cultivating lo‘i kalo to passively harvest water that created spring lines below allowed for nutrients to flow from mauka to makai into fishponds and estuaries. ‘Āina momona (abundant, healthy, and productive lands) was not an accidental occurrence, but rather an intentionally designed and managed system. Inherent in daily life and culture, were intricate planting, harvesting and management practices that are embodied in traditional and customary practices of one’s kuleana to mālama, which were guided by foundational values system.<sup>24</sup>

## iii. *Satisfying the State’s Affirmative Obligation*

The State of Hawai‘i has an affirmative obligation to protect traditional and customary Native Hawaiian practices.<sup>25</sup> Agencies are responsible for conducting an independent analysis of the impacts on those rights to ensure that “proposed uses of [ahupua‘a] resources are pursued in a culturally appropriate way.”<sup>26</sup> In this case, Ka‘ūpūlehu’s proposal is a co-management strategy between kama‘āina and hoa‘āina and DAR to incorporate culturally appropriate and statutorily authorized management measures<sup>27</sup> for fishery restoration.

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<sup>22</sup> *Public Access Shoreline Haw. v. Hawaii County Planning Commission (PASH)*, 79 Hawai‘i 425, 451 (1995).

<sup>23</sup> *Return of the Konohiki – Kuleana in practice: Malia Akutagawa at TEDxManoa*, YouTube (Oct. 28, 2013), <http://www.youtube.com/watch?v=8XNYaOZyxuM>.

<sup>24</sup> See generally, GEORGE HU‘EU SANFORD KANAHELE, *KŪ KANAKA STAND TALL: A SEARCH FOR HAWAIIAN VALUES* 1-20 (1986).

<sup>25</sup> *Ka Pa‘akai o Ka ‘Āina v. Land Use Comm’n (Ka Pa‘akai)*, 94 Haw. 31, 45 (2000), see also *PASH*, 79 Hawai‘i at 451.

<sup>26</sup> DAVID M. FORMAN and SUSAN K. SERANO, *Ho‘ohana Aku, a Ho‘ōla Aku: A Legal Primer for Traditional and Customary Rights in Hawai‘i*, 16 (2012).

<sup>27</sup> See Section IV.A.

#### iv. *The Role of Kama'āina Testimony*

Inherent in upholding its affirmative obligation to protect traditional and customary Native Hawaiian practices, the State must make an inquiry of the native customs<sup>28</sup> of a particular place, which may be informed by kama'āina expert testimony. There are traditions and customs along the coast and in the fisheries that are important because they help to inform the law and thus the management tools that are culturally appropriate for that place.

The *Ka Pa'akai* test provides a framework for providing and considering testimony. The three prong test mandates the State to determine:

- (1) the identity and scope of 'valued cultural, historical, or natural resources' in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;
- (2) the extent to which those resources—including traditional and customary native Hawaiian rights—will be affected or impaired by the proposed action; and
- (3) the feasible action, if any, to be taken by the [State] to reasonably protect native Hawaiian rights if they are found to exist.

*Ka Pa'akai o Ka 'Āina v. Land Use Commission (Ka Pa'akai)*, 94 Haw. 31, 45 (2000).

In order to ensure that the traditions and customs of Ka'ūpūlehu are affirmatively protected, it is important for the State to apply proper weight to the kama'āina testimony. Thus, it is also relevant for decision makers to identify individuals who are hoā'āina (ahupua'a tenants), those whose families have genealogical connections to the area, and others who may reside in neighboring ahupua'a but can demonstrate that their families have customarily gathered there from generation to generation.

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<sup>28</sup> "Custom" is to be determined on a case by case basis and criteria for establishing custom was set forth in *PASH* and includes: i) "Time": Hawaiian usage established from 1892 to prior; ii) "Reasonableness: whether there is no good legal reason against it; iii) "Certain": whether the custom can be objectively defined and applied; iv) "Continuous": whether the custom is not destroyed if not exercised consistently over a period of time (*PASH*, 79 Hawai'i at 448).

### III. Ka'ūpūlehu's Rule Proposal

This section contains a link to the October 15, 2014 Ramseyer version of Ka'ūpūlehu's rules, a summary of the current proposed rules, the KMLAC's management proposal, and a summary of changes to the proposed rules.

<a href="#"><u>Ramseyer Version of the Proposed Rules</u></a>	Appendix A page 86
A. Summary of the Proposed Rules	page 12
B. KMLAC Management Proposal	page 13
C. Rule Change Summary and Tracking	page 30

## A. Summary of the Proposed Rules

- Sets forth a 10-year rest period<sup>29</sup> for Ka'ūpūlehu's reefs with the following *allowed activities*:
  - Past the 20 fathoms (120 ft) depth contour, you can use hook-and-line to catch the following:<sup>30</sup>
    - Bottom fish: 'ōpakapaka, kalekale, lehi, gindai, onaga, ehu, hāpu'upu'u, uku, nabeta
    - Invasive fish: ta'ape, roi, to'au
    - Pelagic fish: aku, ahi and tombo, a'u, ono, mahimahi
  - Past the 20 fathoms (120 ft) depth contour, you can use Kona crab nets (mesh net no more than 3ft in length) to catch Kona crabs.<sup>31</sup>
  - DLNR may issue permits to take non-native or invasive fish or invasive algae for educational, scientific, management, or propagation purposes.<sup>32</sup>
- To allow reef fish stocks to achieve the abundance necessary for a sustainable subsistence fishery, the following is *prohibited* within the Ka'ūpūlehu Marine Reserve:<sup>33</sup>
  - Possession of any marine life other than those listed above.
  - Possession or use of fishing gear, other than hook-and-line and/or Kona crab nets.
  - Deployment of fishing gear (including hook-and-line and/or Kona crab nets) from the shore to the 20 fathoms (120 ft) depth contour.
- The Department of Land and Natural Resources (DLNR) will work with the Ka'ūpūlehu community and other interested parties to develop a comprehensive fisheries management plan in the time being.<sup>34</sup>
- Other:
  - Changes the name of the existing Ka'ūpūlehu Fish Replenishment Area to the Ka'ūpūlehu Marine Reserve.<sup>35</sup>
  - Adds several definitions to the West Hawai'i Rules:<sup>36</sup> deploy, fishing gear, hook-and-line, Kona crab net, and marine reserve.
  - NOTE: The West Hawai'i Regional Fishery Management Area rule chapter currently has an umbrella provision recognizing and protecting Native Hawaiian traditional and customary rights for subsistence, cultural, and religious purposes; this provision would apply to Ka'ūpūlehu's proposal as well.<sup>37</sup>

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<sup>29</sup> See page 8 of the proposed rules: Section 13-60.4-5(f).

<sup>30</sup> See page 6 of the proposed rules: Section 13-60.4-5(d)(1).

<sup>31</sup> See page 6 of the proposed rules: Section 13-60.4-5(d)(1).

<sup>32</sup> See page 8 of the proposed rules: Section 13-60.4-5(e).

<sup>33</sup> See page 8 of the proposed rules: Section 13-60.4-5(d)(2)-(4).

<sup>34</sup> See page 8 of the proposed rules: Section 13-60.4-5(f).

<sup>35</sup> See page 1 of the proposed rules: Section 13-60.4-2(b)(1).

<sup>36</sup> See page 5-6 of the proposed rules: Section 13-60.4-3.

<sup>37</sup> Hawaii Administrative Rules §13-60.4-1(b).

## B. KMLAC Management Proposal

This section contains details on the most recent management and rule proposal that the KMLAC submitted to the Department of Land and Natural Resources (DLNR), Division of Aquatic Resources (DAR). From the KMLAC's original proposal, DAR drafted the Ramseyer version, which was revised by both the Attorney General and the KMLAC. The Ramseyer version can be accessed in Appendix A of this administrative record.

KMLAC Proposal	page 14
Recommendation for Rules and Regulations	page 18
References	page 24
Exhibit A – Supporting Legislation	page 26
Exhibit B – KMLAC Organizational Information	page 28

## **Proposal to the Department of Land and Natural Resources, Division of Aquatic Resources, for establishment of a Marine Managed Area within the Ka‘ūpūlehu Fish Replenishment Area (FRA)**

### **Vision:**

Ka‘ūpūlehu and Kūki‘o, ancestral home to some and lands cherished by all, will be a place where the sea is cared for, productive, and welcoming.

### **Purpose:**

- **To replenish marine life to its former abundance and restore productive fishing grounds for sustainable managed take.**
- **The Ka‘ūpūlehu Marine Life Advisory Committee (KMLAC) requests establishment of a 10-year kapu within the existing Ka‘ūpūlehu FRA.**
- **This is done in accordance with the mandate of Act 306 (Exhibit A).**

### **Background and Description:**

The fishing grounds of Ka‘ūpūlehu have been traditionally cared for by several generations of local Hawaiian families (Maly and Rosendahl, 1997). The area was renowned as the home of abundant near shore fish species such as ‘ama‘ama, ‘ū‘ū, moi, pualu, akule and manini. Off-shore, ‘ōpelu was harvested from three ko‘a (managed fishing grounds) and was a vital resource to the people. In addition, there was an abundance of kūpe‘e (nerite shell), ‘a‘ama (rock crab), ‘opihi (limpet), and especially he‘e (octopus). Limu pahe‘e (*Porphyra sp.* seaweed) was gathered during the early spring months following a season of large swell activity. The northern area of Ka‘ūpūlehu was prized for its abundance of pa‘akai (sea salt) for preserving food. Descendants of the Hawaiian families who cared for this place for generations are still leaders in marine stewardship through the Ka‘ūpūlehu Marine Life Advisory Committee (KMLAC) and educational programs and activities at the Ka‘ūpūlehu Interpretive Center at Kalaemanō.

The KMLAC formed to involve community members in efforts to oversee and effectively manage marine and anchialine pond resources within Ka‘ūpūlehu ahupua‘a and Uluweuweu Bay. Current active members include Native Hawaiian families, representatives of Kamehameha Schools, Kona Hawaiian Civic Club, Office of Hawaiian Affairs (OHA), fee owners and lessees of Ka‘ūpūlehu ahupua‘a, natural resource managers, educators, scientists, and agency officials (Exhibit B).

The KMLAC has a history of ecosystem stewardship and a demonstrated commitment to ensuring subsistence fishing can be practiced. Notable milestones include:

- 1995: Agreement that marine habitat has cultural as well as biological value. For example, kūpe‘e (Polished Nerite) nests, limu (marine algae) beds, and moi (Threadfin) ko‘a were identified and protected.
- 1996-2010: Free educational brochures distributed at public shoreline accesses to

- encourage responsible behavior; fishponds and anchialine pools restored; and marine habitats monitored.
- 1998-2000: Worked to designate the Ka‘ūpūlehu FRA to protect the reef from commercial aquarium fishing.

The success of the KMLAC is based on its strong foundation in the Ka‘ūpūlehu community where Committee members are well-respected practitioners, managers, and caretakers.

### **Justification:**

#### **Basis for requesting a marine managed area within Ka‘ūpūlehu FRA.**

Today, Ka‘ūpūlehu’s historic abundance of marine life is at risk. There is increased pressure on marine resources due to coastal access, modern technology, and economic factors that encourage individual exploitation for short-term financial gain and drive an unsustainable harvest of the very ocean life that allowed human habitation of this land to exist from ancient times. Recently, boat fishers have used illegal nets to surround entire fish schools at traditional ko‘a, and commercial shore fishers have used legal fishing gear to fill coolers with fish and ‘opihi for sale elsewhere in Hawai‘i. Chronic catch of large numbers of fish and ‘opihi of all sizes—observed by staff working in the area, community members, and ocean-goers—highlight the need to do something now to address these unsustainable practices and ensure that families are able to gather responsibly today and in the future.

A baseline biological survey conducted in 1992 (Stender) concluded the following:

“A desirable way of protecting Kahuwai Bay would be the establishment of the area as a Marine Life Conservation District (complete protection of all natural features) or Shoreline Fishery Management Area (periodic restriction of consumptive activities).” (Stender, 1992).

Neither recommendation was adopted at that time. A follow-up survey in 1998 (Stender) indicated a declining trend, on average, in coral abundance and fish abundance and diversity in Kahuwai Bay as follows:

1. 31% decline in live coral coverage
2. 41% decline in fish abundance
3. 26% decline in fish diversity

In light of these proven declines, the KMLAC successfully petitioned for the creation of the Ka‘ūpūlehu Fish Replenishment Area (FRA) to protect reef fish from commercial aquarium fishing. Established in 2000, Ka‘ūpūlehu FRA is one of nine FRAs in West Hawai‘i where tropical fish collecting is prohibited. The KMLAC was instrumental in informing the community and demonstrating leadership throughout the FRA designation process. The current protections have been successful in replenishing some fish species targeted almost exclusively

by collectors, such as lau ‘ipala (Yellow Tang) (Tissot *et al.* 2004), however, species targeted as food fish such as pāku‘iku‘i (*Acanthurus achilles*) and mā‘i‘i‘i (*Acanthurus nigrofuscus*) have declined 81% and 53% respectively in West Hawai‘i since 2000, despite their protection from commercial aquarium collection (DAR Legislative Report, 2010).

Scientific monitoring conducted by The Nature Conservancy (TNC) in September 2009, at the request of the KMLAC, utilizing widely adopted methods to enable comparisons with other areas throughout the State (Friedlander, *et al.* 2007), quantified coral reef fish abundance in Ka‘ūpūlehu ahupua‘a (Figure 1). These findings are consistent with reports of residents, natural resource managers, and fishermen who have observed reef fish population declines despite current marine protections. Surveyed fish abundance at Ka‘ūpūlehu falls below the West Hawai‘i average for both protected *and* open areas.

Figure 1

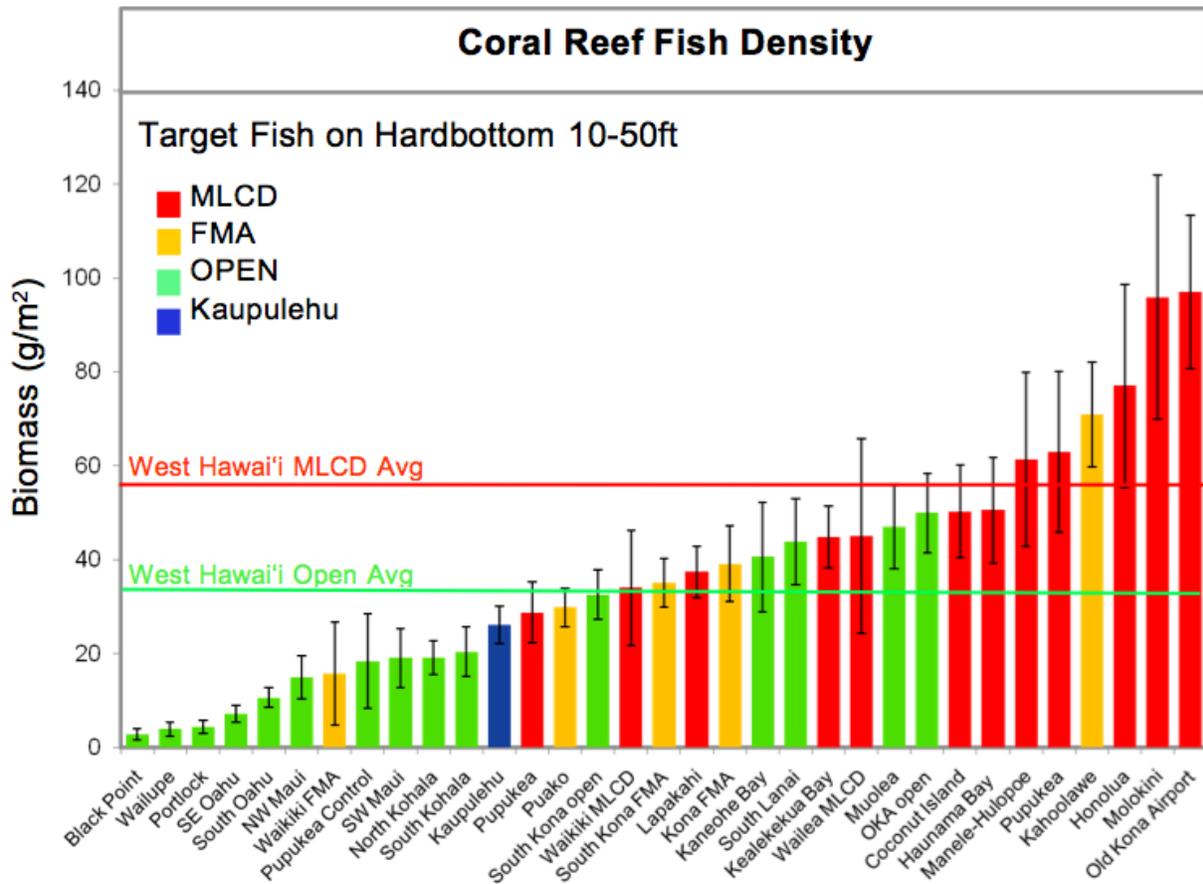


Figure 1: Target fish abundance at 33 sites in Hawai‘i obtained using identical monitoring methods. Only fish species with strong commercial or subsistence value are considered in this analysis. Red bars indicate areas with the strongest marine protections, yellow bars are areas with some degree of protection, and green bars are open areas. Ka‘ūpūlehu ahupua‘a is represented by the blue bar, and surveyed fish abundance falls below the West Hawai‘i average for open areas. Target fish species are desired for consumption and commercial purposes.

In more than 80 sites around the world, strong protection has proven to be the most effective way to increase marine life abundance and diversity, reduce coral disease, and maintain live coral cover despite additional environmental threats such as disease, eutrophication (elevated nutrients), and climate change (Raymundo, et al. 2009; Selig and Bruno, 2010).

A sincere desire to take action to address existing threats and reverse this cycle of degradation prompted members of the Ka‘ūpūlehu community to request designation of a marine managed area within the existing Ka‘ūpūlehu FRA coincident with a kapu where fish, invertebrates, and limu are protected for a 10-year period (Figure 2).

During these ten years, as protected marine life is replenished, the KMLAC will lead the process of developing a comprehensive management plan to guide subsistence fishing. The management plan will be supported by biological data gathered biannually within the marine managed area cultural research, volunteer activities, and the input of fishers and ocean-goers. The comprehensive Subsistence Fishing Plan for Ka‘ūpūlehu will be submitted to State Division of Aquatic Resources (DAR) and enacted prior to the expiration of reserve status. The goal of the marine managed area designation and the Subsistence Fishing Plan is to conserve the marine resources of Ka‘ūpūlehu in perpetuity while ensuring sustainable subsistence use and soundly managed take.

The clear intention of the 10-year kapu prior to the implementation of the Subsistence Fishing Plan is to provide a refuge to replenish and enhance existing stocks before they reach a level from which they cannot naturally recover. An additional benefit anticipated, based on the experiences of other communities across the Pacific (Russ and Alcala, 2006), is improved fishing in adjacent areas (more, larger fish caught in less time) resulting from the protection of Ka‘ūpūlehu.

## RECOMMENDATIONS FOR RULES AND REGULATIONS

Amendments to Ch. 13-60.4 Ka‘ūpūlehu Fish Replenishment Area

Insert the following wording into 13-60.4-1: Definitions

“Marine Reserve” shall mean an area where **any and all** extraction of reef-related marine life, either alive or dead, or any portion of the reef structure, including coral, rocks, plants, algae, sand, shells or any feature of the natural reef, shall be prohibited.

\*\*\*\*\*

Insert the following wording in 13-60.4-15.1

- A. The entire area encompassing the Ka‘ūpūlehu Fish Replenishment Area shall also become a Marine Reserve for a period for 10 years following the effective date of this rule. No take of any reef-related marine organisms, whether alive or dead, nor extraction of any and all reef structures will be allowed, with the following exceptions:
1. Fishing by trolling in the waters of the Ka‘ūpūlehu Fish Replenishment Area in depths of 20 fathoms (120 feet) or more, shall be permitted.
  2. The catching of the following listed bottom fish shall also be permitted by hook and line, in depths of 20 fathoms (120 feet) or more, under the condition that all additional state and federal regulations regarding these species take precedence: ‘Ōpakapaka (*Pristipomoides filamentosus*); Kalekale (*Pristipomoides sieboldii*), Lehi (*Aphareus rutilans*); Gindai (*Pristipomides zonatus*); Onaga (*Etelis coruscans*); Ehu (*Etelis carbunculus*); Hāpu‘upu‘u (*Epinephalus quernus*), Uku (*Aprion virescens*); Ta‘ape (*Lutjanus kasmira*); Roi (*Cephalopholis argus*), To‘au (*Lutjanus fulvus*).
  3. The catching of the following species is permitted in depths of 20 fathoms (120 feet) or more under the condition that all additional state and federal regulations regarding these species take precedence: Kona crab (*Ranina ranina*) and Nabeta (*Iniistius pavo*);

The extraction of **non-native** invasive species of fish and invasive algae may be permitted by other means upon approval of the local Division of Aquatic Resource Marine Biologist in conjunction with the Ka‘ūpūlehu Marine Life Advisory Committee (see C below).

- B. Native Hawaiian cultural, subsistence, and religious practices consistent with applicable law and the long-term conservation and protection of the resources of the Ka‘ūpūlehu Fish Replenishment Area are recognized. Such practices may be authorized by the

Department through a special activity permit upon a demonstration of ancestral connection to the area. Such permit requests shall be evaluated to ensure ancestral connection, no measurable negative impact to marine life, historic resources or educational opportunities, as well as consistency with the traditional practices of the area encompassed by the Ka'ūpūlehu Fish Replenishment Area.

- a. NOTE: DAR did not implement this cultural permitting piece to the community's ramseyer rules.

C. The Ka'ūpūlehu Marine Life Advisory Committee (KMLAC), a body convened through the court as settlement to Kona Hawaiian Civic Club, et al. v. Hualālai Development Co., et al., Civil No. 96-00571 (HG), shall be advisory to and work closely with the Division of Aquatic Resources.

1. The KMLAC, under the court order, is required to form a Cultural Resource Sub-Committee consisting of 4 voting members representing Kamehameha Schools, Office of Hawaiian Affairs, Kona Hawaiian Civic Club, and Hualālai Development Co. to assist in the development of a marine life management plan and related matters. Further, the KMLAC and the Sub-Committee shall solicit nā kūpuna authorities to serve on and participate in the KMLAC and the Sub-Committee. Nā kūpuna must have a genealogical relationship to Ka'ūpūlehu, and possess direct knowledge of the Ka'ūpūlehu ahupua'a. In addition, the KMLAC and the Sub-Committee shall have the authority to solicit outside professionals or experts to assist it in decision making where necessary.
2. As detailed by court order, the KMLAC and its Cultural Resource Sub-Committee are required to work on a consensus basis, provided that the nā kūpuna representatives shall have authority to resolve disagreements amongst the members of the KMLAC and the Sub-Committee.
3. The State of Hawai'i is in no way responsible for direct compensation to any person or organization participating in the KMLAC or its Cultural Resources Sub-Committee nor will the State have any responsibility or obligation to fund their operations.

