

STATE OF HAWAI‘I
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawai‘i 96813

May 22, 2020

Board of Land and Natural Resources
State of Hawai‘i
Honolulu, Hawai‘i

Subject: Enforcement Action against Tyron Terazono, Kacie Terazono, and Wayne Newman for Unlawful Collection of Aquatic Life for Aquarium Purposes within the West Hawai‘i Regional Fishery Management Area, Island of Hawai‘i.

Summary: This submittal requests the Board of Land and Natural Resources find that Tyron Terazono, Kacie Terazono, and Wayne Newman violated Hawaii Administrative Rules §§13-60.4-4, 13-60.4-7, 13-74-20 and 13-75-14 by possessing illegal aquarium collection gear and fish collected for aquarium purposes within the West Hawai‘i Regional Fishery Management Area. The Division of Aquatic Resources recommends that the Board of Land and Natural Resources approve the following proposed administrative fines: 1) Tyron Terazono - **\$38,600**; 2) Kacie Terazono - **\$37,800**; and 3) Wayne Newman - **\$38,000**.

Date of Incident: February 20, 2020

Against: Tyron Terazono
Kacie Terazono
Wayne Newman

Location of Incident: Within the West Hawai‘i Regional Fishery Management Area, GPS coordinates: (20.039454°, - 155.831234°), Island of Hawai‘i, Hawai‘i

I. INTRODUCTION

At approximately 12:30 on February 20, 2020, the Department of Land and Natural Resources (“DLNR”) Division of Aquatic Resources (“DAR”) became aware that the *Masako* (HA 4495K), a vessel unregistered and unmarked for aquarium collection was at the Kawaihae Small Boat Harbor. Upon further investigation, it was discovered that the *Masako* contained illegal aquarium collection gear and aquarium fish onboard. DAR staff, along with Division of Conservation and Resources Enforcement (“DOCARE”) Officers, investigated and documented the incident. The DAR Kona Report is attached as **Exhibit A**.

DAR recommends that the Board of Land and Natural Resources (“Board”) approve the proposed administrative fines of **\$38,600** against Tyron Terazono; **\$37,800** against Kacie Terazono; and **\$38,000** against Wayne Newman for the unlawful aquarium collection activities.

II. FACTUAL BACKGROUND

A. Aquarium collection prohibited within the West Hawai‘i Regional Fishery Management Area

The West Hawai‘i Regional Fishery Management Area (“WHRFMA”) extends from Ka Lae, Ka‘ū (South Point) to ‘Upolu Point, North Kohala, from the upper reaches of the wash of the waves on shore, seaward to the limit of the States police power and management authority (3 nautical miles). The near shore waters of the Kawaihae Small Boat Harbor are well within the WHRFMA.

It is a violation to possess aquarium collecting gear, or take or possess any specimen of aquatic life for aquarium purposes while within the WHRFMA without proper permits under chapter 13-60.4 Hawaii Administrative Rules (HAR).

On September 7, 2017, DAR ceased issuing and renewing West Hawai‘i aquarium permits and State of Hawai‘i aquarium fish permits. On October 27, 2017, by court order, all State of Hawai‘i commercial aquarium fish permits were declared invalid. As of January 5, 2018, there is a total prohibition on all commercial aquarium collection within the WHRFMA. The prohibition includes transit through the WHRFMA with aquarium collection gear or possession of live marine life.

B. The February 20, 2020 incident

On February 20, 2020, at approximately 11:40am, DOCARE Officer Verl Nakama arrived at the Kawaihae Small Boat Harbor in response to a report of possible aquarium fish collection within the WHRFMA. At approximately 11:42am, Officer Nakama observed a vessel, later identified as the *Masako*, traveling toward the boat ramp from the North. The *Masako* entered into the ramp area and offloaded a male person, who retrieved a truck and trailer. The *Masako*’s captain, later identified as Tyron Terazono (“TYRON”) was informed that his vessel would be inspected

upon him trailering it. He then trailered the *Masako* and drove it to the boat wash area. There were three people onboard the *Masako* when it was observed on the water: the operator and registered owner TYRON, a male passenger later identified as Wayne Newman (“WAYNE”), and a female passenger later identified as Kacie Terazono (“KACIE”).

At the time of the incident, TYRON had a valid Commercial Marine License (“CML”) (#2419). KACIE also had a valid CML (#29628). WAYNE did not have a valid CML, but had previously held a CML (#3483), which expired on 9/27/17. None of the individuals onboard possessed a valid State of Hawai‘i aquarium fish permit or a valid West Hawai‘i aquarium permit. The *Masako* was not registered as an aquarium collection vessel. The *Masako* did not have the “AQ” marking required to be visible on both sides of an aquarium collection vessel. The *Masako* did not have an aquarium pennant required for an aquarium collection vessel. The *Masako* contained a net with a stretched mesh of less than two inches. This net was not marked as aquarium collection gear. Aside from SCUBA gear, holding containers, and other accessories, no other legal aquarium collecting gear was onboard. The *Masako* contained live aquarium fish.

DAR staff Laura Jackson (“Laura”) and Nikki Smith (“Nikki”) met Officer Nakama on site to quantify and identify the fish found onboard the *Masako*. Officer Nakama, Laura, and Nikki boarded the *Masako* and counted and identified the following fish in the *Masako*’s live well:

<u>Common Name</u>	<u>Scientific Name</u>	<u>Count</u>
Yellow tang	<i>Zebrasoma flavescens</i>	472
Kole	<i>Ctenochaetus strigosus</i>	37
Orange-spine unicornfish	<i>Naso literatus</i>	26
Orangeband surgeonfish	<i>Acanthurus olivaceus</i>	5
Moorish Idol*	<i>Zanclus cornutus</i> *	5*
Saddle wrasse	<i>Thalassoma duperrey</i>	1
Goldrim surgeonfish	<i>Acanthurus nigricans</i>	1
Hawaiian Dascyllus	<i>Dascyllus albisella</i>	1
Common Longnose Butterflyfish	<i>Forcipiger flavissimus</i>	1
Blacklip Butterflyfish	<i>Chaetodon kleinii</i>	1
Total Fish Count		550

* *Zanclus cornutus* is not on the White List of fish permitted for aquarium collection

At approximately 3:00pm, after identifying and quantifying all fish species onboard, DOCARE Officers released all 550 fish back into the ocean waters adjacent to the Kawaihae break wall. The DOCARE Investigative Report is attached as **Exhibit B**.

III. LEGAL AUTHORITY FOR ENFORCEMENT

A. WHRFMA Regulations

The WHRFMA is regulated by Hawaii Administrative Rules (“HAR”) Title 13, Chapter 60.4.

“Aquarium collecting gear” is defined as “any equipment or gear adapted, designed, or commonly used to collect, capture or maintain aquatic life alive in a state of captivity, including but not limited to hand nets, fence or barrier nets, fiberglass, plastic, wood or metal 'tickle sticks' (including spears or similar implements used to manipulate the movement of aquarium fish or animals), catch buckets, keeps, baskets or venting needles.” HAR §13-60.4-3.

“Aquarium collecting vessel” is defined “as any motorized or non-motorized vessel used by any person to collect, ferry, or scout for aquarium fish or animals.” HAR §13-60.4-3.

“Aquarium purposes” is defined as “to hold aquatic life alive in a state of captivity, whether as pets, for scientific study, for public exhibition, for public display, or for sale for these purposes. Aquatic life collected under a valid aquarium permit may not be used for human consumption, for bait, or for other consumptive purposes.” HAR §13-60.4-3.