D. During the period of time that the Ka'ūpūlehu Fish Replenishment Area is under Marine Reserve status, the KMLAC and its Cultural Resource Sub-Committee shall work with all aspects of the community to establish a comprehensive fisheries management plan based on traditional values and practices as well as utilizing the best data presently available to modern science.

E. All suggestions and proposals put forth to DAR by the KMLAC and its Cultural

Resources Sub-Committee will be confined to issues relating to the marine and state-owned shoreline areas contained within the present Ka‘ūpūlehu Fisheries Management Area as defined.

- F. Upon the approval by the State and implementation of the comprehensive fisheries management plan, the Marine Reserve status shall be repealed.

**Area Description:**

The proposed Ka‘ūpūlehu Marine Managed Area is located within the existing Ka‘ūpūlehu Fish Replenishment Area, bounded on land by the northern boundary of the Ka‘ūpūlehu ahupua‘a (Kalaemanō) and extending South to Kīkaia Point – a shoreline distance of 3.6 miles. This coastal distance represents 2.4% of West Hawai‘i’s 147.2 mile coastline. The proposed managed area shall extend from the high-water mark on shore to a depth of 100 fathoms (600 ft.). No take of native reef-dwelling or associated marine animals or plants is permitted. Limited take of specific non-reef dwelling and introduced or invasive fish species is permitted in waters deeper than 20 fathoms.

**Figure 2. Map of the Proposed Ka‘ūpūlehu Marine Managed Area**

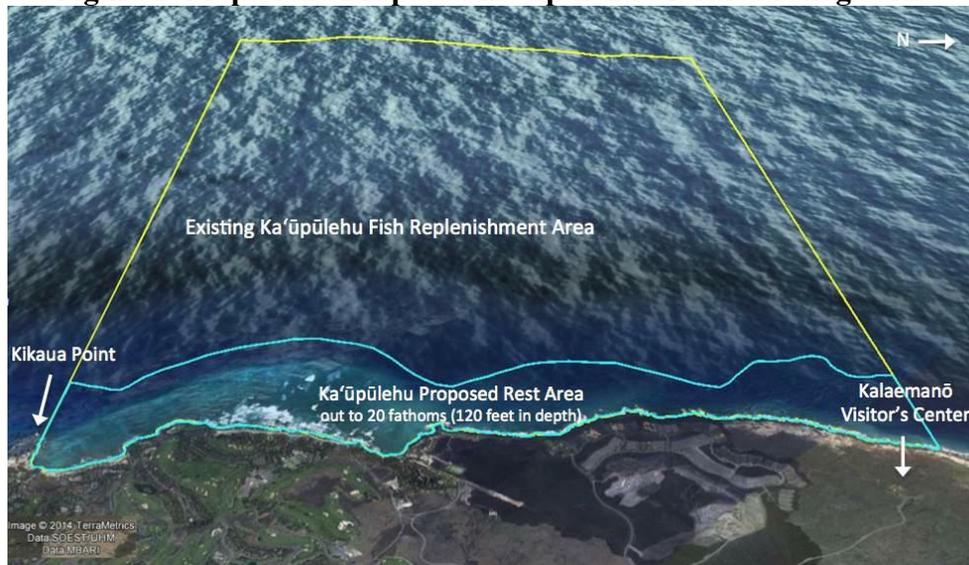


Figure 2: The proposed Ka‘ūpūlehu Marine Managed Area is located within the existing Ka‘ūpūlehu Fish Replenishment Area (FRA), indicated by the yellow boundary line. The area outlined in blue and labeled “Ka‘ūpūlehu Proposed Rest Area” demonstrates the only area proposed for no take of all native marine species.

Land North	Land South	Sea North	Sea South
19° 51.011’ N	19° 49.209’ N	19° 53.617’ N	19° 51.724’ N
155° 58.111’ W	156° 0.132’ W	156° 0.994’ W	156° 3.947’ W

**Anticipated Benefits:**

Several benefits will accrue from establishment of a marine managed area to protect critical habitat and breeding areas from overfishing:

- More, bigger fish that reproduce more and move to areas outside the reserve
- Greater number and diversity of species of fish and other marine life within the reserve
- A protected reproductive population of marine life to safeguard against environmental uncertainty

A rest period will allow the core spawning stock of fishes and invertebrates to survive and produce offspring, which will recruit (settle and grow) to and enrich adjacent unprotected areas. Fishes, as they grow, increase their reproductive rate exponentially, therefore, older fish provide more – and healthier – larvae with potential to recruit to nearby reefs outside the protected area (Russ *et al*, 2004). It is widely recognized that larvae travel along the coastline and replenish adjacent areas (Randall, 1998). Since many species of fish can live for decades, the longer an area is protected, the greater the benefit within and adjacent to a protected area through spillover.

Numerous fish species observed in the 1992 baseline survey (Stender, 1992) were not seen in the 2009 survey, including the endemic humpback nohu (*Sabastapistes coniota*), nohu *Scorpaenopsis cacopsis*, psychedelic wrasse (*Anampses chrysocephalus*), and native ‘o‘ili (*Pervagor aspricaudus*). It is expected that the number of species observed in Ka‘ūpūlehu ahupua‘a will increase during the proposed rest period.

Providing a protected area ensures larval supply under environmental uncertainty. Fishing regulations, sensible under average conditions, may fail under extreme conditions. Maintaining areas with natural population age structure can protect the recruitment supply from recruitment failures (NMFS-SEFC-261, 1990).

### **Additional Results:**

The KMLAC understands that there may be some unintended effects of marine management. One concern for our neighbors to the north and south is that these coral reefs will experience some increased fishing pressure. This is a real concern as increased fishing pressure could lead to short-term declines in coral reef fish abundance in the areas neighboring Ka‘ūpūlehu. While we are confident that reserve establishment will ultimately benefit our neighbors through spillover of large fish and larval transport, just as it has elsewhere in the Pacific (Russ and Alcala, 2006), these benefits will take time to accrue.

To help prevent overharvesting in areas to the north and south, the KMLAC would like to invite community members from these ahupua‘a to participate in Makai Watch trainings, which is a State supported initiative to train community members in identifying and reporting illegal activity as well as volunteer monitoring and educational activities. Some of the depletion experienced in Ka‘ūpūlehu has been a result of violations of existing fishing regulations. These trainings can assist communities in reducing the frequency and severity of illegal fishing activity.

The KMLAC also invites representatives from these communities to participate in the development of a long-term management plan for Ka‘ūpūlehu with the understanding that the knowledge recorded and obtained will be of benefit to them should they decide to pursue a similar process.

Finally, if neighboring communities are supportive, coral reef monitoring (described in the next section) will be conducted in their areas of concern to document any changes in fish abundance or diversity after establishment of the proposed Ka‘ūpūlehu Marine Managed Area and to address community questions and concerns regarding the status of coral reef fish populations in their areas.

Another consequence of reserve establishment is a likely increase in non-extractive recreational activities such as snorkeling within the reserve. We have much to learn from other areas of our state that must manage large numbers of underwater enthusiasts to prevent ‘loving the reef to death,’ however, studies in Hawai‘i indicate that even large numbers of snorkelers have little impact on coral health at Hawaiian Marine Protected Areas (Meyer and Holland, 2009), likely because most fragile corals occur below the maximum depth of recreational snorkeling. The KMLAC hopes to further reduce this minimal impact through beachgoer education and coral reef information made available to all ocean goers, visitors and residents alike.

### **Monitoring:**

The KMLAC supports rigorous scientific monitoring to be performed prior to establishment of the marine managed area with consistent monitoring throughout the period of full protection to document the effect of this closure on reef fish and invertebrate life.

As requested by the KMLAC, The Nature Conservancy (TNC) has conducted an initial biological baseline (focused on coral and fish) of the proposed protected area (Figure 1). Also, the State Division of Aquatic Resources thoroughly surveyed the area in October 2009 to build upon ten years of surveys conducted off Kalaemanō. These baselines will serve as a starting point for recovery analyses of most coral reef fish species.

Periodic assessment is necessary for evaluating marine managed area efficacy and developing long-term management strategies. The KMLAC requests coral reef fish monitoring by Hawai‘i’s Division of Aquatic Resources and/or TNC at least twice per year and assessment and evaluation of monitoring data every five years, and will seek resources for more frequent surveys. The results of these evaluations can be shared throughout the Ka‘ūpūlehu community and with others in Hawai‘i who are interested in marine management.

The KMLAC recognizes that some species of near-shore schooling fish are difficult to assess using scientific diving protocols and will augment surveys with shoreline assessments conducted using visual techniques and mana‘o from long time fishers with knowledge of fishing ko‘a, fish behavior, and movements along the reef of Ka‘ūpūlehu, and how seasons, moon phase, tide, waves, and wind affect this behavior. Shoreline assessments conducted with support from ancestral families of the Ka‘ūpūlehu ahupua‘a will improve the understanding of the effects of the marine managed area. This information should be collected before the knowledge is lost, so a concerted effort will be made to record and archive it for future use. Results of these assessments will be statistically analyzed and submitted to the West

Hawai‘i Fishery Council alongside data derived from scientific monitoring surveys, as well as preserved by the KMLAC and the families of the Ka‘ūpūlehu ahupua‘a.

Coincident with scientific monitoring, community members will participate in a volunteer monitoring program to observe the benefits of increased protection in order to better share those benefits with others in the community and throughout Hawai‘i. Volunteers will help to collect data about intertidal plants and animals, coral reef fish, and human use to better understand the status of their marine resources and contribute to the process of managing those resources. Activities are already underway to train volunteers to monitor intertidal plants and animals.

### **Promotion of Public Understanding and Acceptance:**

The KMLAC is committed to education and outreach to ensure that the broader user community understands the goals and justifications for marine managed area establishment, specifically, that the proposed Ka‘ūpūlehu Marine Managed Area is a first step on a path toward a robust subsistence fishery. The tradition of Hawaiian fishery management practices is an inherently understandable concept that will be readily accepted in a suite of management strategies. Kapu areas were a vital component of traditional strategies.

The Ka‘ūpūlehu Interpretive Center at Kalaemanō is a perfect venue for enriching educational presentations, workshops, and events to support understanding of and compliance with Ka‘ūpūlehu Marine Managed Area regulations, as well as communicating the results of management actions in the area.

### **Enforcement:**

KMLAC and community volunteers (Makai Watch) will work with Hawai‘i’s Department of Land and Natural Resources (DLNR) to develop a reporting network to facilitate compliance and enforcement efforts through training to observe, document, and report illegal activity appropriately.

Compliance and enforcement will be simplified with the support and constant vigilance of ocean-goers and community members. Volunteers will be trained in education and outreach in addition to identifying and reporting illegal activity to DLNR to encourage compliance with all marine regulations.

We anticipate maintaining a strong working relationship between DLNR and the KMLAC that enhances the abilities of both parties to achieve their goals and increases education, awareness, and voluntary compliance.

The KMLAC will develop print materials to explain the fishing rules of the marine managed area and Makai Watch volunteers will be available to answer questions and share information about Ka‘ūpūlehu and fish replenishment with visitors.

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## **Exhibit A**

### **Supporting Legislation**

The Hawai‘i State Constitution, Article XI, Sec. 1, Conservation and Development of Resources, charges the State and its political subdivisions to conserve and protect Hawai‘i’s natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State.

**Act 306** (1998), which establishes the West Hawai‘i Regional Fishery Management Area expressly mandates that a minimum of 30% of the West Hawai‘i coastline be designated as Fish Replenishment Areas (FRA) in which aquarium fish collection is prohibited. Implementation of this statute has begun with the designation of nine FRAs, one of which is the Ka‘ūpūlehu ahupua‘a, establishment of new moorings in West Hawai‘i, and gill net regulations. Act 306 also mandates that a portion of the FRAs be designated “fish reserves.”

**H.R.S. Sec. 188F-4. West Hawai‘i regional fishery management area plan.** The Department shall develop a West Hawai‘i regional fishery management area plan that identifies and designates appropriate areas of the management area as follows:

- (1) Designates a minimum of thirty per cent of coastal waters in the West Hawai‘i regional fishery management area as fish replenishment areas in which aquarium fish collection is prohibited;
- (2) Establishes a day-use mooring buoy system along the coastline of the West Hawai‘i regional fishery management area and designates some high-use areas where no anchoring is allowed;
- (3) **Establishes a portion of the fish replenishment areas as fish reserves where no fishing of reef-dwelling fish is allowed;** and
- (4) Designates areas where the use of gill nets as set nets shall be prohibited.  
[L 1998, c 306, pt of §2]

Based on **H.R.S. Sec. 188-53. Fishing reserves, refuges, and public fishing areas:**

The Department of Land and Natural Resources may establish, maintain, manage and operate freshwater or marine fishing reserves, refuges, and public fishing areas in areas under its control as it may deem desirable and may enter into agreements for the taking of control of privately owned waters, lands or fisheries for such purposes.

Based on **H.R.S. Sec. 188-22.6.** (1996 H.R.S. Supplement) **Designation of community based subsistence fishing area:**

- (A) The Department of Land and Natural Resources may designate community based subsistence fishing areas and carry out fishery management strategies for such areas through administrative rules adopted pursuant to Chapter 91, for the purpose of reaffirming and protecting fishing practices customarily and traditionally exercised for purposes of native Hawaiian subsistence, culture, and religion.

(B) Proposals may be submitted to the Department of Land and Natural Resources for the department's consideration. The proposal shall include (*see Exhibit B*):

- (1) The name of the organization or group submitting the proposal
- (2) The charter of the organization or group
- (3) A list of the members of the organization or group
- (4) A description of the location and boundaries of the marine waters and submerged lands proposed for designation
- (5) Justification for the proposed designation, including the extent to which the proposed activities in the fishing area may interfere with the use of the marine waters for navigation, fishing, and public recreation; and
- (6) A management plan containing a description of the specific activities to be conducted in the fishing area, evaluation and monitoring processes, methods of funding and enforcement, and other information necessary to advance the proposal.

Proposals shall meet community based subsistence needs and judicious fishery conservation and management practices.

(A) For the purposes of this section:

- (1) "Native Hawaiian" means any descendant of the races inhabiting the Hawaiian islands prior to 1778: and
- (2) "Subsistence" means the customary and traditional native Hawaiian uses of renewable ocean resources for direct personal or family consumption or sharing.

**[L 1994, c 271, S 1]**

**Exhibit B**  
**KMLAC Organizational Information**

**Mission Statement of Ka‘ūpūlehu Marine Life Advisory Committee:**

Founded upon the legacy of our forbearers who were self-reliant in our homeland, we seek to perpetuate the science, art, and cultural practice of fisheries management through adaptive planning and educational programs that inspire cultural practitioners, shoreline fishers, kama‘āina and malihini residents, visitors, and students of all ages to respect and care for the shoreline fisheries of the Ka‘ūpūlehu ahupua‘a to ensure healthy and productive habitats today and for generations to come.

**Vision:**

**Ka‘ūpūlehu and Kūki‘o, ancestral home to some and lands cherished by all, will be a place where the sea is cared for, productive, and welcoming.**

**Goals and objectives:**

1. Achieve a healthy native near-shore fishery ecosystem
2. Restore populations of essential native food species
3. Enhance collaboration among cultural practitioners, scientists, homeowners, and the general public to support the adaptive management of the Ka‘ūpūlehu FRA.
4. Remain compliant with existing State and Federal regulations.

**Successful Outcomes:**

1. Increased diversity and abundance of native species
2. Increased biomass and size of native species
3. Increased engagement and participation in volunteer activities, community events, and responsible practices.

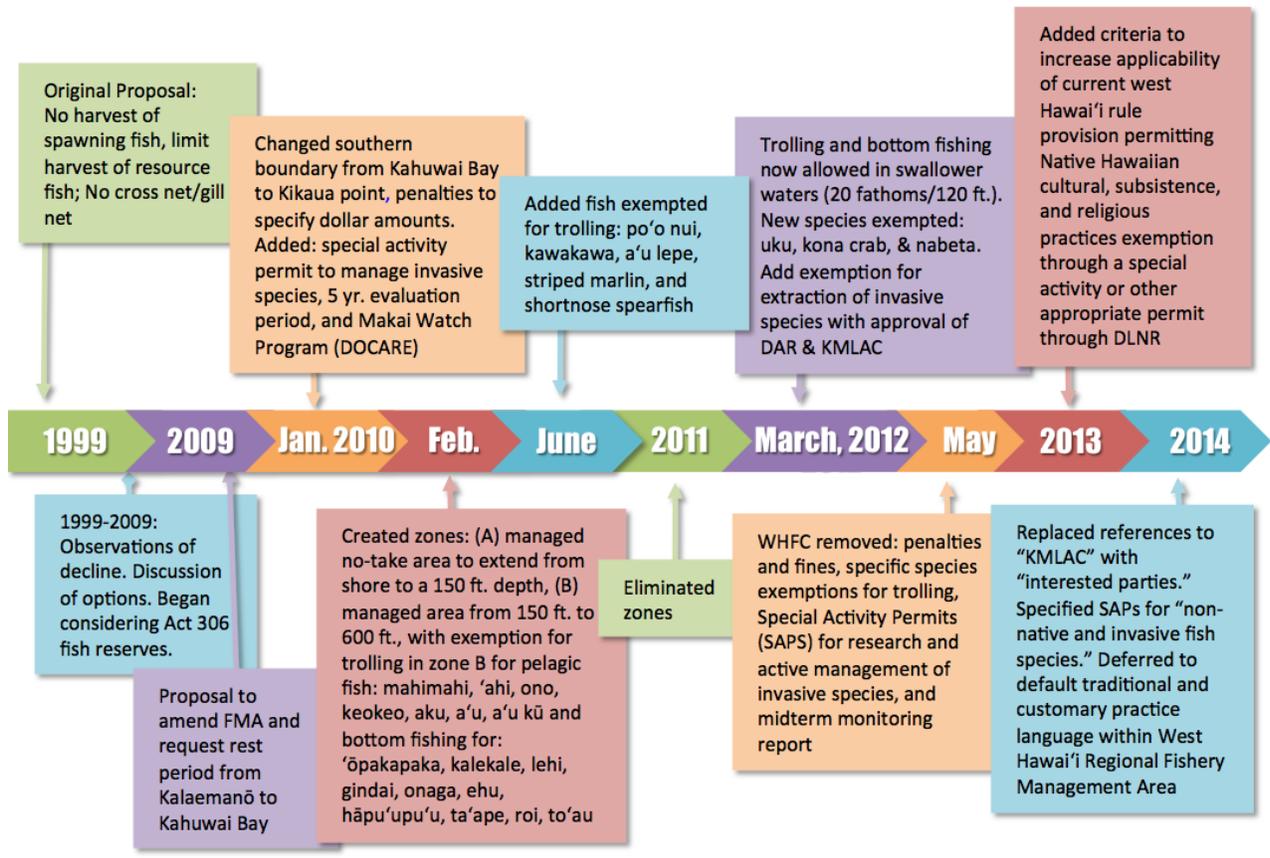
**Currently Active KMLAC Members:**

	<b><i>Organization/Affiliation</i></b>	<b><i>Stakeholder/Interest</i></b>	<b><i>Representatives</i></b>
1	Kamehameha Schools (KS) 567 South King Street, Ste. 200 Honolulu, HI 96813	Landowner – Ka‘ūpūlehu	Jeff Mau
2	Hualālai Resort Hualālai Investments, LLC P.O. Box 2544 Kailua-Kona, HI 96745	KS Lessee – Ka‘ūpūlehu Lot 4B Developer/Operator – Hualālai Resort/Kona Village Resort	David Chai Jay Uyeda
3	Kona Hawaiian Civic Club P. O. Box 5684 Kailua-Kona, HI 96745	Native Hawaiian Community	Cynthia Nazara
4	Office of Hawaiian Affairs 75-5706 Hanama Pl., Ste.	Native Hawaiian Community	Wayne Tanaka and Sterling Wong

<b><i>Nā Kūpuna Council</i></b>			
5	Hannah Kihalani Springer 72-3403 Mamalahoa Hwy Kailua-Kona, HI 96740	Cultural/Ancestral	<i>Self</i>
6	Leina'ala Keakealani Lightner P. O. Box 684 Kailua-Kona, HI 96745	Cultural/Ancestral	<i>Self</i>
7	Cindi Punihaole 73-4310 Hawaii Belt Road Kailua-Kona, HI 96740	Cultural/Ancestral	<i>Self</i>
8	Reggie Lee	Cultural	<i>Self</i>
<b><i>Non-Official Members</i></b>			
9	Ku'ulei Keakealani	Cultural/Ancestral	<i>Self</i>
10	Kekaulike Tomich	Ancestral/Fisherman	<i>Self</i>
11	Bart Wilcox	Ancestral/Fisherman	<i>Self</i>
12	Christine Bean	Community Member	<i>Self</i>
13	Kuki'o Community Association	Community Association Manager	Paola Pagan
14	Ka'ūpūlehu Developments 1100 Alakea St., Ste. 2900 Honolulu, HI 96813	KS Lessee – Ka'ūpūlehu Lot 4C	Vern Yamanaka
15	The Nature Conservancy P.O. Box 6600 Kamuela, HI 96743	Marine science/education	Chad Wiggins Kristen Maize Evelyn Wight Eric Conklin
16	DLNR/DOCARE	State Enforcement	Lino Kamakau Jackie Kaluau Joseph Hing
17	DLNR/DAR	State Department of Aquatic Resources	John Kahiapo
18	Mike Nakachi	Community Resource – commercial user/operator/fisherman	<i>Self</i>

### C. Rule Changes Summary and Tracking at Key Stages 1999-2014

Following more than thirty planning meetings to incorporate community, stakeholder, and DLNR input, the KMLAC submitted a draft proposal to the WHFC in November 2011. The table below provides a brief summary and justification of the most significant changes<sup>38</sup> and concessions made by the KMLAC and WHFC while developing the final proposal submitted to DLNR.



Date	Changes and Concessions Made
1999 Proposal	Original KMLAC marine management goals and rule provisions including prohibitions on harvest of spawning species, limited harvest of 19 resource fish and invertebrate species, use of non-traditional chum at 'ōpelu ko'a, no cross net/gill net from Kikaua Point to Mahewalu Point at depths of from shore to a range of depths (60, 110, and 240 feet). This original management proposal also included a monitoring plan, penalties and fines, an enforcement network, training, and periodic rule evaluation.

<sup>38</sup> Does not include non-regulatory changes (e.g. monitoring programs, baseline data, anticipated outcomes).

**WHY?** Settlement Agreement required development and implementation of sustainable Fishery Management Plan for Ka'ūpūlehu and Kūki'o. Initial planning focused on voluntary compliance with posted signs and brochures distributed by security at public access locations.

**1999-2009**

Over the 10 years from 1999-2009, KMLAC members observed, both through personal experience and through reviewing monitoring reports, that food fish were continuing to decline at Ka'ūpūlehu and water quality was not being degraded. The group discussed what could be done and began learning about and considering Act 306 fish reserves in early 2009.

**Draft September  
2009**

First proposal to amend the existing Ka'ūpūlehu Fishery Management Area (FMA) rule by requesting a rest period for all fishing from Kaleamanō to Mahewalu Point in order to replenish depleted fish populations. Long term or permanent closure was out of the question and would not accommodate sustainable fishing in the future. Began discussing temporary closure and appropriate length of a rest period to allow recovery. The proposal prohibited fishing, possession of fishing gear, and possession of marine organisms. Coral reef monitoring to be conducted by DLNR/Division of Aquatic Resources and The Nature Conservancy with enforcement by DLNR/Division of Conservation and Resource Enforcement.

**WHY?** Vehicular access at Kalaemanō prompted concern over resource depletion. Voluntary guidelines at Kūki'o and Kahuwai were insufficient and ineffective at preventing negative fishing impacts. Local observation of decline and regular continued impact was validated by research. Due to negative impacts to existing fish populations, replenishment of fish was necessary to allow for sustainable harvest. To ensure sustainable fishing, compromise was made to rest the area while a fishery management plan was developed in order to maintain and manage resources made more abundant by the opportunity for replenishment.

- Change southern boundary from Mahewalu to Kīkaia
- Add special activity permit for active management of invasive marine species
- Amend penalties to specify dollar amounts recommended by DOCARE
- Add five year evaluation period
- Add DOCARE support through Makai Watch program
- Ongoing discussion on length of temporary closure, or rest period.

**Draft January 2010**

**WHY?** Former commercial fisherman encouraged incorporating reef area south of Kona Village Resort to ahupua'a boundary to include octopus grounds and be consistent with traditional management unit. Concern over possible invasive species impacts to be addressed through controlled fishing during the rest period. Under advice from DOCARE, penalties for violations of Ka'ūpūlehu FMA fishing rules with per species fines were chosen and participation in the Makai Watch program included to promote effective deterrence and enforcement. Under advice from DAR, based on West Hawai'i Regional Fishery Management Area (WHRFMA) data, five-year evaluation period determined to be long enough for some effect to be measured and short enough to inform development of sustainable fishery plan, which is likely to take 2-3 years to be adopted into law.

**Draft February 2010**

- Create Zone A – Managed No-Take Area to extend from high water mark on shore to a depth no less than 150 ft.
- Create Zone B – Managed Area to extend from 150 ft. to 600 ft.

- Exception for trolling for specific pelagic fish allowed within Zone B: mahimahi, ‘ahi, ono, keokeo, aku, a’u, a’u kū
- Exception for bottom fishing for take only for following species within Zone B: ‘ōpakapaka, kalekale, lehi, gindai, onaga, ehu, hāpu’upu’u, ta’ape, roi, to’au
- Ongoing discussion on length of temporary closure, or rest period.

**WHY?** Consultation with active Kona fishermen and experience of DLNR staff familiar with Miloli’i public hearing indicated likely conflict with pelagic and bottom fishing community based on 100 fathom seaward boundary of existing Ka’ūpūlehu Fishery Management Area. Fishermen provided a list of species caught while trolling and DLNR staff provided a list of deep 7 bottomfish species on list with the exception of mako shark were included as exempted species in waters deeper than 150 feet due to the likely ineffectiveness of the proposed area to benefit pelagic and non-coral associated species. Invasive species were added to promote their removal during the replenishment period.

- Add fish to exemption for trolling: po’o nui, kawakawa, a’u lepe, striped marlin, and shortnose spearfish
- Decision to request a 10-year rest period, with a five year evaluation, and development of a sustainable fishery management plan to be implemented following the rest period.

#### **Draft June 2010**

**WHY?** Additional consultation with active fishermen revealed species of pelagic and mesopelagic fish not included in initial list. All recommended additional fish were included due to the likely ineffectiveness of the proposed area to benefit pelagic and non-coral associated species, except ‘ōpelu, ulua, mū, and uku which were identified as resource species of concern for Ka’ūpūlehu. A 10-year period was agreed upon as a compromise between what science suggested (30 years) and what members of the group, DLNR, fishermen, and nā kūpuna felt was reasonable and acceptable, to allow for sustainable fishing in the future.

- Eliminate zones but maintain all trolling, bottom fishing, and species exemptions with proposed rest area based on depths shallower and deeper than 150 feet.

#### **Draft August 2011**

**WHY?** DLNR staff recommendation in conjunction with statewide push to eliminate zones from protected areas in order to simplify rules. Indicated that sufficient near shore data existed to use depths as enforceable boundaries within a single area.

- The trolling and bottom fishing area shifted from waters deeper than 150 ft. to waters deeper than 20 fathoms (120 ft.)
- Add species to exemption: uku (*for bottom fishing*), kona crab, and nabeta
- Add an exception for the extraction of non-native invasive species of fish and invasive algae with the approval of a local DAR marine biologist in conjunction with the KMLAC

#### **Draft March 2012**

**WHY?** Representatives of fishing alliance suggested 20 fathoms as a more understandable trolling depth. Fishermen consultation specific to depth confirmed that 20 fathoms was preferable to 150 feet at Ka’ūpūlehu due to clear differences in water color while trolling. Independent fishers requested adding uku to the list due to occasionally hooking this species unintentionally while slow trolling. Although the proposed moratorium might have benefitted populations in and adjacent to Ka’ūpūlehu, Kona crab and nabeta added to exempted species to avoid conflict with commercial fishers due to these species utilizing

sandy habitat rather than coral reefs and being difficult to evaluate independent of fishery landings.

- The West Hawai'i Fishery Council removed the following: Penalties and Fines, Specific species exemptions for trolling, Special Activity Permits for research and active management of invasive marine species (note: the prior added exception for extraction of non-native invasive species of fish and invasive algae with approval was not removed), Midterm (5 year) coral reef monitoring report to KMLAC and Legislature, and a blanket exemption for trolling replaced trolling exemption for specified species.

#### **Draft May 2012**

**WHY?** Consultation with DLNR staff and preliminary sharing with staff at the Attorney General's office identified penalty and permit provisions as problematic to approval of rule language consistent with existing west Hawai'i administrative rules. The KMLAC was advised to create language specific to a cultural exemption provision that could be administered by DLNR to improve the specificity of the existing WHRFMA. Invasive species management was perceived by DLNR staff to conflict with studies of the efficacy of research into the effect of establishing protection on coral reef fish species. In the absence of funding, DLNR staff were reticent to commit to evaluation and reporting. Catch of other species while trolling deeper than 20 fathoms was considered unlikely by WHFC fishermen. The KMLAC was advised to accept these change requests in order to maintain progress with the rule request.

- Add criteria in support of Native Hawaiian cultural, subsistence, and religious practices exemption through a special activity or other appropriate permit through DLNR

#### **Draft April 2013**

**WHY?** Existing WHRFMA language is sufficiently vague to prohibit cultural practice or permit use that is inconsistent with bona fide cultural practice. By developing place-based language consistent with use of Special Use Permits (SUP) in 'Āhihi-Kina'u Natural Area Reserve, the KMLAC hoped to assist DLNR by developing a functional process to utilize the existing Special Activity Permit (SAP) to provide for continued cultural practice within a Fishery Management Area. This language is not currently included in the draft Ramseyer rules, but the KMLAC respectfully requests it be included in the final version submitted to the Board of Land and Natural Resources.

#### **Ramseyer Draft October 2014**

- Removes references to KMLAC in the definitions and SAP provisions; replaces KMLAC in SAP provision with interested parties
- Removes akule and 'opelu from the exempted species list
- Specifies that SAPs are for "non-native or invasive" fish species
- Changes effective date from 10-years to an actual date, 10-years after the adoption of the rule
- Removes cultural permit language and cultural protection language as the West Hawai'i rules already has encompassing umbrella language

**WHY?** The Attorney General's assessment is that it is more appropriate to describe the Ka'ūpūlehu community and stakeholders more broadly in the rules rather than naming a specific non-governmental entity like KMLAC. Specifying non-native or invasive fish species potentially allows the management authority of the community and DAR to be broader during the rest period. Akule and 'ōpelu were not a species that the community agreed with exempting and a species that trolling fishermen did not request to be exempt. The

‘Āhihi-Kina‘u (SUP) cultural permitting regime is a DOFAW process, thus its language could not be readily implemented for a DAR regulation. In addition, the Attorney General’s determination is that umbrella provisions in the existing West Hawai‘i FRA rules already include acknowledgement of traditional and customary practices. Also, the State is obligated by pre-existing State constitutional, statutory, and case law to provide a process to allow the exercise of legitimate traditional and customary rights.

## IV. Justifications for Ka'ūpūlehu's Proposal

### A. Cultural Basis<sup>39</sup>

*The absence of our ancestors' signatures upon the land speaks as clearly as the presence of their signatures upon the land. – Hannah Kihalani Springer<sup>40</sup>*

As a recap, Section I provided a background of the lands of Ka'ūpūlehu, the efforts of the KMLAC, and provided a snapshot of the drastic decline of Ka'ūpūlehu's marine resources. Section II.A set forth the legal foundation and protections for Native Hawaiian traditions and customs. This section provides a detailed look at the foundations of Hawaiian customs and traditions and the values that relate to the community's work to return abundance to Ka'ūpūlehu. In Ancient Hawai'i, gathering practices came hand-in-hand with one's kuleana (responsibility) to mālama (care for) the resources from ma uka to ma kai (see Section II.B). Gathering and resource management practices were guided by intricate values systems. It is these value systems, which are specific to 'ohana, community, and place that guide gathering and resource management practices today.

#### i. Hawaiian World View

Early Native Hawaiians constructed their world within a sacred context. This sacred world was well ordered and efficient, and recognized the need to impose control over human interactions with the environment to ensure the most efficient use of the available resources. It was created in a manner that addressed the need to impose some control over their environment to ensure the most efficient use of the available resources to survive. The Hawaiian way of thinking unites the sacred with the organized ideal.

The Hawaiian worldview traces back to the Kumulipo, the creation story, which emanates Hawaiians connection with the land, natural resources, and the elements of nature that surrounds them.<sup>41</sup> Inherent in this world view is that the 'āina (land) and its resources are not a commodity and that the land or water could not be owned or traded.<sup>42</sup> The concept of private land ownership did not exist traditionally.<sup>43</sup>

Hawaiians believe that the islands were born from Papa, earth mother, and Wākea, sky father.<sup>44</sup> After birthing the islands, Papa and Wākea birthed a daughter Ho'ohōkūkālani, and

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<sup>39</sup> Mahalo to our kūpuna and ancestors who have paved the way and to Malia Akutagawa, Professor of Law at the William S. Richardson School of Law; Kalani Quiocho, Marine Fellow at The Nature Conservancy; and Shae Kamaka'ala, Marine Legal Fellow at The Nature Conservancy, for contributing to this section of Ka'ūpūlehu's Administrative Record.

<sup>40</sup> Personal communication with Hannah Springer (Oct. 22, 2014).

<sup>41</sup> VAN DYKE at 24.

<sup>42</sup> JOHN M. VAN DYKE, WHO OWNS THE CROWN LANDS OF HAWAI'I? 11 (2008)

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

later Wākea and his daughter birthed Hāloa-naka, a stillborn child who was buried at the site of his birth, giving life to the kalo (taro) plant.<sup>45</sup> In honor of his elder brother, Wākea and Ho‘ohōkūkalani’s second child was named Hāloa, who became the first ali‘i nui and the ancestor of the Hawaiian people.<sup>46</sup> The story of the Kumulipo is the foundation of the Hawaiians belief system as they deeply care for the land as their elder sibling.<sup>47</sup> When nurtured and respected, the land will provide sustenance and security, grounding the idea of a familial and reciprocal relationship between man and the resources.<sup>48</sup>

The lineal descent of the early Native Hawaiians has remained unbroken. Today, native descendants claim ancestry not only with the ‘aumakua (spiritual embodiment in natural forms), but also with the ‘uhane or spirits of the land and resources where they live. Native Hawaiians continue to acknowledge their relationship with ancestral lands and waters by maintaining respectful practices, including the recognition of kapu. Within this traditional and cultural context, any decrease of a resource justifies the observation of a kapu or restriction on its use until it recovers.

## *ii. ‘Āina: A Deeply Interwoven Relationship Between Land and its People*

In the Hawaiian worldview, there is a notable difference between the terms moku and ‘āina. The term moku is just used to refer to land without people, whereas when the land is cared for to become food bearing and productive, land becomes ‘āina, a deeply interwoven relationship between land and its people. This lōkahi, or unified relationship of land and people creates pono (balance) on the land, which is further manifested in ‘āina momona (abundance).

## *iii. Kapu System Established as Customary Law in Ancient Hawai‘i*

The Hawaiian kapu system, with rules and penalties, was an elaborate set of customary laws governing relationships with the natural environment and sacred property. It established customary law in ancient Hawai‘i in recognition of one’s kuleana to mālama and care for your elder brother (the land). The term kapu refers to both the sacred property in a thing and to the law or prohibition that guards it. Traditionally, kapus were used to regulate fishing and gathering by season and during reproductive periods; kapu on planting times and methods; in social rites and religious ceremony. Much of the kapu reflect a respect for the sacred while at the same time addressing a practical purpose—to secure the availability of natural resources for present and future generations.

Examples of kapu within the mālama kai context indicate practices of the konohiki. This includes practices when a konohiki would place a kapu by species and/or area to allow for replenishment and to respect spawning periods. There were also kapu of certain sensitive

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<sup>45</sup> LILIKALĀ KAME‘ELEIHIWA, NATIVE LAND AND FOREIGN DESIRES: PEHEA LĀ E PONO AI? 24 (1992).

<sup>46</sup> *Id.*

<sup>47</sup> Van Dyke at 12.

<sup>48</sup> Kame‘eleihiwa at 25.

areas such as fish nurseries and feeding grounds. The hoā'āina also played a vital role in mālama practices as they practiced self-monitoring, self-restraint, fishing within one's own ahupua'a, catching only what you need for the day, maintaining fishing ko'a, providing palu to feed fish etc. There were also understood gathering techniques for limu, where one would pluck the limu above the holdfast or roots.

#### *iv. Ka'ūpūlehu Practices of Mālama*

Kama'āina informant:

*It was instilled in me that Kalaemanō was “The house of the niuhi” (great white [man-eating] shark), and that it was a sacred place... Also, when we would go kā mākoi (pole fish) along the coast line, we never fished in front of the area that was called Kalaemanō. The house of the niuhi was so sacred, that we respected it and never fished there. – Papa Valentine K. Ako (Uncle Val)<sup>49</sup>*

To learn about traditional and customary practices at Ka'ūpūlehu and the relationship of kama'āina to the land and sea, read [Ka'ūpūlehu Kama'āina Informant Testimony](#) (Appendix H, page 78).

#### *v. Why a 10-Year Rest Period*

Since “not taking” from Kalaemanō was done by the kūpuna of this area, the testimony from this kama'āina informant demonstrates that resting the area is not a new practice. In addition, the decline in marine resources the hoā'āina families of Ka'ūpūlehu are noticing is unprecedented. The ancient kūpuna would not have allowed the fishery to decline this far. Preventative measures would have been in place with regular kapu so that replenishment was assured. The same kūpuna values are being employed here by the Ka'ūpūlehu families living today to mālama the resources. The kapu period proposed is longer than what the kūpuna of ancient times set, but the depletion seen today is unprecedented and was not witnessed by the kūpuna of old. Thus, a longer kapu is needed.

Because values are dependent on the context or setting, they tend to vary from place to place, and in some instances, family to family.<sup>50</sup> This exemplifies why community-based rule proposals from different communities across pae 'āina are specific to each community and why the “one size fits all” management strategy is not effective in Hawai'i. Ka'ūpūlehu's rule proposal has been carefully designed by the people of that place, based on circumstances and needs specific to that place, and is grounded in Hawaiian values and tradition.

It is also important to note that traditional observation methods will continue during the moratorium and if the resources are renewed and have rebounded, traditional adaptive

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<sup>49</sup> Notes of Kuulei Keakealani, (Oct. 2009) (on file with author).

<sup>50</sup> GEORGE HU'EU SANFORD KANAHELE, KŪ KANAKA STAND TALL: A SEARCH FOR HAWAIIAN VALUES 13-14 (1986).

management decisions may be made and the length of the moratorium may be revisited through the channels by which State law allows.

## B. Scientific Basis<sup>51</sup>

The proposal to rest Ka'ūpūlehu's reefs for ten years has been shaped by kūpuna and kama'āina observations, traditional ecological knowledge, and biological science. Personal observations of resource decline prompted the Ka'ūpūlehu community to invite scientists and researchers to further document the degradation of Ka'ūpūlehu's reefs and fishery. Independent research projects from the University of Hawai'i (UH) at Hilo and Mānoa and The Nature Conservancy (TNC) recorded impacts to the fishery consistent with the declines the kūpuna and kama'āina have observed.<sup>52</sup> As Section IV.A provided a more culturally based justification, this section provides an additional scientific justification for the rest period based on biological science.

Prior efforts by KMLAC showed that current gear restrictions, closed seasons, and minimum size limits have not been adequate management tools to prevent declines in food fish at Ka'ūpūlehu. Scientific studies and analysis of coral reefs globally have led coral reef researchers and managers to agree that the most effective way to increase both the size and abundance of fisheries species is to eliminate fishing pressure. They also agree that the benefits of limiting fishing pressure continue accruing over ten, twenty, thirty, and even forty years.<sup>53</sup>

KMLAC examined existing managed areas in Hawai'i, such as the Waikīkī Fisheries Management Area (FMA),<sup>54</sup> and confirmed that early suggestions to rest Ka'ūpūlehu's reef for one to two years were unlikely to bring back the abundance and biomass of marine resources sufficient to sustainably harvest. Data on the Waikīkī FMA—which is a rotational closure (open every other year)—shows that a short-term periodic closure does not prevent decline. But permanent restrictions on fishing were out of the question for the Ka'ūpūlehu community members who rely upon fish for sustenance, health, culture, and livelihood. So, the KMLAC combed scientific literature for successful examples of reef recovery and what they found were many examples from around the world demonstrating that the longer you can rest areas from fishing, the more reef fish will recover naturally.

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<sup>51</sup> Mahalo to The Nature Conservancy staff, Chad Wiggins, Eric Conklin, Evelyn Wight, and Kristen Maize for contributing to this section of Ka'ūpūlehu's Administrative Record.

<sup>52</sup> Minton, D., E. Conklin, K. Pollock, R. Amimoto, Z. Caldwell, R. Most, C. Wiggins. 2014. Baseline Surveys of Marine Resources Ka'ūpūlehu, Hawai'i. The Nature Conservancy.

<sup>53</sup> Russ, G.R. and A.C. Alcala. 2004. Marine reserves: long-term protection is required for full recovery of predatory fish populations. *Oecologia*. 138: 622-627.

<sup>54</sup> Williams, I.D., W.J. Walsh, A. Miyasaka, A.M. Friedlander. Effects of rotational closure on coral reef fishes in Waikīkī-Diamond Head Fishery Management Area, Oahu, Hawai'i. 2006.. *Marine Ecology Progress Series*.310: 139-149.

Where this has been done in Hawai'i, there are more fish, both inside and outside of the reserve. For example, a recent study from Pūpūkea, Ko'olauloa, O'ahu, shows us that not only are there far more fish inside the reserve, many fish travel beyond the protected area to benefit fishermen as well.<sup>55</sup> On Apo Island in the Philippines, a community worked with scientists and the local government to close a portion of their coastline to fishing. As a result, fishermen and the rest of the community are better off after protecting their place than they were before. Although this reef is still growing more fish forty years after it was protected, benefits to both fish and the fishermen were documented by year ten.<sup>56</sup>

KMLAC also searched for life history information for Hawai'i's most important fishes. Some surgeonfish, like manini and maiko, are important food fish for the people of Ka'ūpūlehu, and science shows that they live longer and often take longer to recover than other reef fish, such as parrotfish.<sup>57</sup> While not a food fish, the surgeonfish lau'ipala (*zebrasoma flavescens*) or yellow tang, has been protected since late 1999, but depleted populations did not begin to recover for four years and took seven years to reach peak recovery.<sup>58</sup> Data further suggests that yellow tang reproducing within the Fish Replenishment Areas (FRAs) may be supplying juvenile fish to the entire West Hawai'i coastline.<sup>59</sup> Like yellow tang, many of the fish we eat don't reach peak reproduction until they are 5-8 years old.<sup>60</sup> There needs to be enough time for at least one generation of fish at Ka'ūpūlehu to truly replenish the reef without interruption in order to build a foundation for sustainable harvest.

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<sup>55</sup> Stamoulis, K.A., Friedlander, A.M. A seascape approach to investigating fish spillover across a marine protected area boundary in Hawai'i. *Fisheries Research*. 144(2013): 2-14.

<sup>56</sup> Raymundo, L.J., White, A.T. 2004. 50 Years of Scientific Contributions of the Apo Island Experience: A Review. *Silliman Journal*. 45(2): 32-58.

<sup>57</sup> McClanahan, T.R. and Humphries, A.T. 2012. Differential and slow life-history responses of fishes to coral reef closures. *Marine Ecology Progress Series*. 469: 121-131.; Birkeland, C. and P.K. Dayton. 2005. The importance in fishery management of leaving the big ones. *TRENDS in Ecology and Evolution*. 20(7): 356-358; Longnecker, K. 2008. Life history compendium of exploited Hawaiian Fishes. Report prepared for Fisheries Local Action Strategy through Hawai'i Biological Survey, Bishop Museum; Eble, J. 2009. Kala, *Naso unicornis*. Fisheries LAS Report.

<sup>58</sup> DAR Kona. 2012 Report to Hawai'i State Legislature.