“Aquatic life” is defined as “any type or species of mammal, fish, amphibian, reptile, mollusk, crustacean, arthropod, invertebrate, coral, or other animal that inhabits the freshwater or marine environment and includes any part, product, egg, or offspring thereof; or freshwater or marine plants, including seeds, roots, products, and other parts thereof.” HAR §13-60.4-3.

“White list” is defined as “a list of species of marine life that may be taken for aquarium purposes.” HAR §13-60.4-3.

HAR §13-60.4-4(3)(B) provides in relevant part that while within the WHRFMA, no person shall “[p]ossess aquarium collecting gear, or take or possess any specimen of aquatic life for aquarium purposes: . . . [w]ithout holding a valid West Hawai’i aquarium permit issued pursuant to section 13-60.4-7(a).”

HAR §13-60.4-4(3)(D) provides in relevant part that while within the WHRFMA, no person shall “[p]ossess aquarium collecting gear, or take or possess any specimen of aquatic life for aquarium purposes: . . . [w]hile occupying any vessel that does not conform to the registration and marking requirements of section 13-60.4-7(d).¹”

HAR §13-60.4-4(4) provides in relevant part that while within the WHRFMA, no person shall “[p]ossess or use any net or container employed underwater to capture or hold aquatic life alive for aquarium purposes, that is not labeled with the commercial marine license number or numbers of the person or persons owning, possessing or using the equipment.”

¹ HAR §13-60.4-4(3)(D) incorrectly references section 13-60.4-7(d). The correct reference is section 13-60.4-7(c).

HAR §13-60.4-7(a) provides in relevant part that “[n]o person, unless exempted from provisions of this chapter by the issuance and possession of a valid special activity permit under section 187A-6, Hawaii Revised Statutes, shall engage in aquarium collecting activities within the West Hawai‘i regional fishery management area without first having been issued and possessing a West Hawai‘i aquarium permit in addition to a valid State of Hawai‘i aquarium fish permit.”

Zanclus cornutus is not on the White List of fish permitted for aquarium collection with a valid WHRFMA Aquarium Permit. HAR §13-60.4-7(b).

HAR §13-60.4-7(c)(1-3) provides in relevant part that “[a]ll aquarium collecting vessels shall: (1) Be registered every year with the Division of Aquatic Resources West Hawai‘i (DAR-Kona) office to take aquatic life for aquarium purposes within the West Hawai‘i regional fishery management area . . . (2) Clearly display the capital letters "AQ" permanently affixed to both sides of the vessel . . . (3) Fly a "stiffened" flag or pennant from the vessel with the letter "A" as specified by the department. . . The flag or pennant shall be displayed and clearly visible from both sides of the vessel at all times while aquarium collecting gear or collected aquarium marine life or both are onboard.”

B. Commercial Marine License (CML) Regulations

License requirements are found in HAR Title 13, Chapter 74.

A “commercial marine license” is defined as “a license issued to take marine life within or outside the State for commercial purpose.” HAR §13-74-1.

“Commercial purpose” means “the taking of marine life for profit or gain or as a means of livelihood where the marine life is taken in or outside of the State, or where the marine life is sold, offered for sale, landed, or transported for sale anywhere in the State.” HAR §13-74-1.

HAR §13-74-20(a) states in relevant part that “[n]o person shall take marine life for commercial purposes whether the marine life is caught or taken within or outside of the State, without first obtaining a commercial marine license.”

C. Fishing Gear Regulations

Fishing gear regulations are found in HAR Title 13, Chapter 75.

“Stretched mesh” is defined as “the straight line distance between two opposite inner edges of each eye of the net mesh as measured when the eye is stretched to its maximum size.” HAR §13-75-1.

HAR §13-75-14 states in relevant part that “[i]t is unlawful for any person to use nets made of or using netting with a stretched mesh of less than two inches.”

D. Administrative fines authorized for violations of HAR Title 13, Chapters 60.4, 74, and 75

Hawai'i Revised Statutes (HRS) §187A-12.5(c) provides the administrative penalties for violations relating to aquatic resources,² including HAR §§ 13-60.4 (WHRFMA), 13-74 (CML), and 13-75 (regulated gear), as follows:

- (1) For a first violation, a fine of not more than \$1,000; (2) For a second violation within five years of a previous violation, a fine of not more than \$2,000; and (3) For a third or subsequent violation within five years of the last violation, a fine of not more than \$3,000.

HRS §187A-12.5(e) also provides that “[i]n addition to subsection (c), a fine of up to \$1,000 may be levied for each specimen of all other aquatic life taken, killed, or injured in violation of subtitle 5 of title 12 or any rule adopted thereunder.” The definition of “aquatic life” includes fish. *See* HRS §187A-1.

IV. APPLICATION OF LAW AND RECOMMENDED FINE

A. Applicable violations

The following rules were violated:

- 1) **HAR §13-60.4-4(3)(B) – possession of aquarium collecting gear or aquatic life for aquarium purposes without a valid West Hawai'i aquarium permit.** Neither TYRON, KACIE, nor WAYNE held a valid West Hawai'i aquarium permit. They were collectively in possession of aquarium collecting gear and live aquatic life onboard the *Masako*.
- 2) **HAR §13-60.4-4(3)(D) – possession of aquarium collecting gear or aquatic life for aquarium purposes on an unregistered/unmarked aquarium collection vessel.** TYRON, KACIE, and WAYNE were collectively in possession of aquarium collecting gear and live aquatic life onboard the *Masako*, an unregistered and unmarked aquarium collecting vessel.
- 3) **HAR §13-60.4-4(4) – possession of unmarked commercial aquarium collecting gear.** TYRON, KACIE, and WAYNE were collectively in possession of aquarium collecting gear (a net) onboard the *Masako*, and this gear was not labeled with the CML number or numbers of the person or persons owning, possessing or using the equipment. Without labels to identify who owned, possessed, or used the gear, possession should be attributed to all persons onboard.
- 4) **HAR §13-60.4-7(a) – engaging in aquarium collecting activities without a valid State of Hawai'i aquarium fish permit.** Neither TYRON, KACIE, nor WAYNE held a valid State of Hawai'i aquarium fish permit. The possession of aquarium collecting gear and live aquatic life onboard the *Masako*, which was observed landing at the boat ramp, suggests that, more likely than not, all three had engaged in aquarium collecting activities. The term

² HRS § 187A-12.5(b) specifically addresses violations involving threatened or endangered species. Subsection (c) covers “all other violations.”

“aquarium collecting activities” is not specifically defined by rule, but it is reasonable to interpret it as encompassing all actions, including vessel operation and transportation, associated with the collection of aquarium fish.