<sup>59</sup> Williams, I.D., W.J. Walsh, J.T. Claisse, B.N. Tissot, K.A. Stamoulis. 2009. Impacts of a Hawaiian marine protected area network on the abundance and fishery sustainability of the yellow tang, *Zebrasoma flavescens*. *Biological Conservation*. 142: 1066-1073.

<sup>60</sup> Longnecker, K. 2008. Life history compendium of exploited Hawaiian Fishes. Report prepared for Fisheries Local Action Strategy through Hawai'i Biological Survey, Bishop Museum.; Eble, J. 2009. Kala, *Naso unicornis*. Fisheries LAS Report.; Birkeland, C. and P.K. Dayton. 2005. The importance in fishery management of leaving the big ones. *TRENDS in Ecology and Evolution*. 20(7): 356-358.

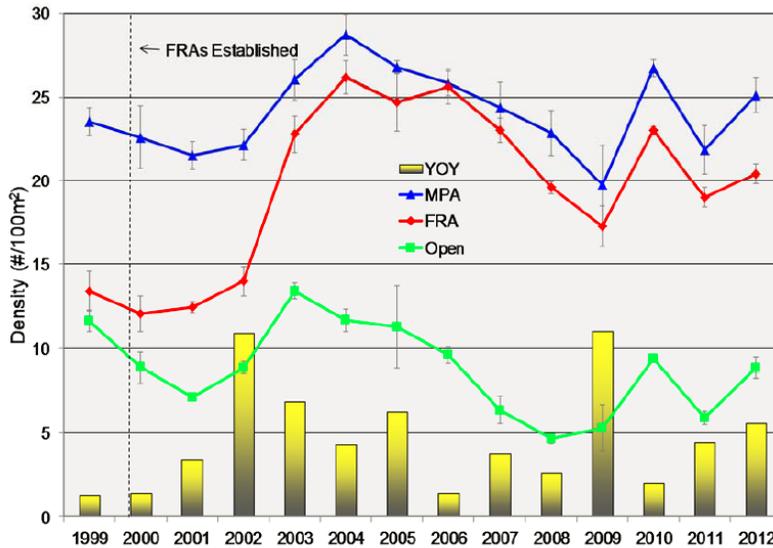


Figure 30. Overall changes in Yellow Tang abundance (Mean  $\pm$  SE) in FRAs, MPAs and Open areas, 1999-2012. Yellow bars indicate mean density (May - Nov) Yellow Tang Young-of-Year (YOY). YOY are not included in trend line data

Graph from DAR Legislative Report 2012

In addition to reviewing previous research to identify the most appropriate management strategy for our place, the KMLAC worked with UH and TNC to document the current status of marine resources both inside and outside of their proposed rest area, and establish a baseline against which the effects of the rest period can be measured.<sup>61</sup> This information will guide our eventual subsistence fishing management plan. Highlights of this research include:

- A comprehensive survey of 148 sites along the Ka'ūpūlehu coastline between 2009 and 2011 that enabled the KMLAC to compare Ka'ūpūlehu to other managed areas in Kona and across the State. Results from these surveys showed that the Ka'ūpūlehu FRA has a smaller amount of food fish than other FRAs, and many fewer than in fully protected areas.
- The most comprehensive survey in the state, including 428 sites along the Ka'ūpūlehu-Kīholo coastline in 2012 and 2013, showed that there is currently no difference between the amount of fish and their diversity within the proposed rest area and outside its boundaries. This information serves as a baseline against which we can measure change after the rest area is put in place.
- Surveys of 'opihi populations at Kalaemanō and Ka'ūpūlehu in March and April 2014 showed that the current minimum size regulations to harvest sub tidal 'opihi (kō'ele) are inadequate to ensure their continued reproduction.
- A comprehensive parentage and larval dispersal study, in which DNA samples were taken from 1,285 juvenile and adult manini in 2014 will help the KMLAC understand

<sup>61</sup> Conklin, E. and D. Minton. Preliminary Results of Marine Surveys at Ka'ūpūlehu, Hawai'i. The Nature Conservancy (In progress)

connectivity and the contribution of Ka'ūpūlehu to fish replenishment along the northwest Hawai'i coast (results pending).

- 245 creel surveys completed in 2013 and 2014 to measure the current level of fishing and catch per unit effort (CPUE) within and adjacent to the proposed rest area at Ka'ūpūlehu, established a baseline that will allow us to understand how the rest area affects changes in fishing pressure and CPUE in adjacent areas.

## **RESEARCH THAT INFORMED OUR PROPOSAL (BY REGION AND TOPIC)**

### **Ka'ūpūlehu-specific research**

Minton, D., E. Conklin, A. Friedlander, R. Most, K. Pollock, K. Stamoulis, and C. Wiggins. 2015. Establishing baseline condition of the marine resources: results of the 2012 and 2013 Ka'ūpūlehu, Hawai'i Marine surveys. The Nature Conservancy.

DAR Kona. 2012. Report to Hawai'i State Legislature.

Minton, D., E. Conklin, K. Pollock, R. Amimoto, Z. Caldwell, R. Most, and C. Wiggins. 2014. Baseline Surveys of the Marine Resources of Ka'ūpūlehu, Hawai'i. The Nature Conservancy.

Stender, G.K., S. Farrish, L. Frame, Y. Stender, and R. Swisher. 1992. Baseline Survey of Ka'ūpūlehu Bay, Hawaii. Unpublished report by the University of Hawai'i Marine Program.

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**ROTATIONAL CLOSURE**

Russ, G.R. and A. C. Alcala. 2003. Marine reserves: rates and patterns of recovery and decline of predatory fish, 1983-2000. *Ecological Applications*. 13(6): 1553-1565.

Cinner, J., M. J. Marnane, T.R. McClanahan, and G.R. Almany. 2005. Periodic closures as adaptive coral reef management in the Indo-Pacific. *Ecology and Society* 11: 31.

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## V. Public Participation and Comments

The KMLAC and Ka'ūpūlehu community's rule proposal was developed over a seventeen-year period with diverse and regular input from many people, including fishermen, cultural practitioners, community members, state natural resource managers, and others. KMLAC and community members conducted extensive outreach to directly engage West Hawai'i residents and other interested stakeholders on the draft proposal and solicit their feedback. They also were diligent in their efforts to work in cooperation with DLNR and the West Hawai'i Fishery Council (WHFC).

Over the course of developing this proposal many compromises have been made to reduce user conflict, as outlined in Section IV.C, pp. 30. Changes to Ka'ūpūlehu's rules were informed by stakeholders in over 80 meetings and gatherings over the course of three years. Once it was complete, the proposal was shared by our community at four WHFC and KMLAC publicly noticed informational meetings in Ka'ūpūlehu, Waimea, Kailua-Kona, and Kealahou that reached more than 250 people. The WHFC also considered the proposal at 18 different public meetings in 2011-2012, making edits and adjustments with community input before passing the proposal on to DLNR with a recommendation to begin the Chapter 91 rulemaking process in August 2012.

We continue to share our proposal at community meetings in North Kohala and South Kona, with representatives of the Aha Moku council at their monthly meetings, with kama'āina families, with new members of KMLAC, and during community events. Over the past two years, the proposal has also been shared with more than 250 Ka'ūpūlehu fishermen during creel surveys. This was done to ensure that the local fishing community is well informed of what is being proposed and why it is needed.

October 24, 2014 BLNR Meeting: Written Public Testimony	Appendix B, page 88
A. KMLAC Public Outreach Efforts – Table and Graphic	page 45
B. WHFC and KMLAC Four Public Meetings and Comments	page 47
C. Timeline of Meetings, Events, and Pertinent Direct Outreach	page 51
D. List of Individuals Who Were Directly Engaged on the Proposal	page 77

## A. KMLAC Public Outreach Efforts – Table and Graphic

The table below provides a summary of the various types of public outreach from 2009-2016. Members of the KMLAC and ‘ohana from the Ka‘ūpūlehu area are committed to continuing efforts to raise meaningful public awareness about the proposed Ka‘ūpūlehu 10-year rest period and subsistence fishing plan. These outreach efforts include efforts to develop a rule package that is inclusive of diverse and regular input from varying stakeholders, communities, and professionals experienced in community based coastal management.

<b>Ka‘ūpūlehu Public Outreach Efforts (as of February 2016)</b>		
<b>Type of Outreach</b>	<b>Number of Meetings, Exchanges, Outreach Efforts</b>	<b>Number of Individuals</b>
KMLAC Member Meetings (above meetings with DLNR participation)	46 (36)	16 KMLAC members + guests N/A
KMLAC Public Outreach Efforts <sup>62</sup>	42	984
Publicly Noticed Meetings for Proposal	4	270
Focus Meetings with DLNR Chairperson	3	21
Creel Surveys with fishermen	245	250 <sup>63</sup>
WHFC Meetings	21	16 WHFC members at each meeting and total 120 public attendees
Exchange and Learning Opportunities	6	400
News Articles Published	11	13,700 <sup>64</sup> WHT subscribers 13,000 <sup>65</sup> HFN subscribers
Brochures Passed Out	15 venues	3,000
<b>TOTALS</b>	<b>356</b>	<b>31,143<sup>66</sup></b>

<sup>62</sup> The sub-category “KMLAC Public Outreach Efforts” encompasses outreach at community events, informational sessions with various Kona resort staff, presentations for university classes and at conferences, public information sessions, canoe regattas, and informational sessions at other organizations’ meetings.

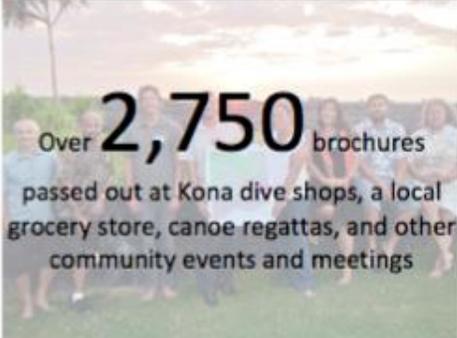
<sup>63</sup> Estimated number of people reached via creel (pakini) surveys accounts for some surveys that included the presence of more than one fisherman and fishermen who may have participated in more than one survey over the period of time the surveys were conducted.

<sup>64</sup> Subscribers were verified by West Hawai‘i Today (WHT) staff and are based on average of subscribers in 2010, when one of the WHT articles was published.

<sup>65</sup> Subscribers were verified by Hawai‘i Fishing News (HFN) staff and are based on current estimates.

<sup>66</sup> This total estimated number of individuals reached does not take into account the possible overlap of individuals.

# KA'ŪPŪLEHU'S OUTREACH EFFORT



## B. WHFC and KMLAC Four Public Meetings and Comments

### WHFC AND KMLAC FOUR PUBLIC MEETINGS AND COMMENTS

The KMLAC worked with the WHFC to share this rule proposal at four public meetings throughout West Hawai'i, which were publically announced in the local newspaper, *West Hawai'i Today*. Attendees were briefed on the format of the meeting as they arrived and encouraged to fill out comment cards for the public record. KMLAC members and partners shared information at five booths presenting information on who represents the KMLAC, why action is needed to replenish fish at Ka'ūpūlehu, what is being proposed, how people can get involved, information on the West Hawai'i Fishery Council, and educational handouts from DLNR. Volunteers assisted attendees in filling out comment cards as needed. Comments were transcribed and presented at the WHFC. A summary of comments received at these public information sessions follows.

May 10, 2012	Ka'ūpūlehu Public Comments	page 48
June 20, 2012	Waimea Public Comments	page 48
July 24, 2012	Kailua-Kona Public Comments	page 50
August 9, 2012	Kealakekua Public Comments	page 50

WRITTEN COMMENTS FROM FOUR PUBLIC INFORMATION SESSIONS  
CO-HOSTED BY WHFC AND KMLAC

*Note: Names are omitted because commenters were not told their personal information would be shared and therefore did not give their permission. For a list of meeting participants who signed in during these meetings, see Section VI.D for a List of Individuals Who Were Directly Engaged on the Proposal on page 69.*

**Thursday, May 10 - 6:30-8:30 pm at Ka'ūpūlehu Interpretive Center at Kalaemanō**

Approximately 75-100 attendees – there was a lot of coming and going.

- 8 comments were supportive or neutral (providing communication suggestions)
- 3 comments were in opposition to the KMLAC rule request/10 year rest period
- 2 comments asked about resort staff fishing, now and during 10 year rest period

“Move the process forward ASAP. The time is right.”

“Perhaps a short presentation to go with the individuals talking would be good.”

“Resort employees throwing net early in the morning. What’s da haps?”

“Seen workers on golf carts with uniforms riding on path, stop to throw net at fish school early in the morning – look like worker of resort?”

“Very good presentation – people at displays were knowledgeable and willing to explain the project.”

“This informational event had a really nice show of people and everyone was really nice and friendly. People knew their work and who they represent very well. ☺”

“10 years too long.”

“Total ban is too extreme (but you already know I would say that)!”

“Good start. But without education on why the resource is important to the individual people will wipe out everything. Sometimes that’s not enough. Need licenses and enforcement to hold the more stubborn people accountable for their actions. In California you can lose everything for breaking the rules. They have way more shoreline to enforce. Need a system to maintain the results of MPA efforts.”

“I think this is a really good start but you guys might want to make a plan for the hard-headed people. Good Job!”

“I think the 10 year closure is too long. Everything else is okay. Native Hawaiians are being “steam rolled”/intimidated by the Nature Conservancy!! So unfortunate to take advantage of the local community who are born here and will die here!!!”

“Great informational event! We fully support the creating of the KML Marine Reserve.”

“I fully support the 10 year no take zone, all the research and efforts that have led to this action is very much appreciated. Thank you.”

**Wednesday, June 20 - 6:30-8:30 pm at Kanu O Ka `Āina New Century Charter School in Waimea**

Approximately 86 attendees counted but everyone didn’t sign in – estimated more than 100 total

- 13 comments were positive or neutral
- 4 comments opposed the 10-year rest period
- 5 comments were questions or made other suggestions about management, but didn’t state an opinion about the KMLAC rule request/10-year rest period

“Firstly, thank you for holding the session. I am not that knowledgeable about the preservation projects that are continuing on today, this session has shed some light. I agree with the movement to preserve that area for 10 years; however, it seems that there are too much fighting about the situation. In all fairness both sides have valid points. But it’s how we as a community can come together to make a difference. Working together is the only way to ensure this movement, in general, will succeed. Mahalo.”

“I believe this effort to protect our natural resources is sometimes vital to understanding our ability to restore coastal habitats. It is obvious that development and overfishing are detrimental. Steps towards restoration are absolutely necessary.”

“This was a good attempt at community outreach. The general comments in the room from local folks = “Who is in charge

of this? Why can't we voice our mana'o?" There appears to be frustration. I came here hoping to receive an overview of "the proposal." The newspaper article was misleading. It was hard for me to receive an "overview because of the way the venue was set up with different booths."

"It would be good to at least try it and see what results. It is such a small area for one generation of fish to replenish. Have to try something so we all have fish!"

"Stop all reef fish sold in the store in Hawaii and other places."

1<sup>st</sup>: I am for certain measures this ban presents, except that our fisheries have been devastated as much by improper stewardship of resources as it has been by the development of more resort areas. Poisons released, destruction of habitat is as much to blame as overfishing. We should be banning all coastal development! 2<sup>nd</sup>: With all the regulations we currently have that have not and cannot be enforced because of lack of personnel and funds, how will this ban be enforced during the 10 years and how will regulations be enforced after reopening? I understand that this is necessary, and this type of kapu is an old part of Hawaiian culture. I think that educated public is more important than banning. I think that uneducated locals and immigrants, even those that are unwilling to abide by the rules is where this should start. Where will this end? Is this just a foot in the door for your organization to ban our entire coastline?"

"This is just the start and we should expand it to other areas."

"I support this movement. With nature at risk it is only correct to allow action to take place. It's good to see local Hawaiian interaction involved with this movement and support from scientists. Pro-active is better than no-active."

"I think this fishing closure is a great idea. This could be used as an example for future sites."

"Speakers were very informative and professional but there is no discussions of other options and why this untested option should prevail over any others."

"Enjoyed different organizations' perspectives. Came to educate myself to have informed knowledge to share with others. I believe it's important to protect the natural resources for future generations. Through education and community outreach hopefully the community will begin to embrace sustainable practices. Thank you for organizing the event, best of luck!"

"I believe the information given to those of us here in this meeting was very informative. But what I have learned here from others, there is a bigger threat and a more dangerous one is that the state is using poison to eradicate animals (pigs) by poisoning waiwi trees. Thereby they eat the fruit and get sick. In turn, we eat the wild pig and we get sick. Now I hear they want to eradicate the uluas. Why? Because the ulua eat the fish for their food. Now comes question. Who are the state saving the fish for? THE MONK SEAL!! We cannot get meat from the mountain and we can't fish the ocean because certain areas are zoned kapu. Where are we going to get our food? You say our grandchildren would benefit. You cannot benefit from zero. Then what?"

We the undersign strongly disapprove the entire plan of Ka'ūpūlehu Marine Life Advisory Committee proposal, on the basis that it infringers on the Native Hawaiian rights of Article 12 Section 7 State Constitution and access for spiritual, traditional, customary gathering and subsistence."

"Oppose the 10 year ban on fishing and gathering."

"Very informative. Want to know what other options have been considered other than a 10-year ban?"

"Key to this program is enforcement. We would not be in this situation if present regulations were enforced."

"Presentation format is easier and preferable for reflecting opinions than a large group hearing. I was able to listen to what others wanted to say. Aunty Lei was very effective and polite and sincere to present the proposed plan to the public. I like the proposed plan."

"Great job!! Very informative. I fully support this idea."

"Glad to see something being done....long overdue!"

"Fantastico"

"I oppose the ten year ban at Ka'ūpūlehu to Kūkiō. Because what's going to is a chain reaction right down the whole coast. Who's to say where or when these closures will end."

"Can you make catching menpachi illegal, being caught with or involved nets. Also no nets or scuba at any time. Menpachi caught with hooks only. Not speard for sale either. Menpachi have seasons they are found at 150 feet part of the year and in shallow water during the season Oct-Nov-Dec. they live in caves, they don't travel much. Also stop night diving in this area where it is shallow. No scuba + dive light + spear gun. A 30' boat with 4 divers and a driver can catch 800lb of uhu in one night."

**Tuesday, July 24 - 6:30-8:30 pm at the Makaeo Pavilion at the Old Kona Airport Park**

Approximately 25 attendees counted

- 4 positive comments
- 1 comment provided other ideas for management

“Lots of great information, super format!!”

“This was very useful information. All of the booths were interesting. Something similar but at a simpler level would be great for school groups. As for the proposal to protect these designated areas for 10 years, I’m all for it.”

“Full support for all conservation efforts in the face of human population growth in Hawaii and the growing incapacity of governmental protection efforts.”

“A no take area is the next stop in conserving Hawaiian reefs. It provides an area for species to not only spawn but for juveniles to mature. It’s about time! It’s nice to see the fish where they’re abundant without eating them.” (cute drawings of fish on back)

“Recreational shoreline fishermen should be “allow” to fish at Ka’ūpūlehu. Win/win. Because:

1. Tag and release allows the guests and locals to fish
2. “pole” fishermen do not catch that much fish. Proven.
3. Slot limits and number limits can be used too!
4. Commercial fishermen are the causes today of less reef fishes.
5. Stop lay netters and [scuba] divers who fish”

**Thursday, August 9 - 6:30-8:00 pm at the meeting room at Christchurch Episcopal (near Konawaena High School in Kealakekua)**

Approximately 36 attendees counted

- 6 comments were opposed and/or suggested other management methods (such as bag limits)
- 2 comments were in support
- 3 comments were neutral or provided other feedback/thoughts

“I feel that the plan to ban fishing in the Ka’ūpūlehu Ahupua’a for a 10 year period is NOT A GOOD PLAN! My mana’o is that my kūpuna had kapu periods set up as necessary, even as ???? for specific types of fish/seafood, but the kapu period would <u>not</u> be for a 10 year period. It may be as short as one open season <u>or</u> until recovery took place (which could have been shorter). The breaking of the kapu did have severe penalties, which I am for. I am not for banning natives from any area for a 10 year period, nor a 5-year period. I might consider a season if there is one for specific things. More education is a must!”
“heard about it from Leonard”
“Imua Ka’ūpūlehu”
“Everyone is always claiming <u>they</u> have the right to fish. What about the fishes rights? We the community need to be the eyes of the reef. We need to protect and preserve in order for future generations to sustain themselves. It’s time to give back to the land and sea. Without fish no one will have the right.”
“1) Unfair to stop everything totally, Bag limits is more realistic. 2) Who and how do they decide where is the next management area - more fair on what you ask for- like can dive for consumption not sale. I think this would make things a little better between the ones who want this to happen and the ones who don’t want this to happen. Just like other places where laws are made, some will break them but most will obey them.”
“I dive and gather from this area for many years responsibly and you tell me this KMLAC group can affect a lot of people who depend on this area for gathering responsibly. Especially the older generation. Auwe!!”
“Against the ban because I feel that it is only to benefit the resorts and keep locals out.”
“We have enough laws, regulations, management policies. The biggest problem is lack of enforcement. Enough of budget cuts, lack of funding for enforcement programs. If this passes, where is enforcement coming from?”
“If kapu your area then you shouldn’t go in another ahupua’a and fish.”
“I can see setting bag limits instead of total shut down. Cannot keep the responsible fishermen out. You need to look at enforcement also very shorthanded.”
“Don’t think you can shut down any area for subsistence fishing. How did they come up with this specific area for closure? One of the few places that provide He’e for me. If you shut it down Mahaiula will get wiped out.”

### C. Timeline of Meetings and Events

The following provides a timeline of meetings and events related to public outreach efforts and initiatives in regards to Ka'ūpūlehu's proposal. This list is not intended to be a comprehensive list of every meeting conducted, but is designed to summarize specific group participation meetings and outreach conducted since 2009 when the draft proposal was first discussed with the broader community.

2009 Meetings	page 52
2010 Meetings	page 54
2011 Meetings	page 59
2012 Meetings	page 61
2013 Meetings	page 64
2014 Meetings	page 66
2015 Meetings	page 68
2016 Meetings <sup>67</sup>	page 72

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<sup>67</sup> Updated January 28, 2016

April 15, 2009

**KLMAC Meeting:** West Hawai'i Fishery Council (WHFC) representative presents information on Act 306 requirement that "some portion of existing Fish Replenishment Areas become an area where no take of reef dwelling fish is allowed." Discussion amongst KMLAC members present. Briefing on "No Take" zones being proposed for the Fishery Replenishment Area (FRA) by West Hawai'i Fishery Council to meet compliance with Act 306.

**Individuals/Groups Present:** Leina'ala Keakealani Lightner, nā kūpuna; Bart Wilcox, 'ohana/community support; Ruby McDonald, OHA; Cynthia Torres, HCC; Vern Yamanaka; Ulalia Woodside, KS; David Chai, Hulālai Development (HD); Christine Bean, Kūki'o Development (KD); and other representatives including the Kona Hawaiian Civic Club (KHCC) and West Hawai'i Fishery Council (WHFC)

May 7, 2009

**KMLAC Meeting:** WHFC member shares information on state rulemaking process and advises KMLAC on requirements and limitations thereof. KMLAC asks for more information on fish biology and management. Information exchange about the WHFC and KMLAC and exploration of management opportunities; decision to proceed with developing rule request in accordance with Act 306.

**Individuals/Groups Present:** Hannah Springer, nā kūpuna; Leina'ala Keakealani Lightner, nā kūpuna; Ku'ulei Keakealani, 'ohana/community support; David Chai, HD; Vern Yamanaka; ; Ulalia Woodside, KS; Christine Bean, KD; HCC; Tina Owens, WHFC; and Chad Wiggins, WHFC

Sept. 2, 2009

**KMLAC Meeting:** Information exchange about coral reef fish biology and reproduction and discussion of managing depleted reefs to return abundance; discussion of rotational closure v. permanent closure, size and bag limits, L50 (age of first reproduction), slot sizing, traditional fishing practice, 'ōpelu ko'a, and successful examples of fish replenishment in Hawai'i and the Pacific.

**Individuals/Groups Present:** Hannah Springer, nā kūpuna; Ku'ulei Keakealani, 'ohana/community support; David Chai, HD; Vern Yamanaka; John Chock, KS; Ulalia Woodside, KS; Jeff Mau, KS; Christine Bean, KD; Reggie Lee, former DOCARE and community supporter; Sara Peck, UH Sea Grant; Chad Wiggins, WHFC; and other representatives

Oct. 14, 2009

**KMLAC Meeting:** Review draft proposal, continue discussions, adjustments, and edits. Sharing of perspective and knowledge. Suggestions to improve proposal.

**Individuals/Groups Present:** Hannah Springer; Leina'ala Keakealani Lightner; Ku'ulei Keakealani, 'ohana/community support; David Chai, HD; Vern Yamanaka; Cynthia Nazara, KHCC; Sara Peck, UH Sea Grant; Chad Wiggins, WHFC; and other representatives including KD, KHCC, UH Sea Grant, 'ohana/community supporters

Oct. 21, 2009

**KMLAC Meeting:** Review draft proposal, continue discussions, adjustments, and edits. Sharing of perspective and knowledge. Suggestions to improve proposal. Former commercial fisherman recommends bold actions. Suggests incorporating reef in front of Four Seasons and Kūki'o to include octopus fishing grounds in replenishment area. Fishers share knowledge of former abundance and decline in that area – Sonny Tanabe tournament, construction, nighttime activity, aquarium fish protection, and wishes of lawai'a departed.

**Individuals/Groups Present:** David Chai; Leina'ala Keakealani Lightner; Hannah Springer; Ruby McDonald, OHA; Cynthia Nazara, KHCC; Ku'ulei Keakealani; Sara Peck, UH Sea Grant; Mike Nakachi, Kona fisherman; Chad Wiggins, The Nature Conservancy (TNC) - no longer representing WHFC; Christine Bean; and other representatives including, OHA, KHCC, HD, KD, UH Sea Grant, 'ohana/community supporters

Nov. 13, 2009

**KMLAC Meeting:** Review draft proposal, continue discussions, adjustments, and edits. Suggestions to improve proposal. Sharing of archival interviews and accounts of Ka'ūpūlehu fishing families about sacred areas, fishing practice for 'ōpelu, and conservation support. Sharing of KS ecosystem services research asking the question – what happens to places once they are impacted and how does that affect the people of place? TNC shares monitoring plan for reef fish and coral. DOCARE representatives provide input on enforcement.

**Individuals/Groups Present:** David Chai; Leina'ala Keakealani Lightner; Hannah Springer; Ruby McDonald, OHA; Vern Yamanaka; John Chock, KS (via telecom); Tricia Dang, KS (via telecom); Ku'ulei Keakealani; Sara Peck, UH Sea Grant; Mike Nakachi; Jackie Kaluau, DLNR/DOCARE; Lino Kamakaua, DLNR/DOCARE; Chad Wiggins, TNC; Evelyn Wight, TNC; Eric Conklin, TNC; Christine Bean; and other representatives including nā kūpuna, KS, HD, KD, OHA, UH Sea Grant, Division of Conservation and Resource Enforcement (DOCARE), 'ohana/community supporters

Dec. 15, 2009

**KMLAC Meeting:** Review draft proposal, continue discussions, adjustments, and edits. Suggestions to improve proposal and sharing of knowledge. Discussion of outreach strategy to inform Ka'upulehu tenants of proposed draft plan beginning w/ resort staff at Kona Village and Four Seasons Hualālai.

**Individuals/Groups Present:** David Chai; Ruby McDonald, OHA; Cynthia Nazara, HCC; John Chock, KS; Ku'ulei Keakealani; Sara Peck, UH Sea Grant; Chad Wiggins, TNC; Christine Bean; and other representatives including nā kūpuna; HD, KD, KHCC

## 2010

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Jan. 12, 2010

**KMLAC Meeting:** Review draft proposal, continue discussions, adjustments, and edits. Suggestions to improve proposal. Sharing of knowledge. Discussion of outreach strategy to inform Ka'upulehu tenants beginning w/ resort staff at Kona Village and Four Seasons Hualālai. Submission of draft proposal for DAR, KS, OHA, and TNC legal review. DOCARE representatives provide input on enforcement.

**Individuals/Groups Present:** David Chai; Erin Kawakami, HR; Leina'ala Keakealani Lightner; Hannah Springer; Kekaulike Tomich; Luka Mossman, Makai Watch; Vern Yamanaka; Jeff Mau, KS; John Chock, KS (via telecom); Reggie Lee; Jackie Kaluau, DLNR/DOCARE; Joseph Hing, DLNR/DOCARE; Chad Wiggins, TNC; Evelyn Wight, TNC (via telecom); Christine Bean; and other representatives including nā kūpuna, KS, HD, KD, KHCC, UH Sea Grant, DOCARE, 'ohana/community supporters, Hualālai Resort (HR)

Jan. 27, 2010

**KMLAC Meeting:** Review of draft proposal based on legal review, continue discussions, adjustments, and edits. Suggestions to improve proposal. Sharing of knowledge. Discussion of outreach strategy building out from Ka'upulehu tenants. Identification of important community members for strategic outreach and feedback. Draft of key messages behind rule proposal. DOCARE representatives provide input on enforcement.

**Individuals/Groups Present:** David Chai; Leina'ala Keakealani Lightner; Hannah Springer; Vern Yamanaka; Cole Palea (Vern's nephew); Cynthia Nazara; Ku'ulei Keakealani; Sara Peck, UH Sea Grant; Mike Nakachi; Reggie Lee; Jackie Kaluau, DLNR/DOCARE; John Kahiapo, DLNR/DAR; Chad Wiggins, TNC; Evelyn Wight, TNC (via telecom); Christine Bean; nā kūpuna, HD, KHCC UH Sea Grant, DOCARE, DAR, KD, 'ohana/community supporters

- Feb. 16, 2010 **KMLAC Meeting:** Review of draft proposal based on legal review and OHA feedback, continue discussions, adjustments, and edits. Suggestions to improve proposal. Sharing of knowledge. Further discussion of outreach strategy building out from Ka'ūpūlehu tenants. Identification of important community members for strategic outreach and engagement updates. Refine list of key messages behind rule proposal. DOCARE representatives provide input on enforcement.
- Individuals/Groups Present:** David Chai; Leina'ala Keakealani Lightner; Hannah Springer; Ruby McDonald; Vern Yamanaka; Cynthia Nazara, HCC; Ulalia Woodside, KS (via telecom); John Chock, KS (via telecom); Ku'ulei Keakealani ; Sara Peck, UH Sea Grant; Reggie Lee; Joseph Hing, DLNR/DOCARE; John Kahiapo, DLNR/DAR; Chad Wiggins, TNC; Evelyn Wight, TNC (via telecom); Christine Bean; nā kūpuna, HD, OHA, KHCC, KS, UH Sea Grant, DOCARE, DAR, , KD, 'ohana/community supporters
- Mar. 11, 2010 **Learning Opportunity:** Congressional & NOAA visit to Hawai'i Island community sites
- Individuals/Groups Present:** KMLAC, NOAA
- Mar. 17, 2010 **KMLAC Meeting:** Review of draft proposal based on legal review and feedback, continue discussions, adjustments, and edits. Suggestions to improve proposal. Sharing of knowledge.
- Individuals/Groups Present:** David Chai; Hannah Springer; Ulalia Woodside, KS; Reggie Lee; Chad Wiggins, TNC; Evelyn Wight, TNC (via telecom); John Kahiapo, DLNR/DAR; Christine Bean; nā kūpuna, HD, KS, DAR, KD, 'ohana/community supporters
- Apr. 14, 2010 **KMLAC Meeting:** Review of draft proposal, continue discussions, adjustments, and edits. Suggestions to improve proposal. Sharing of knowledge. Sharing key messages and talking points related to proposal.
- Individuals/Groups Present:** David Chai; Cindi Punihaole, Kohala Ctr; Ruby McDonald, OHA; Vern Yamanaka; Cynthia Nazara, KHCC; Ku'ulei Keakealani; Mike Nakachi; Reggie Lee; John Kahiapo, DLNR/DAR; Chad Wiggins, TNC; Evelyn Wight, TNC; Christine Bean; nā kūpuna, HD, The Kohala Center (TKC), OHA, KHCC DAR, KD, 'ohana/community supporters
- May 5, 2010 **KMLAC Meeting:** Discussion of strategies to minimize impacts to fishermen trolling, crabbing, bottom fishing within Ka'ūpūlehu Fish Replenishment Area. Development of exception language to permit

these activities to continue and support invasive species management. Agreement from participating Kona fisherman that the right people – the families of Ka'ūpūlehu – are involved in this initiative.

**Individuals/Groups Present:** David Chai; Cindi Punihaole; Leina'ala; Keakealani Lightner; Hannah Springer; Ku'ulei Keakealani; Leonard Torricer, Kona fisherman; Sara Peck, UH Sea Grant; Reggie Lee; Chad Wiggins, TNC; Evelyn Wight, TNC; Christine Bean; nā kūpuna, HD, TKC, UH Sea Grant, KD, 'ohana/community supporters

June 9, 2010

**KMLAC Meeting:** Review and approval of the DLNR/DAR proposal by OHA, HD, and nā kūpuna representatives. Review of letter to be submitted with proposal to WHFC. Review of talking points. Planning for future – 'opihi surveys, Makai Watch, day use mooring buoys, fishpond resilience workshop, Hawksbill turtle update.

**Individuals/Groups Present:** David Chai; Ruby McDonald, OHA; Leina'ala Keakealani Lightner; Reggie Lee; Vern Yamanaka; John Kahiapo, DLNR/DAR; Joseph Hing, DLNR/DOCARE; Jackie Kaluau, DLNR/DOCARE; Chad Wiggins, TNC; Evelyn Wight, TNC; Christine Bean; nā kūpuna, HD, OHA, DAR, DOCARE, KD, 'ohana/community supporters

Jul. 14, 2010

**KMLAC Meeting:** Discuss learning/sharing opportunities such as KS ecosystem services project update, fishpond resilience workshop preparation, Eyes of the Reef training scheduling, confirming 'opihi baseline at Kalaemanō, review rule proposal draft and discuss rule-making process and next steps. Finalize talking points and outreach handout for KMLAC.

**Individuals/Groups Present:** David Chai; John Chock, KS; Vern Yamanaka; Hannah Springer; John Kahiapo, DLNR/DAR; Joseph Hing, DLNR/DOCARE; Ruby McDonald, OHA; Tina Owens, WHFC; Leina'ala Keakealani Lightner; Reggie Lee; Jackie Kaluau, DLNR/DOCARE; Mike Nakachi; Kaikea Nakachi; Aloli Nakachi; Chad Wiggins, TNC; Evelyn Wight, TNC; Christine Bean; nā kūpuna, HD, KS, DAR, DOCARE, OHA, WHFC, KD, 'ohana/community supporters

Jul. 27, 2010

**KMLAC Meeting:** Review communications and outreach materials. Review and provide final input on KMLAC fact sheet. Practice and discuss key messages and talking points. Identify and discuss stakeholders audiences and how to reach out to them. Agree on roles and actions. Schedule outreach next steps.

**Individuals/Groups Present:** David Chai; Hannah Springer; Ruby McDonald, OHA; Vern Yamanaka; Reggie Lee; Mike Nakachi; Kaikea Nakachi; Evelyn Wight, TNC; Christine Bean; nā kūpuna, HD, OHA, KD, 'ohana/community supporters

Aug. 18, 2010

**KMLAC Meeting:** Review outreach schedule and next steps for communication. Update stakeholders and audiences and final approval of fact sheet. Agreement to form presentation subcommittee to create outreach products.

**Individuals/Groups Present:** David Chai; Hannah Springer; Leina'ala Keakealani Lightner; Vern Yamanaka; Mike Nakachi; Chad Wiggins, TNC; Evelyn Wight, TNC; Christine Bean; nā kūpuna, HD, KD, 'ohana/community supporters

Sept. 1, 2010

**KMLAC Subcommittee Meeting:** Presentation subcommittee: Continue work on presentation to share background, culture, need for fishing management, and solutions with local stakeholders at Ka'ūpūlehu. Incorporate input from traditional fishermen of Ka'ūpūlehu – lawai'a 'ōpelu. Include DOCARE/Makai Watch information. Confirm monitoring plan for September coral reef surveys. Update research findings. Discuss water quality monitoring of golf course areas.

**Individuals/Groups Present:** David Chai; Hannah Springer; Leina'ala Keakealani Lightner; Robert Punihaole; Evelyn Wight, TNC; Eric Conklin, TNC; Russell Amimoto, TNC; John Kahiapo, DLNR/DAR; Christine Bean; nā kūpuna, HD, DAR, KD, 'ohana/community supporters

Sept. 9, 2010

**KMLAC Meeting:** Review presentation and accompanying materials. Revisit outreach schedule and agree on presentation team and roles.

**Individuals/Groups Present:** David Chai; Ku'ulei Keakealani; Ruby McDonald, OHA; Reggie Lee; Cynthia Nazara, HCC; Leina'ala Keakealani Lightner; Mike Nakachi; Hannah Springer; Sara Peck, UH Sea Grant; John Kahiapo, DLNR/DAR; Christine Bean; Evelyn Wight, TNC; na kūpuna; HD, OHA, KHCC, UH Sea Grant, DAR, KD, 'ohana/community supporters

Sept. 12, 2010

**'Ohana Outreach:** Outreach to Pu'uana'hulu 'ohana about the proposal for feedback and questions.

**Individuals/Groups Present:** Leina‘ala Keakealani Lightner, Bertelmans (2), Keakealani–Wilcox (3), Hooper (2)<sup>68</sup>

Sept. 13-17, 2010 **Monitoring:** TNC science team reef surveys conducted at the request of KMLAC.

Sept. 16, 2010 **KMLAC Meeting:** Practice presentation and make adjustments in preparation for Sept. 22 presentation to Kona Village management and beach staff.

**Individuals/Groups Present:** David Chai; Hannah Springer; Leina‘ala; Keakealani Lightner; Jackie Kaluau, DLNR/DOCARE; Joseph Hing, DLNR/DOCARE; Russell Amimoto, TNC; Chad Wiggins, TNC; Eric Conklin, TNC; Christine Bean; nā kūpuna; HD, DOCARE, KD

Sept. 18, 2010 **Outreach:** Pu‘uanahulu Country Fair. Information Display and question/answer session hosted by nā kūpuna, ‘ohana supporters, and TNC staff. No head count recorded.

Sept. 22, 2010 **Outreach:** Kona Village Resort presentation to management staff including General Manager, security, and beach staff (Alakai Nalu) followed by question and answer discussion.

**Presenters:** nā kūpuna, HD, TNC, DLNR, David Chai; Hannah Springer; Leina‘ala Keakealani Lightner; Chad Wiggins; John Kahiapo

**Individuals/Groups Present:** Approx. 15 Kona Village Resort staff in attendance including: B. Morimoto, Ulrich Krauer, Cindi Asada, Alan Fern, Trent, Jimmy, Glendora, Lily Acoba, Glen Yoshida, Steven Viernes

Oct. 4, 2010 **KMLAC Subcommittee Meeting:** Presentation subcommittee: Share lessons learned from Kona Village presentation. Incorporate input into presentation edits. Revisit strategic outreach plan and stakeholder list. Expand groups and timeline. Practice presentation.

**Individuals/Groups Present:** David Chai; Hannah Springer; John Kahiapo, DLNR/DAR; Kim Hum, TNC; Chad Wiggins, TNC; Christine Bean; nā kūpuna, HD, DAR, KD, ‘ohana/community supporters

Nov. 17, 2010 **KMLAC Meeting:** Subcommittee report and group discussion on: (a) power point presentation, (b) tri-fold brochure, (c) presentations done to

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<sup>68</sup> For a more complete list of ‘ohana directly engaged see the *List of Individuals Who Were Directly Engaged on the Proposal* on page 70.

date, (d) practice answering questions, (e) timeframe/process for incorporating comments/suggestions. Next scheduled presentation is to Hualālai management on Dec 8 (2pm); ID presenters; ID invitees. ID and discuss next steps for presentations, reaching stakeholders. Discuss UH post-doctoral research proposal.

Dec. 1, 2010

**KMLAC Meeting:** Presentation subcommittee update to KMLAC. Share and edit tri-fold brochure for outreach. Schedule presentation for Hualālai staff. Confirm presenters and finalize presentation adjustments. Commit to outreach over the holidays. Consider UH post-doctoral research proposal for 'opihi.

**Individuals/Groups Present:** David Chai; Hannah Springer; Leina'ala Keakealani Lightner; Reggie Lee; Mike Nakachi; Joseph Hing, DLNR/DOCARE; Chad Wiggins, TNC; Evelyn Wight, TNC; Christine Bean; nā kūpuna, HD, DOCARE, KD, 'ohana/community supporters

Dec. 8, 2010

**Outreach:** Hualālai Resort and Four Seasons management and staff including security, grounds keeping, guest services, and ocean activities. Questions about enforcement, how plan was developed. Attending fisherman supports plan after hearing the presentation – was opposed before.

**Presenters:** nā kūpuna, HD, TNC, DLNR; David Chai; Hannah Springer; Leina'ala Keakealani Lightner; Chad Wiggins; John Kahiapo

**Individuals/Groups Present:** Approx. 30 people in attendance. No documentation of names of attendees.

## 2011

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Feb. 16, 2011

**KMLAC Meeting:** Review following Hualālai presentation. Next steps for outreach discussed: community talk story evenings, additional formal presentations with Kūki'o staff, visitor outreach through The Living Reef booklet, outreach to civic clubs through convention, WHFC rule update. Upcoming events: Fish survey training, 'opihi research at Kalaemanō, talk story with Palau delegate about marine protected area success in that island nation.

**Individuals/Groups Present:** David Chai; Hannah Springer; Leina'ala Keakealani Lightner; Ku'ulei Keakealani; Vern Yamanaka; Steven Victor, Palau; Russell Animoto, TNC; Chad Wiggins, TNC; Evelyn Wight, TNC; Christine Bean; nā kūpuna, HD, KD, 'ohana/community supporters

Mar. 15, 2011

**KMLAC Meeting:** Cancelled due to tsunami

June 17, 2011

**Learning Opportunity:** Hawai'i – Palau Learning Exchange hosted at Kalaemanō. Snorkel at Keoninui Beach. Discuss management in Hawai'i – success and challenges. Share KMLAC plan w/ Palau delegation.

**Individuals/Groups Present:** nā kūpuna, HD, UH Hilo students, TNC, KD, 'ohana/community supporters; Ku'ulei Keakealani; Christine Bean; Leina'ala Keakealani Lightner; David Chai; Allen Kangichi, State Legislator from Ngarchelong State; Blas A. Lawrence, State Legislator from Ngeremlengui State; Elbuchel Sadang, Executive Director Palau Conservation Society; Katshushi Skang, Traditional Chief from Ngarchelong State; Maireng Malsol, State employee Ngermelngui State and community leader; Noah Idechong, Speaker House of Delegates; Steven Victor, Micronesia Conservation Planner, TNC; Swenny Ongidobel, House of Delegates; Sierra Tobiason; Tyson Fukuyama; Caitlyn Toropova; Manuel Mejia; Jan Eber

June 20, 2011

**KMLAC Subcommittee meeting:** Review following Palau exchange. Update on community and biological monitoring. Update on outreach.

**Individuals/Groups Present:** David Chai; Kekaulike Tomich; Leina'ala Keakealani Lightner; Vern Yamanaka; Reggie Lee; Jeff Mau, KS; Ruby MacDonald, OHA; Mike Nakachi; John Kahiapo, DLNR/DAR; Evelyn Wight, TNC; Christine Bean; nā kūpuna, HD, KS, DAR, KD, 'ohana/community supporters

July 13, 2011

**Outreach:** Kūki'o management and staff including GM, security, grounds keeping, guest services, and ocean activities. Presentation followed by question and answer. Questions ranged from monitoring methods to suggestion to provide alternative livelihood for impacted fishers.

**Presenters:** nā kūpuna, HD, TNC, DLNR; David Chai; Hannah Springer; Leina'ala Keakealani Lightner; Chad Wiggins; John Kahiapo

**Individuals/Groups Present:** Approx. 25 people in attendance. No record of those in attendance – head count only. Attendees included David Chai; Leina'ala Keakealani Lightner; Ku'ulei Keakealani; Cindi Punihaoale; Hannah Springer; Kekaulike Tomich; Reggie Lee; Ruby McDonald; Vern Yamanaka; Jeff Mau, KS; Sara Peck, UH Sea Grant; John Kahiapo, DLNR/DAR; Jackie Kaluau, DLNR/DOCARE; Joseph Hing, DLNR/DOCARE; Chad Wiggins, TNC; Evelyn Wight, TNC; Christine Bean; Trent Fisher, Hualālai; Erin Lee, Hualālai; Mark Droskoski, Hualālai; Alyssia Curdits, Hualālai; Sierra Tobiason, Hualālai; Kūki'o Mgmt Staff; nā kūpuna, HD, DAR

Aug. 11, 2011 **KMLAC Meeting:** Share WHFC process and timing for approach. Discuss need for West Hawai'i outreach. Develop West Hawai'i outreach plan generally. Set date for presentation to WHFC. Discuss outreach and support from within Ka'ūpūlehu community including Pu'uuanuhulu.