- 5) **HAR §13-60.4-7(b) – possession of non-white list species.** TYRON, KACIE, and WAYNE were collectively in possession of live moorish idol (*Zanclus cornutus*) onboard the *Masako*.
- 6) **HAR §13-60.4-7(c)(1) – failure to register as an aquarium collecting vessel.** The *Masako* was not registered as an aquarium collection vessel as required by law. TYRON was the registered owner of the *Masako*.
- 7) **HAR §13-60.4-7(c)(2) – failure to display the required “AQ” marking on both sides of the vessel.** The *Masako* did not clearly display the capital letters “AQ” permanently affixed to both sides of the vessel as required by law for aquarium collecting vessels. As the registered owner of the *Masako*, TYRON was responsible.
- 8) **HAR §13-60.4-7(c)(3) – failure to display the aquarium pennant.** The *Masako* did not fly a “stiffened” flag or pennant from the vessel with the letter “A” as required by law for aquarium collecting vessels with aquarium collecting gear or collected aquarium marine life onboard. As the operator and registered owner of the *Masako*, TYRON was responsible.
- 9) **HAR §13-74-20(a) – take of marine life for commercial purpose without a valid CML.** WAYNE did not have a valid CML, which is required to take marine life for commercial purpose. The definition of “commercial purpose” includes “the taking of marine life for profit or gain... where the marine life is... landed, or transported for sale anywhere in the State.” Considering the quantity of aquarium fish onboard the *Masako* and the possession of CMLs by TYRON and KACIE, it is more likely than not that WAYNE took marine life for commercial purpose.
- 10) **HAR §13-75-14 – use of a net with a stretched mesh of less than two inches.** TYRON, KACIE, and WAYNE were collectively in possession of a fine meshed net onboard the *Masako*. Aside from SCUBA gear, holding containers, and other accessories, no other legal aquarium collecting gear was onboard. It is more likely than not that this net was used to take the aquarium fish in their possession.

B. Maximum authorized fines

HRS §187A-12.5 authorizes an administrative fine of \$1,000 for a first-time violation, as well as an additional \$1,000 per specimen taken.

As outlined above, TYRON violated nine distinct rules, which carries a maximum fine of \$9,000; KACIE violated six distinct rules, which carries a maximum fine of \$6,000; and WAYNE violated seven distinct rules, which carries a maximum fine of \$7,000.

Given the documented unlawful possession of 550 live fish onboard the *Masako*, the maximum administrative fine authorized for the specimens taken would be \$550,000, attributable to the three respondents jointly.

C. Recommended fines

The Board has broad discretion in assessing administrative fines for a natural resource violation. In 2014, the Board adopted an Administrative Sanctions Schedule to facilitate the standardization of enforcement for violations of aquatic resource laws. This schedule recommends a \$200 fine for each of the applicable violations and a \$200 fine per specimen taken.³ Based on this schedule, the recommended fine against TYRON alone (9 distinct violations) is \$1,800; the fine against KACIE alone (6 distinct violations) is \$1,200; the fine

³ Item 2-3. Category 3 Violations – Unlawful Fishing Gear; Unlawful Vessel Activity.

- (b) A person commits a category 3 violation if he or she violates any of the following provisions:
 - (1) Rules adopted under HAR Title 13, Subtitle 4, Parts I, II, and III, relating to the use or possession of unlawful fishing gear or methods within any MLCD, Marine FMA, or Freshwater FMA;
 - (2) Rules adopted under HAR Title 13, Subtitle 4, Parts I, II, and III, relating to unlawful mooring, anchoring, or operation of a vessel within any MLCD, Marine FMA, or Freshwater FMA;
 - (3) Rules adopted under HAR Title 13, Chapter 74, relating to unlawful fishing for aquatic life without an appropriate license or permit, where a license or permit is required;
 - (4) Rules adopted under HAR Title 13, Chapter 75, relating to the unlawful possession, sale, disposal, or use of certain regulated fishing gear or methods;...
- (c) For category 3 violations, administrative fines shall be imposed as follows:
 - (1) For a first category 3 violation, an administrative fine of up to \$200 shall be assessed...
- (d) In addition to any fines assessed for a category 3 violation involving the unlawful possession, sale, disposal, or use of regulated fishing gear or methods in violation of HAR Title 13, Chapter 75, an additional fine shall be assessed for each specimen of aquatic life taken, killed, or injured as a result of the unlawful possession, sale, disposal, or use of the regulated fishing gear or methods. Per specimen fines shall be imposed as follows:
 - (1) For aquatic life regulated under HRS Title 12, Subtitle 5 or HAR Title 13, Subtitle 4, an administrative fine shall be assessed as provided for in Items 2-4(c), (d), & (e) of this Administrative Sanctions Schedule.

Item 2-4. Category 4 Violations – Unlawful Extractive Activity.

- (c) For category 4 violations, except as provided in Items 2-4(d) and (e), below, administrative fines shall be imposed as follows:
 - (1) For a first category 4 violation, an administrative fine of up to \$200 per specimen shall be assessed...

against WAYNE alone (7 distinct violations) is \$1,400; and the fine against all three respondents jointly would be \$110,000.

For purposes of practicality in assessing jointly attributable fines, DAR recommends the total catch of the *Masako* be allocated as equally as possible among all respondents. Therefore, DAR attributes the specimens as follows: TYRON - 184; KACIE - 183; and WAYNE - 183.

Based on the above, the following individual fines are suggested:

Tyron Terazono

Violations	Fine	Count	Total
No West Hawai'i Aquarium Permit	\$200	1	\$200
Aquarium gear/fish on unregistered vessel	\$200	1	\$200
Unmarked aquarium gear	\$200	1	\$200
No State Aquarium Permit	\$200	1	\$200
Possession of non-white list species	\$200	1	\$200
Failure to register as aquarium vessel	\$200	1	\$200
Failure to display "AQ"	\$200	1	\$200
Failure to display pennant	\$200	1	\$200
Illegal fine meshed net	\$200	1	\$200
Specimens unlawfully taken/possessed	\$200	184	\$36,800
Total Fine			\$38,600

Kacie Terazono

Violations	Fine	Count	Total
No West Hawai'i Aquarium Permit	\$200	1	\$200
Aquarium gear/fish on unregistered vessel	\$200	1	\$200
Unmarked aquarium gear	\$200	1	\$200
No State Aquarium Permit	\$200	1	\$200
Possession of non-white list species	\$200	1	\$200
Illegal fine meshed net	\$200	1	\$200
Specimens unlawfully taken/possessed	\$200	183	\$36,600
Total Fine			\$37,800

Wayne Newman

Violations	Fine	Count	Total
No West Hawai'i Aquarium Permit	\$200	1	\$200
Aquarium gear/fish on unregistered vessel	\$200	1	\$200
Unmarked aquarium gear	\$200	1	\$200
No State Aquarium Permit	\$200	1	\$200
Possession of non-white list species	\$200	1	\$200
No CML	\$200	1	\$200
Illegal fine meshed net	\$200	1	\$200

Specimens unlawfully taken/possessed	\$200	183	\$36,600
Total Fine			\$38,000

D. Other considerations

In assessing fines, the Board may also consider the market value of the natural resources taken,⁴ as well as pecuniary gains that may be potentially realized by the respondent from an unauthorized commercial activity.⁵ The following table shows current retail prices of the unlawfully taken aquarium fish species as listed on three online tropical fish stores on May 12, 2020, as well as the average price per species. The approximate total retail value of the 550 illegally taken specimens is shown in the right hand column.

Species	LiveAqua ria.com price	FreshMar ine.com price	Bluezooaq uatics.com price	Average Retail Price	Count	Total Retail Value
Yellow tang	\$84.99	\$49.98	\$69.95	\$68.31	472	\$32,240.75
Kole	\$99.99	\$49.98	\$79.95	\$76.64	37	\$2,835.68
Orange-spine unicornfish	\$64.99	\$49.98	\$59.95	\$58.31	26	\$1,515.97
Orangeband surgeonfish	\$34.99	\$34.95	\$69.95	\$46.63	5	\$233.15
Moorish Idol		\$62.98	\$99.95	\$81.47	5	\$407.33
Saddle wrasse		\$28.98	\$69.95	\$49.47	1	\$49.47
Goldrim surgeonfish	\$59.99		\$89.95	\$74.97	1	\$74.97
Hawaiian Dascyllus			\$24.95	\$24.95	1	\$24.95
Longnose Butterflyfish	\$44.99	\$39.98	\$54.95	\$46.64	1	\$46.64
Blacklip Butterflyfish	\$34.99	\$28.98	\$49.95	\$37.97	1	\$37.97
TOTAL						\$37,466.87

⁴ HAR §13-1-70(c)(1)

⁵ HAR §13-1-70(c)(7)

V. RECOMMENDATIONS

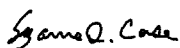
1. That the Board find that Tyron Terazono violated HAR §§13-60.4-4(3)(B), 13-60.4-4(3)(D), 13-60.4-4(4), 13-60.4-7(a), 13-60.4-7(b), 13-60.4-7(c)(1), 13-60.4-7(c)(2), 13-60.4-7(c)(3), and 13-75-14.
2. That the Board find that Kacie Terazono violated HAR §§13-60.4-4(3)(B), 13-60.4-4(3)(D), 13-60.4-4(4), 13-60.4-7(a), 13-60.4-7(b), and 13-75-14.
3. That the Board find that Wayne Newman violated HAR §§13-60.4-4(3)(B), 13-60.4-4(3)(D), 13-60.4-4(4), 13-60.4-7(a), 13-60.4-7(b), 13-74-20(a), and 13-75-14.
4. That the Board assess an administrative fine of \$38,600.00 against Tyron Terazono, \$37,800 against Kacie Terazono, and \$38,000 against Wayne Newman to be paid within 60 days of the date of this submittal.

Respectfully Submitted,



Brian Neilson, Administrator
 Division of Aquatic Resources

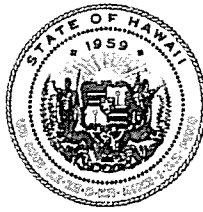
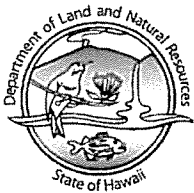
APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson
 Department of Land and Natural Resources

EXHIBIT A

DAVID V. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF AQUATIC RESOURCES
74-380 B Kealahou Parkway
Kailua-Kona, Hawaii 96740

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
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AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Date: February 20, 2020

Time: 12:30pm to 3:45pm

Place: Kawaihae Harbor North Basin

DAR Kona Staff: Nikki Smith and Laura Jackson

Vessel: HA 4495-K, "Masako" (Registered to Tyron Terazono, expires 10/2020)

Subject/Violations: HAR 13-60.4 West Hawaii Regional Fishery Management Area (WHRFMA)

- 1) 13-60.4-4 (4) Possession of unmarked commercial aquarium collection gear while on an unregistered aquarium collection vessel.
- 2) 13-60.4-4 (3)(D) Possession of marine life taken with such gear while on an unregistered aquarium collection vessel.
- 3) 13-60.4-7 (C) (2) Failure to clearly display the capital letters AQ on both sides of aquarium collection vessel.
- 4) 13-60.4-7 (C) (3) No Aquarium pennant on vessel.
- 5) 13-60.4-7 (C) (1) Unregistered aquarium vessel.
- 6) 13-60.4-7 (b) One species was collected that is not listed on West Hawai'i White List of previously permitted species (*Zanclus cornutus*). Five individuals were collected.
- 7) In October 2017, the Hawai'i Circuit Court ruled that existing 'aquarium' permits (for use of fine mesh nets/traps) were illegal and invalid pending a full review of the fishery under the Hawaii Environmental Policy Act (HEPA). On January 5, 2018, a total prohibition of all commercial aquarium collecting in West Hawai'i was announced, including prohibition of transit through the West Hawaii Regional Fishery Management Area with aquarium collection gear or possession of live marine life.
- 8) One of the three fisherpeople (Wayne Newman) does not presently have a valid Commercial Marine License and therefore would have a five fish per day limit.

Description of Events: Laura Jackson (DAR Kona) received a call at approximately 12:30pm from John Kahiapo, DAR Information & Education Specialist regarding DOCARE Officer Nakama with an Aquarium collection vessel at Kawaihae Harbor. Laura then spoke with DOCARE Officer and Big Island Branch Chief

Kamakau who requested DAR staff to meet the enforcement officers at Kawaihae to help quantify and identify fish species found on the aquarium vessel. Nikki Smith (DAR Kona) and Laura gathered supplies and promptly headed north to Kawaihae. Nikki received a call from Brian Neilson, DAR Administrator, at 12:43pm and an email at 12:45pm requesting our assistance as well.

When DAR Kona staff arrived on site, Laura observed Tyron Terazono (CML 2419, expires 4/25/20, no WHAQ permit) outside of his truck and vessel speaking with the four DOCARE officers (Kamakau, Nakama, Elvinia, and Keawe). Mr. Terazono was released by DOCARE officers and left the Kawaihae Harbor as DAR Kona staff approached the vessel. The officers informed us that Mr. Terazono was fishing on his boat with his wife Kacie Terazono (CML 29628, expires 1/6/21, no WHAQ permit) and another known aquarium fisherman, Wayne Newman (CML 3483, expired 9/27/17, no WHAQ permit).

Nikki and Laura boarded the vessel with DOCARE Officer Nakama and proceeded to count, identify, and remove the fish from the vessel’s fish storage well. A total of 550 fish were placed in buckets filled with ocean water and DOCARE officers released the fish back to the ocean outside and adjacent to the Kawaihae break-wall.

Table 1. List of live fish found in fish well on vessel HA 4495 K.

Number	Common Name	Scientific Name
472	Yellow tang	<i>Zebrasoma flavescens</i>
37	Kole	<i>Ctenochaetus strigosus</i>
26	Orange-spine unicornfish	<i>Naso literatus</i>
5	Orangeband surgeonfish	<i>Acanthurus olivaceus</i>
5*	Moorish Idol*	<i>Zanclus cornutus*</i>
1	Saddle wrasse	<i>Thalassoma duperrey</i>
1	Goldrim surgeonfish	<i>Acanthurus nigricans</i>
1	Hawaiian Dascyllus	<i>Dascyllus albisella</i>
1	Common Longnose Butterflyfish (Forcepsfish)	<i>Forcipiger flavissimus</i>
1	Blacklip Butterflyfish	<i>Chaetodon kleinii</i>
TOTAL FISH CONFISCATED		550

*Species not on West Hawai'i White List of previously permitted aquarium fish.

DAR Kona staff completed identification and removal of all collected fish and left Kawaihae at 3:00pm. DAR Kona staff arrived back at Honokohau Harbor at 3:45pm.