**Individuals/Groups Present:** David Chai; Kekaulike Tomich; Leina'ala Keakealani Lightner; Vern Yamanaka; Tina Owens, WHFC; Donna Goodale, WHFC; David Dart, WHFC; Malia Kīpapa, WHFC; Chad Wiggins, TNC; Christine Bean; nā kūpuna; HC, WHFC, KD, 'ohana/community supporters

Sept. 12, 2011 **Outreach:** Pu'uuanuhulu Community Center – families of Ka'ūpūlehu. Fifteen attendees. Questions about why the process takes so long when families support it and it is led by kūpuna. Can show leadership and support by not serving 'opihi at lū'au. Change will be hard, but there exists a tradition of management on land and sea that includes kapu.

**Presenters:** 'Ohana/community supporters

**Individuals/Groups Present:** No record of those in attendance

Nov. 17, 2011 **Outreach:** Presentation of KMLAC proposal to WHFC with request for support. Questions from guests about invasive species management during kapu period, process of KMLAC, and justification. Vote of WHFC to consider proposal and work to refine.

**Presenters:** nā kūpuna, HD, TNC, DLNR; David Chai; Hannah Springer; Leina'ala Keakealini Lighter; Chad Wiggins; John Kahiapo; 'ohana/community supporters

**Individuals/Groups Present:** No record of those in attendance

## 2012

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Jan. 9, 2012 **KMLAC Meeting:** Plan for Palau Exchange in February. Update on presentation to WHFC and meeting w/ rest area subcommittee. Continued discussion of rule proposal and outreach. Update on monitoring information. Anchialine pool restoration discussion. Suggestion to adjust timeline (to 5 years) and boundaries of proposal by Philip Fernandez. Group discussion of pros and cons of changing proposal at this time. Outcome: Group felt 10 years is necessary to replenish reef fish in Hawai'i based on their previous research and group vote. (See Section IV.B Scientific Justification, page 37.) Requested that Mr. Fernandez gather information on why/how he thinks 5-year rest period would be sufficient in returning abundance to Ka'ūpūlehu. Update

on presentation to WHFC and follow-up meeting with Marine Reserve sub-committee. Mr. Fernandez offer to engage more fishermen through newly formed fishing group in Kona.

**Individuals/Groups Present:** David Chai; Philip Fernandez, KHCC; Maurice Kahawaii, KHCC; Ruby McDonald; Ku'ulei Keakealani; Leina'ala Keakealani Lightner; Hannah Springer; Kekaulike Tomich; Chad Wiggins, TNC; Evelyn Wight, TNC; Christine Bean; nā kūpuna, HD, OHA, KHCC, KS, Kohanaiki, DAR, DOCARE, KD, 'ohana/community supporters

Feb. 5-11, 2012

**Learning Opportunity:** Palau Exchange. Site visits and village meetings in Palau to learn about process of developing and the success of marine protected area (MPA) network in Palau with both state and traditional bul (kapu) enforcement, challenges of engaging community and maintaining funding, cultural importance of conservation in Palauan culture, challenges and success with enforcement. Meet with other groups working on community-based marine management initiatives in Hawai'i who are also along on the trip.

**KMLAC Attendees:** Vern Yamanaka; David Chai; Kekaulike Tomich; Chad Wiggins, TNC

March 13, 2012

**KMLAC Meeting:** Continue discussions about a "Marine Reserve" within the Ka'ūpūlehu FMA.

**Individuals/Groups Present:** David Chai; Sierra Tobiason; Leina'ala Keakealani Lightner; Ku'ulei Keakealani; Kekaulike Tomich; Hannah Springer; Ruby McDonald, OHA; Vern Yamakana; Phillip Fernandez, KHCC; Ulalia Woodside, KS; Mike Nakachi; Alohi Nakachi; Reggie Lee; Steven Rose, Kohanaiki; John Kahiapo, DLNR/DAR; Joseph Hing, DLNR/DOCARE; Chad Wiggins, TNC; Evelyn Wight, TNC; Christine Bean; nā kūpuna; HD?, OHA, KHCC, KS, Kohanaiki, DAR, DOCARE, 'ohana/community supporters

Apr. 17, 2012

**KMLAC Meeting:** Continue discussion of rule proposal and outreach. Update on monitoring information. Follow-up discussion with Mr. Fernandez on timeline of proposal who presented a paper on recovery time of sea cucumbers in Oregon as evidence that 5 years is sufficient recovery time for HI reef fish. The group in attendance felt that this information was not sufficient, and once again provided rationale for the 10-year rest period. See Section IV.B Scientific Justification, page 37.) Public information session schedule discussed. Meeting format and participation determined.

**Individuals/Groups Present:** David Chai; Kekaulike Tomich; Reggie Lee; Phil Fernandez, KHCC; Vern Yamanaka; Ruby McDonald, OHA; Mike Nakachi; Tina Owens, WHFC; John Kahiapo, DLNR/DAR; Joseph Hing, DLNR/DOCARE; Nahaku Kalei, TNC; Chad Wiggins, TNC; Evelyn Wight, TNC; Christine Bean; nā kūpuna; HD, OHA, KHCC, KS, Kohanaiki, DAR, DOCARE, KD, 'ohana/community supporters

May 10, 2012

**Outreach:** Announced in West Hawai'i Today. Information shared at five stations and comments collected. Ka'ūpūlehu Interpretive Center at Kalaemanō, 6:30-8:30PM: Public information session at Ka'ūpūlehu attended by students, fishers, resort employees, community members, cultural practitioners, and curious citizens. Covered by reporter for West Hawai'i Today and article written to share information and announce upcoming information sessions:  
<http://westhawaii.com/sections/news/local-news/kapu-kaupulehu-group-proposes-marine-reserve-replenish-fish.html>

**Individuals/Groups Present:** Approximately 75 people in attendance. See list of participants who signed in on page 70.

Jun. 20, 2012

**Outreach:** Kohala District - Kamuela, Kanu o ka 'āina New Century Charter School Hālau Ho'olako, 6:30-8:30 PM: Public information session in south Kohala attended by students, fishers, hunters, resort employees, community members, cultural practitioners, and Hawai'i residents. Announced in West Hawai'i Today. Information shared at five stations and comments collected.

**Individuals/Groups Present:** Approximately 100 people in attendance. See list of participants who signed in on page 70.

Jul. 24, 2012

**Outreach:** North Kona District - Kailua-Kona, Makaeo Pavilion at Old Kona Airport, 6:30-8:30 PM: Public information session in south Kohala attended by students, fishers, community members, cultural practitioners, representatives, and curious citizens. Announced in West Hawai'i Today. Information shared at 5 stations and comments collected.

**Individuals/Groups Present:** Approximately 25 people in attendance. See list of participants who signed in on page 70.

Aug. 9, 2012

**Outreach:** South Kona - Kealahou, Christchurch Episcopal Meeting Room, 6:30-8:00pm. Public information session in south Kohala attended by students, fishers, community members, cultural practitioners, and Hawai'i residents. Announced in West Hawai'i Today. Information shared at five stations and comments collected. \*Meeting shut down 30

minutes early due to unruly behavior from Makani Christensen from O'ahu who attended to voice opposition. The individual—who was standing on a church table and shouting—was told he would need to stop shouting at attendees or else the meeting would be shut down by WHFC reps. He said, "I guess you better shut it down." Materials were distributed to remaining attendees and the facility was vacated.

**Individuals/Groups Present:** Students, fishermen, community members, cultural practitioners, Hawai'i residents. Approximately 36 people in attendance. See list of participants who signed in on page 70.

Oct. 3, 2012

**Meeting with DLNR Chair and Deputy:** DLNR Offices, Kalanimoku Building at 9:00am. The community shared the overall situation and the decline of resources in Ka'ūpūlehu, the development of the rule proposal and stakeholder outreach, the review and approval by the WHFC, the four public information meetings that were held, and the draft rules that were sent to DAR. Scientific data and monitoring summaries were provided along with the community's connection to their ahupua'a. Other things discussed included additional venues for outreach, fish sizes and reproduction, the biology of long-lived and short-lived species, and the basis and compromises made for the 10-year closure.

**Individuals/Groups Present:** William J. Aila, Jr., DLNR Chairperson; Bill Tam, DLNR Deputy and Acting DAR Administrator; Lei Lightner, KMLAC; Hannah Springer, KMLAC; Ku'ulei Keakealani, KLMAC; Kekaulike Tomich, KLMAC; Mark Fox, TNC

## 2013

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Jun. 25, 2013

**KMLAC Meeting:** Update on proposal status, monitoring programs, proposed research projects. Sharing of letters of support from OHA and KS. OHA proposal to support Ka'ūpūlehu in partnership w/ KMLAC members. Agreed upon language for cultural practice added to rule language. Confirm that language edit request will be sent to DLNR.

**Individuals/Groups Present:** nā kūpuna, HD, Aha Moku, KHCC, OHA, KS, TNC, 'ohana/community supporters

Sept. 2013

**Meeting with DLNR Chairperson and Commercial Fishermen:** Ho'oponopono discussion with commercial fishermen who expressed concerns with Ka'ūpūlehu's rest proposal.

**Individuals/Groups Present:** William J. Aila, Jr., Tate Marks, Makani Christensen, Carl Jellings, Mike Sur, Kekaulike Tomich, Bart Keakealani,

Leina'ala Keakealani Lightner, Ku'ulei Keakealani, Shirley Keakealani, Reggie Lee, Hannah Springer

- Oct. 2013      **Direct Outreach to Commercial Fisherman:**  
At the urging of Chairman Aila following the ho'oponopono discussion with commercial fishermen, Kekaulike Tomich called Tate Marks to discuss the proposal. No answer/wrong number, but Kekaulike talked story with Tate Marks at Honokohau Harbor shortly after.
- Oct. 15, 2013      **Public Outreach:** North Kohala – Kamehameha Park meeting room, 6:30-9:00 PM. KMLAC members were invited to present their proposal at community meeting in North Kohala hosted by Ka Makani o Kohala, Inc. Information also shared about North Kohala fishing.
- Presenters:** na kūpuna, DAR, TNC, 'ohana/community supporters  
**Individuals/Groups Present:** 8 in attendance. Jeff Coakely and his wife, Lani Bowman, and other members of their group and a long time fisherman.
- Dec. 7, 2013      **Public Outreach:** Parks and Cultural Sites Association at Hokulia. Information provided on rule proposal at request of Association.
- Presenters:** 'Ohana/community supporters  
**Individuals/Groups Present:** Parks and Cultural Sites Association at Hokulia. No head count available.
- Dec. 18, 2013      **Learning Opportunity:** Community Based Subsistence Fishing Area and Ch 91 Rulemaking Process Meeting at The Nature Conservancy, Honolulu
- Individuals/Groups Present:** Hawai'i: Ku'ulei Keakealani, Ka'ūpūlehu; Hannah Springer, Ka'ūpūlehu; Bart Wilcox, Kīholo; Charlie Young, Ho'okena; Maui: Jay Carpio, Wailuku; Greg Lind, Kīpahulu; Leimamo Lind-Strauss, Kīpahulu; Ekolu Lindsey, Polanui; Scott Fisher, Polanui; Lāna'i: Sol Kaho'ohalahala, Maunalei; Moloka'i: Mac Poepoe, Mo'omomi; O'ahu: Shae Kamaka'ala, Kahana; Malia Akutagawa, Kahana (UH Law School/Hui 'Āina Momona); Kaua'i: Presley Wann, Hā'ena; Keli'i Alapa'i, Hā'ena; Mehana Blach-Vaughn, Hanalei (UH NREM/Hui 'Āina Momona); Maka'ala Ka'aumoana, Hanalei; State of Hawai'i: Wayne Tanaka, OHA; Erin Zanre, DLNR DAR; David Sakoda, DLNR DAR; NGOs: Eric Co, Castle Foundation; Kevin Chang, KUA; Miwa Tamanaha, KUA; Mark Fox, TNC; Chad Wiggins, TNC; Evelyn Wight, TNC; Manuel Meijia, TNC. Approximately 27 present.
- Dec. 20, 2013      **Learning Opportunity/Meeting:** Makai Watch Strategy Meeting hosted by DLNR. Discuss Makai Watch program, goals, volunteer, and site

responsibility. Consider Makai Watch potential to support compliance with rules at Ka'ūpūlehu. Aha Moku can provide cultural knowledge. Discuss next steps for beginning program.

**Individuals/Groups Present:** No attendance record.

## 2014

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April 16, 2014

**Meeting at UH Manoa campus on “Community-based subsistence fishing areas (CBSFAs) and the future of Hawai‘i’s nearshore fisheries”**

**Presenters:** included Mehana Vaughan, UH; Kevin Chang, KUA; Leila Sievanen, NOAA; and Hannah Springer, KMLAC.

**Individuals/Groups Present:** No attendance record.

April 17, 2014

**KMLAC Meeting:** Agreement to move forward with using OHA Kīpuka Database tool as the centralized repository for ethnographic and biological information. Invitation to attend E Alu Pū in Hāna, Maui (2 kūpuna/mākua and 2 'ōpio) on behalf of the KMLAC and Ka'ūpūlehu community (July 24<sup>th</sup> -27<sup>th</sup>). Ongoing discussion about refining rule request with input from DLNR. Keakaulike Tomich designated Makai Watch coordinator.

**Individuals/Groups Present:** KMLAC: Hannah Springer, Lei Lightner, Reggie Lee, Kekaulike Tomich, Ulalia Woodside, Wayne Tanaka. Kevin Chang with Kua'āina Ulu 'Auamo. TNC: Chad Wiggins. OHA Research: Kamoia Quiteves. DLNR:Emma Anders

May 22, 2014

**Aha Moku meeting:** Kekaulike Tomich attended on behalf of KMLAC to share information about the proposal. Follow up meeting planned for June 5<sup>th</sup>.

June 19, 2014

**DAR meeting:** Kekaulike Tomich met with DAR officials about establishing a Makai Watch at Ka'ūpūlehu. DAR asked for list of issues and concerns to help them respond.

October 22, 2014

**KMLAC Legal Meeting with Law Professors David Forman and Malia Akutagawa**

**Individuals/Groups Present:** UH Law School Professors: David Forman, Malia Akutagawa; KMLAC: Hannah Springer, Lei Lightner, Reggie Lee, Kekaulike Tomich, Ulalia Woodside, Wayne Tanaka; Kua'āina Ulu 'Auamo: Kevin Chang; TNC: Shae Kamaka'ala, Evelyn Wight, Manuel Mejia, and Kristen Maize

- October 24, 2014 **BLNR Meeting:** Request for public hearing for Ka'ūpūlehu's rules; approved unanimously by BLNR.
- Individuals/Groups Present:** Reggie Lee, Kekaulike Tomich, Hannah Springer, Leina'ala Lightner, Bobby Camara, Vern Yamanaka, E Alu Pū members, KUA staff, TNC
- November 3, 2014 **KMLAC Meeting:** Follow up on BLNR's unanimous approval for Ka'ūpūlehu's public hearing and next steps.
- Individuals/Groups Present:** KMLAC: Hannah Springer, Lei Lightner, Vern Yamanaka, Reggie Lee, Elizabeth Maluhi Lee, Kekaulike Tomich, Ulalia Woodside, Wayne Tanaka; KUA: Kevin Chang; TNC: Mark Fox, Evelyn Wight, Manuel Mejia, Kristen Maize, and Shae Kamaka'ala
- November 17, 2014 **KMLAC Meeting:** Discuss outreach strategy for the DLNR public hearing if approved by Governor.
- Individuals/Groups Present:** KMLAC: Hannah Springer, Lei Lightner, Vern Yamanaka, Reggie Lee, Elizabeth Maluhi Lee, Paola Pagan, Sterling Wong, Wayne Tanaka; TNC: Evelyn Wight and Kristen Maize
- December 8, 2014 **KMLAC Outreach Strategy Meeting:** Discuss outreach strategy for the Ka'ūpūlehu proposal related to DLNR public hearing approved by the Governor in November. Attendance record not available.
- December 12, 2014 **West Hawai'i Fishery Council Meeting:** Hannah Springer presented on Ka'ūpūlehu's proposed rest area. Attendance record not available.
- December 16, 2014 **KMLAC Meeting:** Discuss outreach strategy for the DLNR public hearing.
- Individuals/Groups Present:** Hannah Springer, David Chai, Teresa Nakama, Wayne Tanaka, Ulalia Woodside (via videoconference), John Kahiapo, Reed Shook, Reggie Lee, Vern Yamanaka (via teleconference), Leina'ala Lightner (via teleconference)
- December 18, 2014 **KMLAC Meeting:** Discuss outreach strategy for the DLNR public hearing.
- Individuals/Groups Present:** Hannah Springer, David Chai, Teresa Nakama, Wayne Tanaka, Ulalia Woodside (via videoconference), John Kahiapo, Reed Shook, Reggie Lee, Vern Yamanaka (via teleconference), Leina'ala Lightner (via teleconference)

## 2015

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- February 4, 2015      **Kai Kuleana Network meeting:** Discuss proposal during West Hawai'i community network meeting.
- Individuals/Groups Present:** Reggie Lee (Kohanaiki), Robby Robertson (Puakō), Leimamo Lind-Strauss (Kīpahulu), Ekolu Lindsey (Polanui), Judy & Mel Malinowski (Mauna Lani), Kristen Maize (TNC), Leina'ala Lightner (KMLAC/Ka'ūpūlehu kama'āina), Charles Young (KUPA, Ho'okena), Randy Clarke (Puakō Makai Watch), Hannah Springer (Ka'ūpūlehu/Kekaha), Kalani Hamm (Kahalu'u), Ku'ulei Keakealani (Kīholo/Ka'ūpūlehu), Rebecca Most (TNC), Maka'ala Kaneali'i (Kailapa, Kawaihae) *NOTEKEEPER:* Malia Kīpapa (Keauhou/West Hawai'i Fishery Council) *FACILITATOR:* Chad Wiggins (TNC)
- February 20, 2015      **Ocean Solutions Meeting:** KMLAC members shared plan to restore abundance at Ka'ūpūlehu w/ over 80 attendees.
- Individuals/Groups Present:** Liquid Robotics, Nā Kahumoku, TNC, UH Sea Grant, and others
- March 25, 2015      **KMLAC Meeting:** Kīpuka database and data-sharing project update, Conservation Action Planning update, discussion on rule-making strategy, Makai Watch and other business.
- Individuals/Groups Present:** Hannah Springer, Kekaulike Tomich, Cynthia, y Leina'ala Lightner, Chad Wiggins, David, Reed Shook, Vern Yamanaka, Paola Pagan, Wayne  
Also: Daniel Ornellas, Keli'i Kapali, Māhealani Kauahi, BJ Awa
- May 27-29, 2015      **Community Action Plan Meeting #1:** Meeting to develop a community conservation plan over two three-day workshops at the Kalaemanō Interpretive Center by Ka'ūpūlehu kama'āina, university, and non-profit and government representatives, all with a connections to this place. Plan aims to reduce identified threats to place-based traditions, conservation targets and resources through strategic actions within a 5-10 year scale.
- Individuals/Groups Present:** Leina'ala Lightner, Hannah Kihalani Springer, Ulalia Woodside (KS), Wayne Tanaka (OHA), Vern Yamanaka (KD), Paola Pagan (Kūki'o), David Chai (HR), Mike Nakachi (OP), Kekaulike Tomich (fisher), John Kahiapo (DLNR), Pua'ala Pascua (UHM), Nahaku Kalei (NPS), Chad Wiggins (TNC), Brad Stubbs (TNC), Kirsten Fujitani (TNC), Kalani

Quiocho (TNC), Eric Conklin (TNC), Annick Cros (UH), Kalisi Mausio (NOAA)

June 26, 2015

**E Alu Pū Visit to Ka'ūpūlehu:** The purpose of the visit was to connect other community efforts from cross the state with the work of the communities at Ka'ūpūlehu, Miloli'i and Ho'okena. They shared their place and struggle with communities with common issues. This is in part is to help support the Ka'ūpūlehu communities effort to revive their fisheries.

**Presenter:** Hannah Springer

**Individuals Present:** Over 100 participants, members of E Alu Pū

August 4, 2015

**Hawai'i Conservation Conference:** KMLAC representative presented on Ka'ūpūlehu and the community's proposal to rest the area for 10 years during a presentation on community based management in West Hawai'i.

**Individuals/Groups Present:** Hannah Springer and over 50 conference participants

August 17, 2015

**KMLAC Meeting:** Discuss proposal and outreach to build support for 10-year rest period.

**Individuals/Groups Present:** Wayne Tanaka (OHA), Cecile Walsh, Lili'a Merrin (cultural resource intern/KS), Jason Jeremiah (KS), Vern Yamanaka, Paola Pagan, Reggie Lee, Ulalia Woodside (KS), Chad Wiggins, Hannah Springer, Aka (KHCC), Cynthia Nazara (KHCC), Reed Shook, Leina'ala Lightner, Mike Nakachi

August 18-20, 2015

**Community Action Plan Meeting #2:** Meeting to develop a community conservation plan over two three-day workshops at the Kalaemanō Interpretive Center by Ka'ūpūlehu kama'āina, university, and non-profit and government representatives, all with a connections to this place. Plan aims to reduce identified threats to place-based traditions, conservation targets and resources through strategic actions within a 5-10 year scale.