Figure 1. Vessel involved in the aquarium fish poaching incident on 2/20/20. Image by DAR Kona (Nikki Smith)

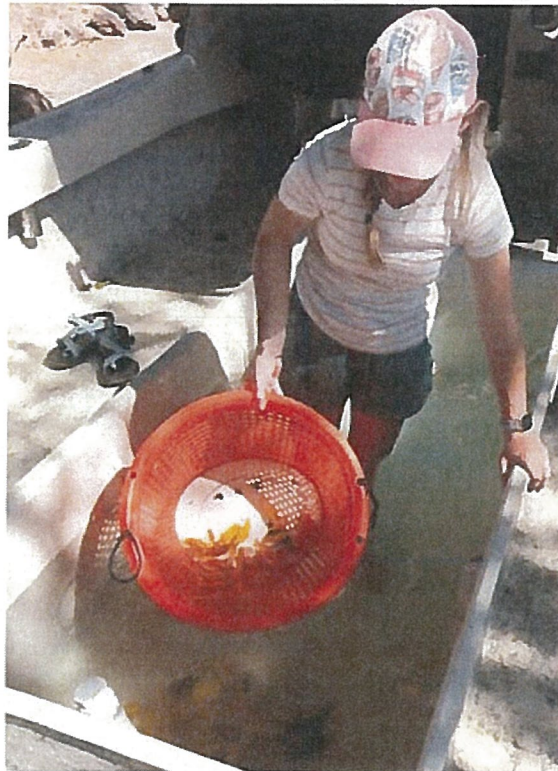


Figure 2. DAR Aquatic Biologist Nikki Smith inventories confiscated aquarium fish on 2/20/20. Image by DAR Kona (Laura Jackson).



Figure 3. DAR Kona staff (Nikki Smith and Laura Jackson) inventory confiscated aquarium fish, including yellow tang (*Zebrasoma flavescens*) and nine other fish species. Image by DAR Kona (Laura Jackson).

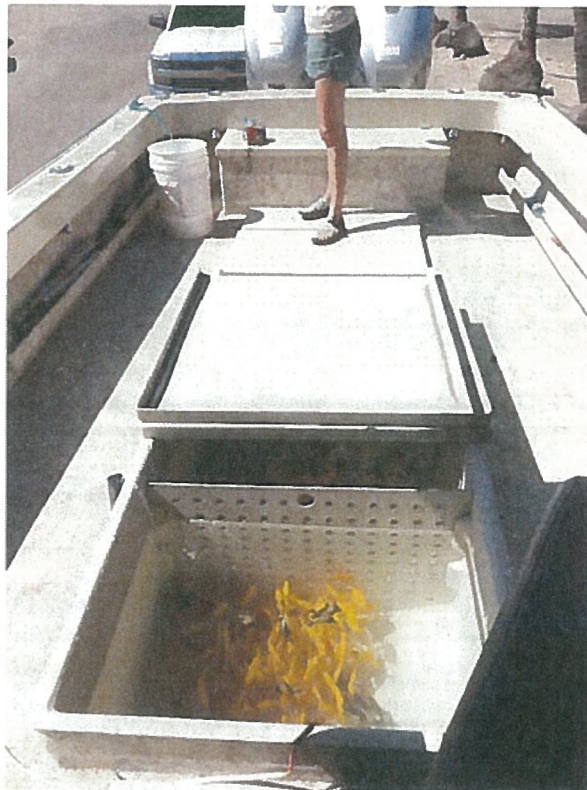

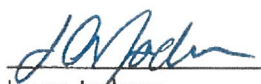


Figure 4. DAR Kona Aquatic Biologist, Nikki Smith inventories confiscated aquarium fish, including yellow tang (*Zebrasoma flavescens*) and nine other fish species. Image by DAR Kona (Laura Jackson).



Nikki Smith 2/21/2020
Date



Laura Jackson 2/21/20
Date

EXHIBIT B

9089330799

SOH DLNR DOCARE

SOH DLNR DOCARE

07:33:45 a.m. 05-11-2020

1 / 20

20-201

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION #	District West Hawaii	Lead Investigator Nakama, Vert	Report Status Assigned	Key Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Date/Time Reported 02/20/2020 10:58AM	Location West Hawaii Regional	Classification MPA: PROHIBITED ACTIVITES		Connecting Reports

Incident & Report Control Form

DOCARE-5 (Rev. 8/03)

A. COMPLAINT

Taken By: Vert Nakama Reported Date/Time: 02/20/2020 10:58AM
 How Taken: Mail

Complainant: MICHEAL NAKACHI
 Home Work Call
 Phone: [REDACTED]
 Address: [REDACTED]

Incident Summary Description: [REDACTED] FOUND TO BE IN POSSESSION OF AQUARIUM COLLECTING GEAR (SMALL MESH NEST) AND AQUATIC LIFE (APPROXIMATELY 636 LIVE TROPICAL FISH)

Suspect: Tyron Takeshi TERAZONO

Vehicle/Vessel: 2019 FORCE 24 HA 4495K

Location: West Hawaii Regional Fisheries Management Area Occured From: 02/20/2020 11:40AM
 Location Notes: WATERS FRONTING KAWAIAHE SBH Occured To:

B. REPORT CONTROL

Branch: Hawaii
 District: West Hawaii
 Lead Investigator: Vert Nakama
 Date Assigned: 02/20/2020 11:40AM

KONA _____ ST. PARKS _____
 HILO _____ DOBOR _____
 KAMUELA _____ PROSECUTOR 2-26-20 10:10
 HONOLULU _____ FEDERAL _____
 AQUATICS 2-21-20 HP _____
 DOFAW _____ OCCL _____
 LAND DIV _____

C. NOTES/DISPOSITION/OTHER INFO

(Handwritten mark)

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 20-0207-HA	District West Hawaii	Lead Investigator Nakama, Veri	Report Status In Progress	Key Report <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date/Time Reported 02/20/2020 10:58AM	Location West Hawaii Regional	Classification MPA: PROHIBITED ACTIVITIES		Connecting Reports 20-0208-HA

Investigation Report

BASIC	1. CLASSIFICATION MPA: PROHIBITED ACTIVITIES						2. SOURCE Mail			
	3. COMPLAINANT'S NAME MICHEAL NAKACHI			4. SEX [REDACTED]	5. RACE [REDACTED]	6. AGE [REDACTED]	7. BIRTH DATE [REDACTED]	8. OCCUPATION MANAGER		
	9. ADDRESS P.O BOX 4454, KAILUA KONA, HI, 96745			10. PLACE EMPLOYED/SCHOOL ATTENDING [REDACTED]			11. HOME [REDACTED]	12. WORK [REDACTED]	13. CELL [REDACTED]	
	14. LOCATION OF INCIDENT/INTERSECTING STREET NEAR SHORE WATERS FRONTING KAWAIHAE SMALL BOAT HARBOR						15. DATE/TIME OCCURRED 02/20/2020 11:40AM		16. DATE/TIME REPORTED 02/20/2020 10:58AM	

VEHICLES	17. TYPE Boat	18. YEAR 2019	19. MAKE FORCE MARINE	20. MODEL FORCE 24	21. COLOR WHITE	22. LICENSE / HA No. HA4495	23. LENGTH 24	24. STOLEN No	
	25. REGISTERED OWNER Tyron TERAZONO		26. ADDRESS [REDACTED]			27. HOME [REDACTED]	28. WORK [REDACTED]	29. CELL [REDACTED]	
	30. NOTES								
	31. TYPE Boat Trailer	32. YEAR 2019	33. MAKE WESTCO	34. MODEL TRAILER	35. COLOR SILVER	36. LICENSE / HA No. 453HZF	37. LENGTH SINGLE 2	38. STOLEN No	
39. REGISTERED OWNER Tyron TERAZONO		40. ADDRESS [REDACTED]			41. HOME [REDACTED]	42. WORK [REDACTED]	43. CELL [REDACTED]		
44. NOTES									

PEOPLE	45. NAME MICHEAL NAKACHI			46. SEX Male	47. RACE [REDACTED]	48. AGE [REDACTED]	49. BIRTH DATE [REDACTED]	50. OCCUPATION MANAGER			
	51. CATEGORY Reporting Person		52. ADDRESS [REDACTED]			53. HOME [REDACTED]	54. WORK [REDACTED]	55. CELL [REDACTED]			
	56. NAME Tyron TERAZONO			57. SEX [REDACTED]	58. RACE [REDACTED]	59. AGE [REDACTED]	60. BIRTH DATE [REDACTED]	61. OCCUPATION Commercial Fisherman			
	62. CATEGORY Suspect		63. ADDRESS [REDACTED]			64. HOME [REDACTED]	65. WORK [REDACTED]	66. CELL [REDACTED]			
67. NAME			68. SEX	69. RACE	70. AGE	71. BIRTH DATE	72. OCCUPATION				
73. CATEGORY		74. ADDRESS			75. HOME	76. WORK	77. CELL				

SYNOPSIS	78. SYNOPSIS The above described person, vessel captain and owner Tyron TERAZONO [REDACTED] of [REDACTED] was found to be in possession of aquarium collecting gear (approximately 40 foot small mesh mesh net) and approximately 636 live tropical fish, while within the near shore waters fronting The Kawaihae Small Boat Harbor, which is within the West Hawaii Regional Fishery Management Area, in violation of 13-60.4-4 Hawaii Administrative Rules. Refer to supplementary report under Master Report 20-0207-HA for more information. INV: CONTINUING									
----------	--	--	--	--	--	--	--	--	--	--

WRITER	79. REPORT WRITER'S N Nakama, Veri	80. BADGE No. 7	81. DATE/TIME WRITTEN 02/20/2020 06:45PM	82. SUPERVISOR APPROVING Kantoku, Lino	83. DATE/TIME APPROVED 2-20-20 11:15	84. BADGE No. 5
	85. DISPOSITION					

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 20-0207-HA	DISTRICT West Hawaii	LEAD INVESTIGATOR Verl Nakama	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 2/20/2020 10:58:00 AM	LOCATION West Hawaii Regional Fisheries Management Area	CLASSIFICATION MPA: PROHIBITED ACTIVITIES	CONNECTING REPORT(S) 20-0208-HA/ 20-0209-HA

Report Type: Continuation of Report Supplemental Follow Up
 Date/Time Written: 02-20-2020/1911hrs
 Written By: Nakama, Verl

Report

ASSIGNMENT

02-20-2020 1058hrs. I was assigned by Hawaii Branch Chief Lino KAMAKAU, via email, to investigate a report of possible tropical fish collecting within The West Hawaii Regional Fishery Management Area.

The email related that a reporting person by the name of Mike NAKACHI, was observing a vessel approximately 8 miles north of Kawaihae, NAKACHI also reported a truck and trailer, parked at The Kawaihae Small Boat Harbor, which he believes may belong to a tropical fish collector. The email has been submitted in this report under "Attachment A".

BACKGROUND

The West Hawaii Regional Fishery Management Area is from Ka Lae, Kau (South Point) to Opolu Point, North Kohala, and extending from the wash of the waves on shore, seaward to the limit of the States police power and management authority (3 nautical miles).

The near shore waters of The Kawaihae Small Boat Harbor is well within The West Hawaii Regional Fishery Management Area. It is a violation to possess aquarium collecting gear, or take or possess any specimen of aquatic life for aquarium purposes while within The West Hawaii Regional Fishery Management Area under section 13-60.4-4 Hawaii Administrative Rules.


OFFICERS OBSERVATIONS

02-20-2020 1140hrs. Upon arrival at The Kawaihae Small Boat Harbor, a single black Chevy Truck (109HDX) attached to an empty vessel trailer (453HZF) was observed to be parked and unattended. This matched the description of the email from Chief KAMAKAU.

02-20-2020 1142hrs. A vessel was observed traveling toward the boat ramp from the North. I watched as the vessel entered into the ramp area, and off loaded a male person whom retrieved the Chevy truck and trailer. The vessels captain, later identified as Tyron TERAZONO was informed that his vessel would be inspected upon him trailering it. He then trailered the vessel and drove it to the boat wash area. There was a total of (3) people on the vessel when it was observed on the water, the operator and registered owner Tyron TERAZONO, a male passenger later identified as Wayne NEWMAN and a female passenger, later identified as Kacie TERAZONO.

SAFTEY INSPECTION

02-20-2020 1145hrs. A vessel safety inspection was conducted, refer to my Report of Boarding form for detailed information. This form has been submitted under "Attachment B".


 Nakama, Verl
 Officer

7
 Badge No.

02-21-20 1830hrs
 Date / Time

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 20-0207-HA	DISTRICT West Hawaii	LEAD INVESTIGATOR Verl Nakama	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 2/20/2020 10:58:00 AM	LOCATION West Hawaii Regional Fisheries Management Area	CLASSIFICATION MPA: PROHIBITED ACTIVITIES	CONNECTING REPORT(S)

Report (Continued)

COMMERCIAL FISHING LICENSE

Vessel owner and captain TERAZONO was asked if he possessed a Commercial Marine License at which time he said yes and provided it, License number [REDACTED]

He was then informed that a gear and catch inspection would be conducted at which time he appeared to drop his head and get nervous. I asked what kind of fishing he had done while on the water and he said that he had been diving. I then asked if he had any aquarium collecting gear and any aquarium fish on board and he said yes. He explained that he wanted to be honest, and opened a storage compartment near the rear of the boat, pulling out a small mesh net, he also made a spontaneous statement saying that he had "tangs" and pointed to a separate storage area which appeared to be the main fish box.

It should be noted that the vessel did not have any markings or pennants, which would identify it as an aquarium collecting vessel, such as "AQ".

ADVICE OF RIGHTS

02-20-2020 1206hrs. TERAZONO was advised of his rights, refer to The Advice of Rights Form for more information. He initialed that he understood the rights that was read to him, he did not want a lawyer now, he was willing to answer questions and make a statement and he did not want a lawyer during this interview.

Upon completing the advice of rights, I asked TERAZONO to show me the "tangs". He opened the fish box and a large water filled tank, separated into 3 sections by dividers, which contained a large number of live tropical fish. I asked how much live fish was in the tank and he said, around 500 or so. He said he had around 99 percent tangs which included yellow tangs and koles, he said he had a few Moorish idols, and around 20 kalas and a few wrasses.

I asked TERAZONO to tell me about their day on the water. He explained the following:

He said that they had left Kawaihae Small Boat Harbor in the morning and traveled approximately half a mile past Opolu Point. He explained that he and the other male person (later identified as Wayne NEWMAN) had both used scuba gear and the small mesh net to collect the fish. His wife, he explained drove the vessel while they were in the water, as they did not anchor.

I asked him to explain how they collect the fish. He said that they chase the fish away from the reef, then lay the mesh net across, between the fish and the reef, at which time the fish, while trying to return, get trapped in the net.

I asked TERAZONO if he had a GPS to show his location of his collecting point and he said no. I asked if he collected tropical fish in that area a lot and he said no, mostly Makalawana and Pebble Beach.

I asked how long he had been diving for the tropical fish and he said about an hour, when asked what they were doing for the remainder of the time, he explained that they had been driving the boat to and from the location, saying that the water was choppy.