**Individuals/Groups Present:** Leina'ala Lightner, Hannah Kihalani Springer; Wayne Tanaka (OHA), Very Yamanaka (KD), Paola Pagan (Kūki'o), David Chai (HR), Mike Nakachi (Ocean Pursuits), Kekaulike Tomich (fisher), John Kahiapo (DLNR), Pua'ala Pascua (UHM), Eric Conklin (TNC), Nahaku Kalei (NPS), Reggie Lee (Kohanaiki), Chad Wiggins, Emily Fielding, Cecile Walsh, Brad Stubbs, Kirsten Fujitani (TNC)

- August 21, 2015 **Ka'ūpūlehu Invasive Species Fishing Tournament:** No entry fee for participants, only invasive species will count for prizes (target species roi and ta'ape), dive area is Kūki'o beach to Maniniowali point. Divers may participate in teams or by themselves, please fill out the forms to participate and good luck to everyone, also volunteers are more than welcome.
- Participants:** Kyle Kawai, Christopher Funada, Wesley James Ulloa, Nakita Maui, Rick Day Anders, Matthew Lewis, Natasha Kāleinani Shook, Chad Wiggins, Chesley Felmley, Gary, Godoy, Reed Shook
- August 29, 2015 **'Ohana Shoreline Fishing Tournament Outreach:** 10 am to 2pm at the annual Hawai'i County Parks and Recreation 'Ohana Shoreline Fishing Tournament weigh-in, a DLNR display table (John Kahiapo) with North Hawai'i DOCARE was set-up at the Honoka'a Sport Complex. About 22 Try Wait brochures were taken and there were about 12 persons asking questions about the brochure.
- September 1, 2015 **Kai Kuleana Network meeting:** Strategic communications workshop for West Hawai'i communities. Discussion and sharing about community goals and how to reach out to key decision makers, with specific discussion about Ka'ūpūlehu Try Wait proposal.
- Participants:** Malia Kīpapa, Ku'ulei Keakealani (KMLAC), Maka'ala Kaneali'i, Peter Hackstedder, Pi'i Laeha, Randy Clarke (Puakō Makai Watch), John Kahiapo (DAR), George Fry, Charles Young, Robby Robertson, Aric Arakakai (NPS), Vern Yamanaka (KMLAC), Hannah Kihalani Springer (KMLAC), Pelika Andrade (UH Sea Grant), Howard Toko
- Facilitation:** Chad Wiggins, Kristen Maize, Cecile Walsh, Rebecca Most, Kirsten Fujitani, Nalindra Grebler (TNC)
- September 10, 2015 **KMLAC Outreach Strategy Meeting:** Discuss outreach strategy for the Ka'ūpūlehu proposal.
- Individuals/Groups Present:** Leina'ala Lightner, Vern Yamanaka, Kristen Maize (TNC), Evelyn Wight (TNC via teleconference), Wayne Tanaka (OHA via teleconference)
- September 10, 2015 **KMLAC Outreach Strategy Meeting:** Discuss outreach strategy for the Ka'ūpūlehu proposal.
- Individuals/Groups Present:** Hannah Springer, Leina'ala Lightner, David Chai, John Kahiapo, Reed Shook, Reggie Lee, Kekaulike Tomich, Mike

Nakachi, Chad Wiggins (TNC), Kristen Maize (TNC), Wayne Tanaka (via teleconference)

September 10-13, 2015 **Hawai'i County Fair:** DLNR display table (John Kahiapo) was set-up with East Hawai'i DOCARE at annual Hawai'i County Fair at the Hilo Civic Center. A total of 64 brochures were taken and during my shifts on September 11, 2015 from 5pm to 11pm and September 12, 2015 from 12pm to 6pm about eight persons asked about Try Wait brochure.

October 3, 2015 **Saint Joseph School County Fair, Hilo:** DLNR display tent managed by DAR staff John Kahiapo along with East Hawai'i DOCARE, DAR Hawai'i Wildlife Program and DAR Hawai'i Marine Recreational Survey Program. Passed out Try Wait brochures and spoke with attendees about the proposal.

October 9, 2015 **KMLAC Outreach Meeting:** Discuss outreach efforts to date and plan for moving forward with coordinated outreach.

**Individuals/Groups Present:** Cynthia Nazara, Vern Yamanaka, Hannah Springer, Chad Wiggins, Paola Pagan, Wayne Tanaka, Leina'ala Lightner, Kristen Maize

October 17, 2015 **West Hawai'i Fishery Council Meeting:** KMLAC presented on their Try Wait proposal to the WHFC members, DAR Administrator Bruce Anderson, and an audience of approximately 20 people. Answered questions about the proposal and shared brochure with those in attendance.

October 28, 2015 **Site Visit with Decision Makers:** Aunty Hannah presented to decision makers about the proposal. Cindy Evans had many questions regarding Kūki'o golf course's role in the degradation of the area. Water quality data will be compiled and shared and more evaluation conducted. Lorraine suggested setting up a meeting with Trolling Tournaments organizers to inform them about trolling exemption. Cindy said, "I think this is new ground and I love it. I think it fits with where we are right now."

**Individuals/Groups Present:** Cindy Evans, Lorraine Inouye, Dru Kanuha, Maile David, Karen Eoff, Leina'ala Lightner, Hannah Springer, Vern Yamanaka, Bart Wilcox, Mahana Gomes, Shirley Keakealani, Ku'ulei Keakealani, and Norman Pi'ianaia

November 30, 2015 **KMLAC Ka'ūpūlehu Site Visit:** Dr. Bruce Anderson, the Director of the Division of Aquatic Resources (DAR), accompanied by David Sakoda, a

Legal Fellow with DAR, visited Ka'ūpūlehu to speak with the KMLAC about the proposal and see the site for themselves. They got in the water at Kahuwai, where Bruce commented on the dramatic decline in resources since his last time in the area about 30 years ago. David Sakoda, on the other hand, noted there seemed to a lot of fish in the water compared to O'ahu.

**Individuals/Groups Present:** Bruce Anderson, David Sakoda, William Walsh, John Kahiapo, (DAR) Leina'ala Lightner, Hannah Springer, Reggie Lee, Mike Nakachi, Kaikea Nakachi, Vern Yamanaka, Caleb Yamanaka, David Johnston, David Chai, Ku'ulei Keakealani, Kekaulike Tomich, Paola Pagan, Chad Wiggins

December 23, 2015 **KMLAC Planning Meeting:** Discussed outreach procedures for decision makers, setting site visit dates and distributing invitations. Feedback on Try Wait t-shirt design ideas was given. Decided on materials to share with public/community partners from the admin record.

**Individuals/Groups Present:** Leina'ala Lightner, Hannah Springer, Vern Yamanaka, David, Chad Wiggins, Kristen Maize, Kekaulike Tomich, Paola Pagan, Caleb Yamanaka, Wayne Tanaka  
Phone: Jason (KS), Kevin Chang, Uncle Charlie, Evelyn Wight

December 28, 2015 **Hualālai Resort:** Presentation regarding 'Try Wait' proposal to 300+ Hualālai Resort Members and their families, passed out Try Wait brochures.

**Individuals/Group Present:** David Chai

## 2016

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January 3, 2016 **Waimea Film Festival:** 40 people attended a 45 minute slide show presentation given by five kama'āina of Ka'ūpūlehu, Pū'uanahulu, Waimea, and Kona who are members of or advisors to the KMLAC. There was a generally positive response from the crowd, many questions, and a subsequent spike in online traffic to the KMLAC Facebook page.

**Individuals/Groups Present:** Ku'ulei Keakealani, Leina'ala Lightner, Kekaulike Tomich, Mike Nakachi, and Hannah Kihalani Springer

January 13, 2016 **KMLAC Outreach Planning Meeting:** Decision maker outreach updates and responses discussed. Plans to keep track of decision maker responses on a spreadsheet. Request to schedule weekly meetings until the hearing.

**Individuals/Groups Present:** Hannah Springer, Leina'ala Lightner, Reggie Lee, Paola Pagan, Chad Wiggins, Cecile Walsh, Micah Stephenson  
Phone: Kristen Maize, Evelyn Wight, Kirsten Fujitani, Wayne Tanaka, Christine Bean

January 17, 2016 **Ka'ūpūlehu Site Visit With Nicole Lowen:** Aunty Lei and Aunty Hannah hosted a site visit for Nicole Lowen (Representative of Kailua-Kona) to discuss proposal; Kekaulike and Christine also joined.

**Individuals/Groups Present:** Nicole Lowen, Leina'ala Lightner, Hannah Springer, Kekaulike Tomich, Christine Bean

January 17, 2016 **Kīholo Workday:** Volunteers cleared invasive vegetation from the fishpond fence line and edge. Three kūpuna joined and did a talk story with the volunteers in the afternoon. Bobby Camara talked about hau cordage preparation and Aunty Hannah Springer and Lei Lightner talked about the Try Wait Initiative in Ka'ūpūlehu.

**Individuals/Groups Present:** Hannah Springer, Lei Lightner, Christine Bean, Kekaulike Tomich, Chad Wiggins, Bobby Camara, and 56 volunteers.

January 19, 2016 **KMLAC Outreach Planning Meeting:** Updates on decision maker engagement and outreach efforts since last meeting. Discussion on Try Wait t-shirt design and order. KMLAC discussed DAR's request to share admin record online, KMLAC to review document and send edits. Discuss West Hawai'i Today article and other upcoming media opportunities.

**Individuals/Groups Present:** Leina'ala Lightner, Hannah Springer, Reggie Lee, Kekaulike Tomich, Christine Bean, Alex Connelly, Chad Wiggins, Kristen Maize, Micah Stephenson  
Phone: John Kahiapo, Wayne Tanaka, Evelyn Wight, David Chai, Kirsten Fujitani

January 21, 2016 **WHFC Meeting:** KMLAC on the agenda to share information about the proposal and upcoming public hearing, answer any questions, WHFC agreed to write letter of support, collective and as individuals.

**Individuals/Groups Present:** Hannah Springer, Kekaulike Tomich, Mike and Alohi Nakachi, Paola Pagan, Micah Stephenson

- January 21, 2016 **Hawai'i Burial Council Hearing:** Distributed Try Wait brochures to about 13 individuals. Majority of people were aware of the public hearing at Kealakehe High School and were very supportive.
- Individuals/Groups Present:** Reggie Lee
- January 21, 2016 **Outreach to Aha Moku, Civic Clubs, OHA:** Email invitation sent out from KMLAC inviting Aha Moku, Civic Club and OHA Hawai'i Island representatives for a site visit on February 6. Pua Akama, Charles Young, Damien Kenison, Shane Palacat-Nelson, and Jojo Tanimoto are scheduled to be in attendance; others may also attend.
- Individuals Invited:** Jojo Tanimoto (Aha Moku, South Kohala); Robert Shook (Aha Moku, North Kona); Fred Cachola (Aha Moku, North Kohala); Pelika Bertlemann (Aha Moku, South Kohala); Geri Bell (Hawai'i Council President); Cynthia Nazara (Kona Hawaiian Civic Club President); Charmaine Pule (Kuakini Hawaiian Civic Club President); Pua Akama (Kohala Hawaiian Civic Club President); Kaena Peterson (South Kohala Hawaiian Civic Club President); Thomas Hickcox (Aha Moku, North Kona); Kaliko Chun (Aha Moku and Civic Club); Charles Young (Aha Moku); Shane Palacat-Nelsen (OHA)
- January 21, 2016 **Outreach to Kona Honu Dive Company:** Christopher Peters gave a presentation to about 40 attendees on coral reefs in Hawaii generally and the Try Wait proposal specifically.
- Individuals/Groups Present:** Kona Honu Dive Company partners Byron Kay and Jeff Milisen, Christopher Peters, and ~40 attendees (no attendee list).
- January 23, 2016 **Marine Option Program Camp:** Julia Rose spoke to 20 UH Hilo Marine Option Program students for about an hour. 15 of those minutes Julia spoke about the Ka'ūpūlehu proposal with question and answers. Specifically talked about the volunteer fish surveys occurring in Ka'ūpūlehu, 13 of 20 students gave their contact information to get involved in surveys. Distributed outreach material and invited students to sign petition.
- Individuals/Groups Present:** Julia Rose (TNC)
- January 24, 2016 **8<sup>th</sup> Annual O Ka'u Kāko Keiki Fishing Tournament:** Catch and release, barbless hook keiki tournament, 300 keiki participated from ages 2-14 at Punalu'u Black Sand Beach. John Kahiapo (DLNR/DAR) hosted outreach table, had handfals of different outreach materials but a lot of people were interested in the Try Wait brochure and initiative. Community

members interested in starting something similar in their area, take brochures to their community associations and clubs.

**Individuals/Groups Present:** John Kahiapo (DLNR/DAR)

- January 26, 2016 **KMLAC Outreach Planning Meeting:** Updates on decision maker engagement and outreach efforts since last meeting. Request for all edits for admin record, KMLAC approves sharing record with DAR. Approval on t-shirt print, request for yard signs and stickers. Discuss media opportunities.
- Individuals/Groups Present:** Leina'ala Lightner, Hannah Springer, Reggie Lee, Kekaulike Tomich, Paola Pagan, Christine Bean, David Chai, John Kahiapo, Mike Nakachi, Alohi Nakachi, Cecile Walsh, Evelyn Wight, Chad Wiggins, Micah Stephenson; Phone: Kirsten Fujitani, Wayne Tanaka
- January 26, 2016 **Kūki'o Golf Course Maintenance, Landscape and Ponds staff:** Aunty Hannah and Aunty Lei gave presentation on the Ka'ūpūlehu proposal to 88 employees, with question and answer session.
- Individuals/Groups Present:** Hannah Springer, Leina'ala Lightner, Paola Pagan
- January 26, 2016 **Kūki'o Golf and Beach Club and Community Association:** Paola gave presentation on Ka'ūpūlehu proposal to 15 members.
- Individuals/Groups Present:** Paola Pagan
- January 26, 2016 **Outreach to Kūki'o Homeowners:** Email reaching 267 homeowners with outreach documents: Try Wait brochure, FAQ, science reference sheet, save the date.
- January 27, 2016 **Outreach to Hualālai Resort Staff:** In addition to staff group meetings, an email with outreach documents was sent out to 1,200+ staff members: Try Wait brochure, FAQ, science reference sheet, save the date.
- January 27, 2016 **Mauna Lani Sea Adventures Staff:** Proposal process and status shared with staff and kūpuna during meeting at Mauna Lani focused on implementing the South Kohala Conservation Action Plan. Twenty minute discussion followed by Q&A with knowledgeable ocean business representatives.

**Individuals/Groups Present:** Francis Ruddle, Susy Ruddle, Gary Simons, Steve Borcri, Pi'i Laeha

January 30, 2016

**'Ohana Gathering:** 9 members of Aunty Leina'ala Lightner's family gathered at Pu'uuanahulu Community Center to talk story about Ka'ūpūlehu proposal moving forward.

**Individuals/Groups Present:** 9 'ohana members, Leina'ala Lightner, Vern Yamanaka, John Kahiapo, Evelyn Wight, Rebecca Most, Cecile Walsh, Micah Stephenson

February 2, 2016

**KMLAC Outreach Planning Meeting:** Updates on decision maker engagement and outreach efforts since last meeting. Discussion on who else should be directly engaged on the proposal and a plan for doing so.

**Individuals/Groups Present:** Leina'ala Lightner, Hannah Springer, Reggie Lee, Kekaulike Tomich, Paola Pagan, Cecile Walsh, Kristen Maize, Chad Wiggins, Micah Stephenson; Phone: Kirsten Fujitani, Alex Conelly

February 2, 2016

**KMLAC Site Visit:** Chair Suzanne Case, Dr. Bruce Anderson, and David Tarnas visited Ka'ūpūlehu to meet directly with KMLAC members and view the proposal area. Walked along coast and viewed boundaries and marine resources from offshore, including the 20 fathoms seaward boundary.

**Individuals/Groups Present:** Suzanne Case, Bruce Anderson, David Tarnas, Hannah Springer, Ku'ulei Keakealani, Paola Pagan, Mike Nakachi, Kaikea Nakachi, Chad Wiggins

#### D. List of Individuals Who Have Participated in the Rule Development and/or Been Engaged Directly on the Rule Proposal

The following is a list of people who have participated in the discussion and development of the Ka'ūpūlehu rule proposal compiled from sign in sheets, comment cards, and meeting notes – misspellings and omissions are unintentional. The purpose of this list is to show the depth of engagement of the community throughout this process. This list of names and affiliations is neither comprehensive nor indicative of support – it is a conservative account of those who have been informed and involved, based on the information they provided to Ka'ūpūlehu community members – many others have been reached that are not identified here. At the request of DAR staff, former and current West Hawai'i Fishery Council (WHFC) members are designated based on documents provided. Mahalo to all who listened, questioned, considered, and shared and special thanks to those who gave their time to this process and are no longer with us – you are not forgotten.

Name	Connection to Place/Affiliation
Abby Sandi	E Alu Pū/Kūpa'a no Lāna'i & Lāna'i Limu Restoration
AK Shingle	
Alan Fern	Kona Village employee
Alan Murikami	
Alan Nakagawa	Attended KMLAC/WHFC Public Meeting
Alex Connelly	Kua'āina Ulu 'Auamo (KUA)
Alfred Uina	Kona Village employee
Allen Kangichi	Palau
Alohi Nakachi	Attended KMLAC/WHFC Public Meeting/ current WHFC
Alton Hooper	
Alton Murakane	Attended KMLAC/WHFC Public Meeting
Andrew Argyris	
Andrew Hanano	Attended KMLAC/WHFC Public Meeting
Ann Yamamoto	Attended KMLAC/WHFC Public Meeting
Annaree Shallenberger	
Anthony Deluze	E Alu Pū/Ho'ola Hou lā Kalauao
Austin Ramos Ladia	E Alu Pū/Mālama Pūpūkea-Waimea
Ava Williams	
Barbara Dalton	
Barbara Tremaine	Ancestral ties to Ka'ūpūlehu
Bart Wilcox	KMLAC/Ancestral ties to Ka'ūpūlehu/fisherman
Berry Mimo	
Betsy Morrigan	
Bill Hayward	
Bill Tam	DLNR/DAR
Billy Mitchell	Kīholo kama'āina

Billy Paris	Fisherman - Ka'ūpūlehu
Blas Lawrence	Palau
Bob DeMate	Ancestral ties to Ka'ūpūlehu, fisherman
Brian K. Antonie	Attended KMLAC/WHFC Public Meeting
Brian Wargo	
Caitlyn Toropova	
Caleb Yamanaka	Hualālai member, fisherman/diver
Carl Carlson	Kūki'o ranch manager
Carl Jellings	Fisherman from O'ahu with concerns
Carolyn Lucas-Zenk	Attended KMLAC/WHFC Public Meeting
Chad Wiggins	TNC/WHFC current
Charles Young	Kai Kuleana Network/Ho'okena/ WHFC current
Chase Terwillinger	Extended family from CA
Christine Bean	KMLAC
Cindi Punihaole	Kohala Center, Ancestral ties to Ka'ūpūlehu
Cirilio Rosario	CML holder/WHFC current
Clarence Wilcox	Ancestral ties to Ka'ūpūlehu
Clay Tremaine	Ancestral ties to Ka'ūpūlehu
Clayton Punihaole	
Clifford Madeiras	Fisherman from Kona
Clifford Mitchell	Ancestral ties to Ka'ūpūlehu
Cole Palea	Grew up fishing and camping in Ka'ūpūlehu
Colten DeRego	Attended KMLAC/WHFC Public Meeting
Craig DeRego	Attended KMLAC/WHFC Public Meeting
Cristina Terwillinger	Extended family from CA
Cynthia Nazara	KMLAC/KHCC/ former WHFC
Cynthia Torres	KHCC
Dale Sarver	Current WHFC
Damien Kenison	Former WHFC
Daniel Kahuanui	Attended KMLAC/WHFC Public Meeting
Danny Akaka	
David Chai	KMLAC
David Dart	Current WHFC
David Winters	
Debbie Gowensmith	
Deedee Keakealani Bertelmann	Ancestral ties to Ka'ūpūlehu
Denis Fujii	E Alu Pū/'Ewa Limu Project
Diana Makanea Kaneali'i	Attended KMLAC/WHFC Public Meeting
Donna Goodale	Current WHFC
Doug Herkes	Former WHFC
Doug Kellam	

Doug Perrine	
Dru Watson	Attended KMLAC/WHFC Public Meeting
Duane Erway	
Earl Yamamoto	Attended KMLAC/WHFC Public Meeting
Eddie Canho, Jr.	Attended KMLAC/WHFC Public Meeting
Edlyn Carvalho	Attended KMLAC/WHFC Public Meeting
Edwyna Tancayo	Attended KMLAC/WHFC Public Meeting
Ekolu Lind	E Alu Pū/Kīpahulu 'Ohana Inc.
Ekolu Lindsey	Polanui
Elbuchel Sadang	Palau
Eli Michael	
Elizabeth Theriult	Kona Village employee
Elmer Fukumitsu	Kona Village employee and fisherman
Emilio Munoz	E Alu Pū/Kahana Kilo Kai/Ho'āla 'Āina Kūpono
Emma Anders	DLNR/DAR
Eric Conklin	TNC
Eric Koch	WHFC
Erin Kawakami	Hualālai employee, from Hawai'i Island
Eunice Lind	E Alu Pū/Kīpahulu 'Ohana Inc.
Evelyn Wight	TNC
Evy Braum	
Faith Kalei Imaizumi	Attended KMLAC/WHFC Public Meeting
Francis Ruddle	Ancestral ties to Ka'ūpūlehu, fisherman
Frank Ota	Kona Village and commercial fisherman/ former WHFC
Fred Duerr	KMLAC, previous GM, former WHFC
Gail Uina	Kona Village employee
Garth Yamanaka	Hualālai member, grew up fishing and camping at Ka'ūpūlehu, marine biologist
Gary Oamilda	Attended KMLAC/WHFC Public Meeting
George Fry	Attended KMLAC/WHFC Public Meeting
George Pereira	Ancestral ties to Ka'ūpūlehu, fisherman
George Robertson	Kai Kuleana Network /Puakō
Gilbert Kahele	
Glennon Gingo	Former WHFC
Greg Lind	E Alu Pū/Kīpahulu 'Ohana Inc.
Guy Terwillinger	Ka'ūpūlehu resident
H. J.K. Santos	Attended KMLAC/WHFC Public Meeting
Hannah Springer	KMLAC/KHCC/ Ka'ūpūlehu residentto/former WHFC
Harry Ka'auomoana	E Alu Pū/Hanalei Watershed Hui
Heidi Gasper	Fisherman from Kona
Henry Chang Wo	E Alu Pū/'Ewa Limu Project
Hezekiah Deluze	E Alu Pū/Ho'ola Hou lā Kalauao