INVESTIGATION

Hawaii Branch Chief Lino KAMAKAU was contacted and advised of the situation. Upon consultation, KAMAKAU instructed us to recover the small mesh net, live fish, vessel and trailer as evidence. He informed me he would be coming with a larger truck to tow the vessel and trailer and that DLNR Aquatics Staff would be arriving shortly to assist with the counting and releasing the live fish.

Nakama, Verl

Officer

7

Badge No.

02-21-20 1830hrs

Date / Time

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 20-0207-HA	DISTRICT West Hawaii	LEAD INVESTIGATOR Veri Nakama	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 2/20/2020 10:58:00 AM	LOCATION West Hawaii Regional Fisheries Management Area	CLASSIFICATION MPA: PROHIBITED ACTIVITIES	CONNECTING REPORT(S)

Report (Continued)

SUSPECT IDENTIFIED

The suspect in this case is identified as:

Tyron Takeshi TERAZONO

DOB: [REDACTED]

Hawaii DLN: [REDACTED]

Address: [REDACTED]

Ph: [REDACTED]

Occupation: Commercial Fisherman, self employed

CITATION ISSUED

It was explained to TERAZONO that possessing aquarium collecting gear, such as the small mesh net, and possessing any specimen of aquatic life for aquarium purposes, such as the live fish within the tanks, while within The West Hawaii Regional Management Area, such as the near shore waters he was observed operating his vessel on fronting The Kawaihae Small Boat Harbor, was a violation under section 13-60.4-4 Hawaii Administrative Rules.

He was issued a citation for the above offense under 050483LNR. He was informed that his vessel, trailer, mesh net and fish would be confiscated as evidence.

TERAZONO was asked if he had any items of high value of cash on the vessel, at which time he stated that he had no large items of value on the vessel and no cash, but made it a point to say that the vessel and trailer was valued at \$120,000.

TERAZONO requested that he be able to remove and take with him (2) large fishing reels attached to (2) fishing poles and a smaller fishing pole and a tackle box as he explained that they did not use it while collecting the fish and that he was concerned that it would be stolen, he also requested that he be allowed to adjust his vessel on the trailer more securely, and wash down the motors and hull. He was allowed to remove the fishing poles and reels and wash down his vessel while under continuous observation from DOCARE Officers.

VESSEL IDENTIFIED

The vessel in this case is identified as:

Year: 2019

Make: Force 24

SID: HA 4495

Name: Masako

Owner: Tyron TERAZONO

Hull ID: FQUF1838L414

Nakama, Veri
Officer

7
Badge No.

02-21-20 1830hrs
Date / Time

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 20-0207-HA	DISTRICT West Hawaii	LEAD INVESTIGATOR Verl Nakama	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 2/20/2020 10:58:00 AM	LOCATION West Hawaii Regional Fisheries Management Area	CLASSIFICATION MPA: PROHIBITED ACTIVITIES	CONNECTING REPORT(S)

Report (Continued)

The Trailer is identified as a:

Year: 2019
 Make: Westco
 Color: Silver
 Owner: Tyron TERAZONO and Kacie AKEA
 Plate: 453HZF
 Vin: 1A9B24265F16266453
 Address: [REDACTED]

VEHICLE IDENTIFIED

The vehicle in this case is identified as a:

Year: 2013
 Make: Chevy
 Model: PKUP
 VIN: 1GC1KKC84DF235559
 Plate: 109HDX
 Owner: TERAZONO Tyron T. and Kacie K.
 Address: [REDACTED]

EVIDENCE RECOVERED

The vessel, trailer, net and scuba gear was recovered as evidence. The mesh net was measured and determined to be approximately 25 feet long and 9 feet and 3 inches high. The eye size was smaller than 0.5 inches and it was not marked with any designation of registration and or permit numbers. Refer to the property and evidence receipts for more information.

PHOTOGRAPHS

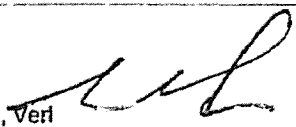
Photographs were taken, refer to photographic records 1-3 for detailed information.

INVESTIGATION

02-20-2020 1256hrs Kacie TERAZONO, who was previous advised of her rights and interviewed by Officer Daniel ELVENIA, approached me and asked if I wanted to take a snap shot of her cell phone, which contained a list of the fish that was in the vessel. She explained that they wanted to be helpful. I thanked her and took a photograph of her phone, refer to my photographic record for more information.

02-20-2020 1330hrs Laura JACKSON and Nikki SMITH of The Division of Aquatic Resources (DAR) arrived on scene and assisted with the identification, counting and releasing of the live tropical fish. A total of 550 live fish were identified, counted and returned to the ocean.

JACKSON also reported several other potential violations which may have occurred. Refer to JACKSON's report for detailed information, submitted under "Attachment C".


 Nakama, Verl
 Officer

7
 Badge No.

02-21-20 1830hrs
 Date / Time

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 20-0207-HA	DISTRICT West Hawaii	LEAD INVESTIGATOR Veri Nakama	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 2/20/2020 10:58:00 AM	LOCATION West Hawaii Regional Fisheries Management Area	CLASSIFICATION MPA: PROHIBITED ACTIVITIES	CONNECTING REPORT(S) 20-0208-HA

Report Type: Continuation of Report Supplemental Follow Up
 Date/Time Written: 02-21-2020 1830hrs
 Written By: V. NAKAMA #7

Report

SCENE

The scene of this incident is the near shore waters fronting The West Hawaii Regional Fishery Management Area.

WITNESS INTERVIEWED

02-20-2020 1733hrs. The reporting person and witness was interviewed via phone, He is identified as:

Michael NAKACHI

DOB: [REDACTED]

SSN: [REDACTED]

Address [REDACTED]

Ph. [REDACTED]

NAKACHI explained that he arrived at The Kawaihae Small Boat Harbor on 02-20-2020 at around 0855hrs. He explained that he saw a black Chevy Truck attached to an empty trailer which he knows from previous occasions to belong to a tropical fish collector named Tyron TERAZONO. After seeing the truck and trailer he drove North on Akule Pule Hwy to look for the vessel. NAKACHI is very familiar with the rules and restrictions for tropical fish collecting.

At around 0930hrs. he found a vessel, which matches the vessel he knows to belong to TERAZONO, in the near shore waters (75-125 feet) fronting the 10.5 mile marker of Akoni Pule Hwy.

He watched as the vessel made circles, consistent with an operator, not anchored, it appeared to be waiting for divers. He could not see any dive flags or make out any vessel numbers, but explained that he could tell by experience that it was a "Force" and that it had silver Honda motors, consistent with TERAZONO's vessel.

He used his cell phone to document the incident and found that he was fronting the 10.5 mm of Akoni Pule Highway. He reported his observations to DLNR.

INVESTIGATION

The following fish were identified, counted and released by Laura JACKSON and Nikki SMITH of DLNR's Division of Aquatic Resources.

Off. V. NAKAMA

Officer

7

Badge No.

02-21-2020 1830HRS

Date / Time

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 20-0207-HA	DISTRICT West Hawaii	LEAD INVESTIGATOR Verl Nakama	KEY REPORT <input checked="" type="checkbox"/> Yes • <input type="checkbox"/> No
DATE / TIME REPORTED 2/20/2020 10:58:00 AM	LOCATION West Hawaii Regional Fisheries Management Area	CLASSIFICATION MPA: PROHIBITED ACTIVITIES	CONNECTING REPORT(S) 20-0208-HA

Report (Continued)

INVESTIGATION Cont.