Howard Wong	Attended KMLAC/WHFC Public Meeting
Hunter Carpio	E Alu Pū/Wailuku CMMA
Ida Hanohano	Attended KMLAC/WHFC Public Meeting
Ilima Ho-Lastimosa	E Alu Pū/God's Country Waimānalo
Isaiah Lind	E Alu Pū/Kīpahulu 'Ohana Inc.
Ivan Gomes	Attended KMLAC/WHFC Public Meeting
J.B. Horner	Attended KMLAC/WHFC Public Meeting
J.L. Nakane	Attended KMLAC/WHFC Public Meeting
Jackie Kaluau	DLNR/DOCARE
Jacob Keana'aina	WHFC
Jade Chinen	
James Natividad Malloy	Attended KMLAC/WHFC Public Meeting
Jared Yamanaka	Hualālai member, grew up fishing and camping at Ka'ūpūlehu, high school teacher
Jason Rodgers	Attended KMLAC/WHFC Public Meeting
Jay Carpio	E Alu Pū/Wailuku CMMA
Jean Lai	Attended KMLAC/WHFC Public Meeting
Jeff Mau, KS	KMLAC/KS
Jeffrey Coakley	Kai Kuleana Network /Kawaihae
Jenny Mitchell	Kīholo kama'āina
Jenny Yagodich	E Alu Pū/Mālama Pūpūkea-Waimea
Jennifer Cypriano	E Alu Pū/Ho'ola Hou lā Kaluauo
Jesse DeRego	Attended KMLAC/WHFC Public Meeting
Jessica Casson	E Alu Pū/Mālama Loko Ea Foundation
Joe Christopher	Attended KMLAC/WHFC Public Meeting
Joe Griffiths	Attended KMLAC/WHFC Public Meeting
John Chock	KMLAC/KS
John Kahaiapo	DLNR/DAR
John Kellam	
John Replogle	TNC
Jojo Tanimoto	
Joseph Hing	DLNR/DOCARE
Josiah Deluze	E Alu Pū/Ho'ola Hou lā Kaluauo
JR Rosario	WHFC
Judith Perino	
Judy Malinowski	Kai Kuleana Network /Mauna Lani
Judy Volcartsen	
Justin Viezbicke	
K.C. Mahoney	KHCC
Kai Gowensmith	
Kai Kahele	
Kaikea Nakachi	Avid diver, photographer, boat Captain

Kaimana Kahuanui	Attended KMLAC/WHFC Public Meeting
Kaimi Kaupiko	E Alu Pū/ Pa'a Pono Miloli'i
Kaipō Perez III	Attended KMLAC/WHFC Public Meeting
Kaiwiola Winter	E Alu Pū/Limahuli Garden and Preserve
Kaiwi Keakealani	Ancestral ties to Ka'ūpūlehu
Kalā Winter	E Alu Pū/Limahuli Garden and Preserve
Kalani Kalima	E Alu Pū/Nā Kua'āina o Waimānalo
Kalehua Paltin-Vierra	E Alu Pū/Save Honolulu Coalition
Kaleo Bertelmann	
Kaleo Ku'ule'e	
Kamalu Ka'awi	
Kamanawa Mitchell	
Kammy Boy Kam	Fisherman from Kona
Kanai Mock Chew	Attended KMLAC/WHFC Public Meeting
Kara Osada-D'Avella	
Karen Haleamau	Kūki'o kama'āina
Karen Hand	
Karma Kissinger	WHFC
Katshushi Skang	Palau
Kauai Lee Hornstine	E Alu Pū/Mālama Kōloa
Kawe Andrade	
Kawika Auld	Attended KMLAC/WHFC Public Meeting
Kawika Ruddle	Ancestral ties to Ka'ūpūlehu
Kawika Winter	E Alu Pū/Limahuli Garden and Preserve
Keahi Pi'i'ohi'a	E Alu Pū/Paepae o He'eia
Keith Yamamoto	Attended KMLAC/WHFC Public Meeting
Kekaulike Tomich	KMLAC, Ancestral ties to Ka'ūpūlehu
Keli'i Alapa'i	E Alu Pū/Hui Maka'āinana o Makana
Keli'i Kotubetey	E Alu Pū/Paepae o He'eia
Kelsey Lactaer	Attended KMLAC/WHFC Public Meeting
Kevin Chang	Kua'āina Ulu 'Auamo (KUA)
Kim Hum	TNC
Kim Koch	
Kim Moa	Kua'āina Ulu 'Auamo (KUA)
Kim New	
Kolomona Kaho'ohalahala	E Alu Pū/Maunalei Ahupu'a Mauka Makai Managed Area
Kristen Maize	TNC
Kū Ponciano	E Alu Pū/Hau'ula Community Association/Hui O Hau'ula
Ku'ulei Keakealani	KMLAC, Ancestral ties to Ka'ūpūlehu
Ku'ulei Rodgers	Attended KMLAC/WHFC Public Meeting
La'akea Yagodich	E Alu Pū/Mālama Pūpūkea-Waimea

La'í Mitchell	Kīholo kama'āina
Lani Yamasaki	Attended KMLAC/WHFC Public Meeting
Larry Nakamoto	Attended KMLAC/WHFC Public Meeting
Lauan Keanaaina	
Lauren Terwillinger	Ka'ūpūlehu resident
Laurie Richmond	
Lehua Alapa'i	Ancestral ties to Ka'ūpūlehu
Leighton Hind	Kīholo kama'āina
Leimamo Lind-Strauss	Kīpahulu
Leimana DeMate	Ancestral ties to Ka'ūpūlehu, fisherman
Leina'ala Keakealani Lightner	KMLAC, Ancestral ties to Ka'ūpūlehu
Leina'ala Navas-Loa	E Alu Pū/Ka 'Ohana o Hōnaunau
Leina'ala Tolentino	
Leonard Torricer	Fisherman – Kona/former WHFC
Lily Acoba	Kona Village, ocean gatherer
Linda Preskitt	Phycologist/Scientific Diver/current WHFC
Lino Kamakaua	DLNR/DOCARE
Lisa Diaz	
Lisa Kamaka'ala	E Alu Pū/Kahana Kilo Kai/Ho'āla 'Āina Kūpono
Liwai Mitchell	Ancestral ties to Ka'ūpūlehu
Lokene Talaipa	E Alu Pū/Hau'ula Community Association/Hui O Hau'ula
Lōli'i Kamaka'ala	E Alu Pū/Kahana Kilo Kai/Ho'āla 'Āina Kūpono
Lucienne Aenai	
Luke Sandi	E Alu Pū/Kūpa'a no Lāna'i & Lāna'i Limu Restoration
Luna Kekoa	
Lydia Sease	
Lynette Chase	Attended KMLAC/WHFC Public Meeting
Mac Poepoe	Mo'omomi
Maha Kaneali'i	
Mahana Wilcox	Ancestral ties to Ka'ūpūlehu
Mahealani Winters	
Maile Carpio	E Alu Pū/Wailuku CMMA
Maile Wilcox	Ancestral ties to Ka'ūpūlehu
Maireng Malsol	Palau
Maka Wiggins	Attended KMLAC/WHFC Public Meeting
Maka'ala Ka'aumoana	E Alu Pū/Hanalei Watershed Hui
Makani Christensen	Fisherman from O'ahu with concerns, ties to Ka'ūpūlehu
Malia Akutagawa	Kāhana, UH Law School, Hui 'Āina Momona
Malia K. Kīpapa	Current WHFC/former HCSN/current KS
Manuel Mejia	TNC
Margaret Wille	County Council/ Attended KMLAC/WHFC Public Meeting

Mari Gusman	
Mark Fox	TNC
Mark Nakashima	Attended KMLAC/WHFC Public Meeting
Mary Vandamme	Attended KMLAC/WHFC Public Meeting
Matt Ramsey	Attended KMLAC/WHFC Public Meeting
Mauga ohana (16)	Ancestral ties to Ka'ūpulehu
Maurice Kahawai	KHCC
Max Phillips	E Alu Pū/Mālama Pūpūkea-Waimea
Megan Ross	Attended KMLAC/WHFC Public Meeting
Mehana Blaich-Vaughn	Hanalei
Mel Malinowski	Kai Kuleana Network - Mauna Lani
Melissa Van Der Merwe	Hualālai employee
Michael Keakealani	Ancestral ties to Ka'ūpulehu
Mike Field	Kūki'o
Mike Henshaw	Former WHFC
Mike Hind	Kīholo kama'āina
Mike Nakachi	Business owner/Captain/KMLAC/fisherman/former WHFC
Mike Sur	Fisherman from O'ahu with concerns
Mikuela Ortiz	Attended KMLAC/WHFC Public Meeting
Myle Chinen	
Nahaku Kalei	National Historical Park, Kaloko-Honokōhau
Nahiku Paltin-Vierra	E Alu Pū/Save Honolulu Coalition
Nana Wilcox	Ancestral ties to Ka'ūpulehu
Naulu Kekoa	
Niho Deluze	E Alu Pū/Ho'ola Hou lā Kaluao
Noah Idechong	Palau
Norman Pi'ianai'a	Captain of Hōkūle'a
Nu'uano Lee	Attended KMLAC/WHFC Public Meeting
Palani Sinenci	E Alu Pū/ Pa'a Pono Miloli'i
Palikapu Dedman	Attended KMLAC/WHFC Public Meeting
Pam Fujii	E Alu Pū/'Ewa Limu Project
Patrick Cunningham	Former WHFC
Paul Jokiel	Attended KMLAC/WHFC Public Meeting
Paul Warren	Charter Captain/former WHFC
Pelika Andrade	Kai Kuleana Network
Pete Basabe	CML holder/former WHFC
Peter Hackstedde	Puakō Community Association
Phil Hayward	Ocean activist
Pi'i Laeha	Attended KMLAC/WHFC Public Meeting
Pono Estores	E Alu Pū/Mālama Loko Ea Foundation
Pono Fisher	E Alu Pū/Mālama Loko Ea Foundation

Prescot Guillermo	E Alu Pū/Hōlani Hāna/ Hālau Hale Kuhi Kuhi
Presley Wann	E Alu Pū/ Hui Maka'āinana o Makana
PS Berezney	Attended KMLAC/WHFC Public Meeting
Quinton Hooper	Kūki'o
Ralph Alapa'i	Ancestral ties to Ka'ūpūlehu
Randy Clarke	Puakō Makai Watch, Kai Kuleana Network - Puakō
Raycen Tancayo	Attended KMLAC/WHFC Public Meeting
Reggie Lee	KMLAC, Ancestral ties to Ka'ūpūlehu
Rhell Yamamoto	Attended KMLAC/WHFC Public Meeting
Richard M. Osada	
Richie Mitchell	Kīholo kama'āina and fisher
Rick Rapp	Former Puakō Makai Watch volunteer
Rob Shallenberger	Former WHFC
Rob White	
Robbie Hind	Kīholo kama'āina
Robbie Robertson	Kai Kuleana Network - Puakō
Robert Hajek	Current WHFC
Robert Punihaole	Ancestral ties to Ka'ūpūlehu
Robin Newbold	Maui Nui Marine Resource Council
Rollyn Tancayo	Attended KMLAC/WHFC Public Meeting
Roman Ha'o	Ancestral ties to Ka'ūpūlehu
Ronnie Huddy	E Alu Pū/Hau'ula Community Association/Hui O Hau'ula
Rory Balinao	Kona Village employee and fisherman
Roxlie Ha'o	Ancestral ties to Ka'ūpūlehu, fisherman
Ruby McDonald	KMLAC/OHA/former WHFC
Russell Amimoto	TNC
Sam Brittan	Attended KMLAC/WHFC Public Meeting
Sam Keakealani Lightner	Ancestral ties to Ka'ūpūlehu
Sandi Rabacca	E Alu Pū/Kūpa'a no Lāna'i & Lāna'i Limu Restoration
Sara Fuller	Former Puakō Makai Watch Volunteer
Sara Peck	Former WHFC/UH Sea Grant
Scott Brien	Former WHFC
Scott Shero-Amba	DLNR DOCARE/WHFC
Scott Williams	
Sean Marsh	Attended KMLAC/WHFC Public Meeting
Seth Warner	Attended KMLAC/WHFC Public Meeting
Shadow Grebend	Attended KMLAC/WHFC Public Meeting
Shae Kamaka'ala	E Alu Pū/Kahana Kilo Kai/Ho'āla 'Āina Kūpono
Shane Kalaniopio	
Shane Palacat Nelsen	Fisher/OHA
Shannon Carpio	E Alu Pū/Wailuku CMMA

Shayla Matthews	E Alu Pū/God's Country Waimānalo
Shecky Cabulizan	Attended KMLAC/WHFC Public Meeting
Shirley Ann Keakealani	Ancestral ties to Ka'ūpūlehu
Sierra Tobiason	Sea Grant
Soloman Haleamau	Kūki'o kama'āina
Sonny Boy Keakealani	Ancestral ties to Ka'ūpūlehu
Sonny Miranda	Attended KMLAC/WHFC Public Meeting
Stacie Gioecke	
Steve Cotton	Scientific Diver for DAR
Steve Victor	Palau/ coral reef researcher
Steven Rose	Kohanaiki/ anchialine pool manager
Sue Kellam	Friends of Pebble Beach
Susie Ruddell	Ancestral ties to Ka'ūpūlehu
Suzanne Shriner	
Sweeny Ongidobel	Palau
Tai Tancayo	Attended KMLAC/WHFC Public Meeting
Tamara Paltin	E Alu Pū/ Save Honolulu Coalition
Tate Marks	Fisherman with concerns
Te Hani Lastimososa	E Alu Pū/God's Country Waimānalo
Ted Blake	E Alu Pū/Mālama Kōloa
Teresa Nakama	Former WHFC
Terri Napeahi	Attended KMLAC/WHFC Public Meeting
Terry Andrade	Kohala kama'āina
Terry Argyris	
Tessie Fonoimoana	E Alu Pū/Hau'ula Community Association/Hui O Hau'ula
Tia Yamanaka and family	Hualālai member, grew up camping at Ka'ūpūlehu
Tina Owens	Current WHFC
Toa Olomua	E Alu Pū/Maunalei Ahupu'a Mauka Makai Managed Area
Todd Andrews	Attended KMLAC/WHFC Public Meeting
Tom Oiye	Attended KMLAC/WHFC Public Meeting / former WHFC
Tony Llanes	Fisherman (commercial), used to fish Ka'ūpūlehu
Tony Nahachy	Former WHFC
Tony Spitzack	Graduate student researcher
Trace Kalei	
Tricia Dang	KMLAC/KS
Tyler Palea	Grew up fishing and camping in Ka'ūpūlehu
Tyson Fukuyama	
Ulalia Woodside	KMLAC/KS (previously)
Umi Jensen	
Vanny Kamaka'ala	E Alu Pū/Kahana Kilo Kai/Ho'āla 'Āina Kūpono
Vern Yamanaka	KMLAC/former WHFC

Virginia Goldstein	Ex County of Hawaii Planning Director
Wailea Ho	E Alu Pū/God's Country Waimānalo
Wally Ito	Kua'āina Ulu 'Auamo (KUA)
Wayne Kohulumo	
Wayne Tanaka	OHA
Wesley Murakae	Attended KMLAC/WHFC Public Meeting
William J. Aila, Jr.	DLNR
William Walsh	DLNR/DAR/WHFC
Waillie Olomua	E Alu Pū/Maunalei Ahupu'a Mauka Makai Managed Area
Willy Kaupiko	Former WHFC
Willy Rocha	Attended KMLAC/WHFC Public Meeting
Yuko Lindsey	Attended KMLAC/WHFC Public Meeting
Yuko Stender <sup>i</sup>	Attended KMLAC/WHFC Public Meeting
Zach Judd	Hawai'i Island resident and ocean enthusiast

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**Stakeholder Groups & Organizations Engaged:**

Aha Moku	KALO - Kanu o ka 'āina New Century Charter School
Ala Kahakai National Historic Trail	Ka'ūpūlehu Interpretive Center at Kalaemanō
Community members	Kamehameha Schools (KS)
Coral Reef Alliance	Kohanaiki
Cultural practitioners	Kūki'o Community Association
DAR	Kūki'o Development (KD)
Daughters of Hawai'i	Liquid Robotics
DOCARE	Maui Nui Marine Resource Council (MNMRC)
Engaged citizens	Nā kūpuna
Fishermen	Office of Hawaiian Affairs (OHA)
Friends of Pebble Beach	Outdoor Pursuits
HCC	Sea Grant
Hualālai Developments (HD)	Students (UH Hilo)
Hualālai Resort (HR)	The Lost Fish Coalition
Hui Aloha Kiholo	The Nature Conservancy (TNC)
'Ohana/Community members	UH Seagrant
Ka'ahumanu Society	West Hawai'i Fishery Council (WHFC)
Kai Kuleana Network	

## VI. Appendices

### Appendix A: Ramseyer Rules – October 15, 2014

For Ka'ūpūlehu's Ramseyer version of the rules that was unanimously approved for a public hearing by the BLNR on its October 24, 2014 meeting, see this link here:

<http://files.hawaii.gov/dlnr/meeting/submittals/141024/F-5.pdf>

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## Appendix B: October 24, 2014 BLNR Meeting: Written Public Testimony

For the written public testimony from the October 24, 2014 Board of Land and Natural Resources Meeting in regards to Ka'ūpūlehu's request for a public hearing, see this link here:

<https://www.dropbox.com/s/epezwprut7aogx/Appendix%20B%20-%20BLNR%20Written%20Public%20Testimony%2010-24-14.pdf?dl=0>

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## Appendix C: KMLAC Outreach Materials – FAQs, Scientific References, and Pamphlet

For the KMLAC Outreach Materials including its FAQs, scientific references, and pamphlet, see this link here:

<https://www.dropbox.com/s/fs0nfxoq6qmov2i/Appendix%20C%20-%20KMLAC%20Outreach%20Materials.pdf?dl=0>

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## Appendix D: Reef Monitoring Reports – 2012-2013 and 2009-2011

For the Reef Monitoring Reports from 2012-2013 and 2009-2011, see this link here:

<https://www.dropbox.com/s/vozg7x5ccfpkybn/Appendix%20D%20-%20Reef%20Monitoring%20Reports-combined.pdf?dl=0>

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## Appendix E: Marine Management Plan for the Hualālai Development Corporation

This marine management plan was created in November 1995 by the BAF Environmental Group for HDC in order to satisfy a condition of its CDUP that was issued by DLNR. The page numbers below refer to the page numbers of the .pdf document, not the original page numbers of the management plan. For the original management plan, see this link here:

<https://www.dropbox.com/s/l0fbecaujua5o5e/Appendix%20E%20-%20HDC%20Marine%20Management%20Plan.pdf?dl=0>

Part One: Marine Life Management Plan	page 1
Part Two: Baseline Description of the Resource	page 15
Appendix A: DLNR CDUP Approval	page 48
Appendix B: List of Participants	page 52
Appendix C: Best Management Practices	page 54

## Appendix F: Settlement Agreement

Two major community initiatives contributed to the creation of the KMLAC, the first being an intervention on an U.S. Army Corps of Engineers (Army Corps) dredging permit and the other being legislation creating the West Hawaii Fishery Management Area (see Part B, Exhibit A, pg. 13). In the 1990's, the intervention in the Army Corps dredging permit was initiated by community members, the Kona Hawaiian Civic Club (KHCC), and the Office of Hawaiian Affairs (OHA) against the Hualālai Development Company (HD) and the Army Corps.

The dredging permit potentially impacted the shoreline of Ka'ūpūlehu and a result of this intervention was the establishment of the KMLAC and the boundaries, which includes the ahupua'a of Ka'ūpūlehu and part of the ahupua'a of Kūki'o, a neighboring ahupua'a. Thus, the KMLAC is a structured group comprised of four voting members that were the parties in the lawsuit (HD, OHA, KHCC, and Kamehameha Schools (KS) as the land owner). Kama'āina kūpuna also sit with the council as "nā kūpuna" members. The KMLAC and its greater network of stakeholders and supporters have been actively engaged with Ka'ūpūlehu's rule proposal and have advanced positive working relationships with one another. For the settlement agreement, see this link here:

<https://www.dropbox.com/s/k9f2d9r2bhsaw0f/Appendix%20F%20-%20Settlement%20Agreement.pdf?dl=0>

1997	Hawaii District Court Dismissal	page 2
1997	Exhibit A: Court Settlement Agreement	page 5
May 19, 1997	Army Corps Request and Commitment Letter	page 13
June 20, 1996	Defendant's Memorandum of Agreement	page 15
1996	Association of Hawaiian Civic Clubs Newsletter	page 20

## Appendix G: WHFC Introduction and Operational Practices & Procedures

The KMLC's proposal builds upon Ka'ūpūlehu's current designation as a Fish Replenishment Area (FRA) within the West Hawai'i Regional Fishery Management Area (WHRFMA). The KMLAC worked with the WHFC and shared its rule proposal with the public in West Hawai'i (see Section V.B, page 47). The State DLNR recognized the WHFC as advisory on matters of marine policy in conjunction with the mandate of H.R.S. Sec. 188F-4.

DLNR empowered this community-volunteer council to work with stakeholders to develop spatial management rules such as the locations of the FRAs within the WHRFMA, gear restrictions (e.g. lay gill net labeling and guidelines), and most recently bans on specific fishing methods and limitations on allowable species for commercial take in west Hawai'i. The WHFC meets monthly at the Kona Big Game Fishing Club and public attendance is encouraged. Meetings are posted in advance so that the public may attend.

For the WHFC Operational Practices & Procedures, see this link here:

<https://www.dropbox.com/s/48nxxja5837vbur/Appendix%20G%20-%20WHFC%20Operational%20Practices%20and%20Procedures.pdf?dl=0>

## Appendix H: Ka'ūpūlehu Kama'āina Informant Testimony

Excerpt from the Ka'ūpūlehu Integrated Resources Management Plan prepared by Belt Collins Hawaii LTD for Ka'ūpūlehu Developments June 17, 1998.

To read the summaries of oral history interviews conducted with Ka'ūpūlehu nā kūpuna 1980-1998 go to:

<https://www.dropbox.com/s/zoaej58m3k2508l/Appendix%20H%20-%20Oral%20History%20excerpted%20from%20Kaupulehu%20Integrated%20Resource%20Management%20Plan.pdf?dl=0>

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## Appendix I: Ka'ūpūlehu Conservation Action Plan

In 2015, Ka'ūpūlehu lineal descendants, fishers, university, governmental, non-profit and business representatives with a connection to Ka'ūpūlehu came together to develop a community conservation action plan. The plan aims to reduce identified threats to place-based traditions, conservation targets and resources through strategic actions within a 5-10 year scale.

To read a draft of the Conservation Action Plan go to:

<https://www.dropbox.com/s/o7l0fe6nz0ypwn2/Appendix%20I%20-%20Ka%CA%BB%C5%ABp%C5%ABlehu%20Conservation%20Action%20Plan%20Draft.pdf?dl=0>

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## Appendix J: Media Coverage

For media coverage focused on Ka'ūpūlehu, both in support and in opposition, see link below:

<https://www.dropbox.com/sh/uouzhdxoumc4sgk/AADXpJGMlrx5-SQIQ2pHL0Eta?dl=0>

Please note that included media is not exhaustive, some accounts may be absent.

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