Table 1. List of live fish found in fish well on vessel HA 4495 K.

Number	Common Name	Scientific Name
472	Yellow tang	<i>Zebrasoma flavescens</i>
37	Kole	<i>Ctenochaetus strigosus</i>
26	Orange-spine unicornfish	<i>Naso literatus</i>
5	Orangeband surgeonfish	<i>Acanthurus olivaceus</i>
5*	Moorish Idol*	<i>Zanclus cornutus*</i>
1	Saddle wrasse	<i>Thalassoma duperrey</i>
1	Goldrim surgeonfish	<i>Acanthurus nigricans</i>
1	Hawaiian Dascyllus	<i>Dascyllus albisella</i>
1	Common Longnose Butterflyfish (Forcepsfish)	<i>Forcipiger flavissimus</i>
1	Blacklip Butterflyfish	<i>Chaetodon kleinii</i>
TOTAL FISH CONFISCATED		550

*Species not on West Hawai'i White List of previously permitted aquarium fish.

ADDITIONAL VIOLATIONS

Upon review of this incident, JACKSON's report provides several other rules and regulations that may apply to the vessel and suspects in this case. Refer to "Attachment C". DOCARE defers this additional information to The Prosecutors Office for their review.

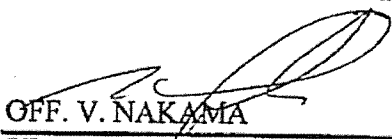
MASTER REPORT

This is the master report for connect up report number 20-0208-HA.

DISPOSITION

In review of the above information, I recommend that this investigation be closed, citation issued and a copy of this report routed to The Hawaii Branch Division of Aquatic Resources with our recommendation to present this to DLNR's Land Board.

CLOSED: CITATION ISSUED


 OFF. V. NAKAMA
 Officer

7
 Badge No.

02-22-2020 2000HRS.
 Date / Time

DOCARE COMPLAINT & SUMMONS

In the DISTRICT/FAMILY COURT

of the Territory CIRCUIT, STATE OF HAWAII

STATE JUVENILE
Driver Lic /BS# [redacted] 2/1 []

NAME TERAZONO
Last

Tykon TERAZONO
First Middle

Current/Mailing Address [redacted]

City, State, Zip [redacted]

Hgt. [redacted]

Place of Employment School or Branch of Service: SELF-EMPLOYED
Job Title, Yr, in school or Military Rank

Parent's name if juvenile: _____

Phone number (Days): _____ (Eves): _____

Did on/about this 20th day of Feb Yr. 20 at about 12:00 AM/PM

did operate/command Vehicle/Vessel#: HO 449JK

Vehicle/Vessel: Ford Type 24 Color WHT Yr. 2019

at (location): KAWAHAEB SAT

and did commit the offense of: THE PROHIBITED ACTS

SECTION: 13-60.4-4 HPI HAS OTHER

EVIDENCE TAKEN: Yes No

DESCRIPTION OF EVIDENCE

VESSEL MARKED

40' SHAW STEEL HULL BOAT

Receipt of this citation is acknowledged (Your signature is not an admission of guilt)

[Signature] Signature

The undersigned alleges that the person named above committed the offense herein set forth, contrary to law.

Date of Issue 20 Feb 2020 Time 12:50 Hrs.

[Signature] Complainant 16 Badge/ID No.

Ball Forfeiture by Mail Permitted: Yes No

A Postmark/paid before court date Payment Amount CEP B Postmark/paid on or after court date Payment Amount CEP

SUMMONS

Your court appearance date is:

DATE: 31 Mar 20 TIME: 08:30 AM COURTROOM: _____

District Court Family Court of S. KUHUNA

ORIGINAL

105-0460 DOCARE-32 (02/09)

DOCARE PROPERTY RECEIPT 02-0207 HA

Case / Report / Citation # _____

Date 2/20/20 Time 1308

Location Kew-Forest SBH

Received From: Owner Suspect Finder

Print Tyron TERAZOMB Sign

Address [Redacted]

Phone # [Redacted]

Item #	Description	Quantity	Serial #	Est. Value
1	2019 Force 24 Vessel w/ Trailer w/ contents		HA 4495K 120K	

Officer: H.V. [Signature] 7
Print Sign
ID Number 7

Note: This form shall be used for field purposes only. It is not to take the place of the Property Report (DOCARE-9).

ORIGINAL - DOCARE YELLOW - Defendant PINK - Book

INVESTIGATION # 20-0207-HA	DISTRICT West Hawaii	LEAD INVESTIGATOR Verl Nakama	KEY REPORT [X] Yes []
DATE / TIME REPORTED 2/20/2020 10:58:00 AM	LOCATION West Hawaii Regional Fisheries Management Area	CLASSIFICATION MPA: PROHIBITED ACTIVITIES	CONNECTING REPORT(S) 20-0208-HA

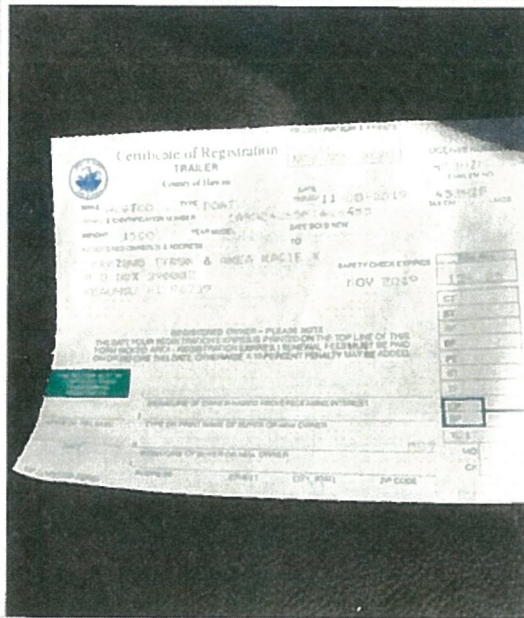
Report Description: MPA: PROHIBITED ACTIVITIES
 Date/Time Taken: 02-20-2020 1153hrs
 Taken By: Nakama, Verl
 Scene: Kawaihae SBH

Equipment: iPhone
 Weather Conditions: clear
 Lighting: day
 Focus: auto

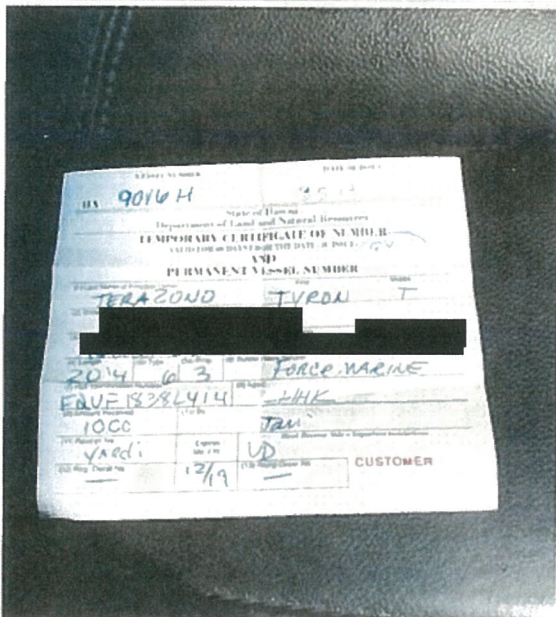
1 HAWAII DRIVERS LICENSE



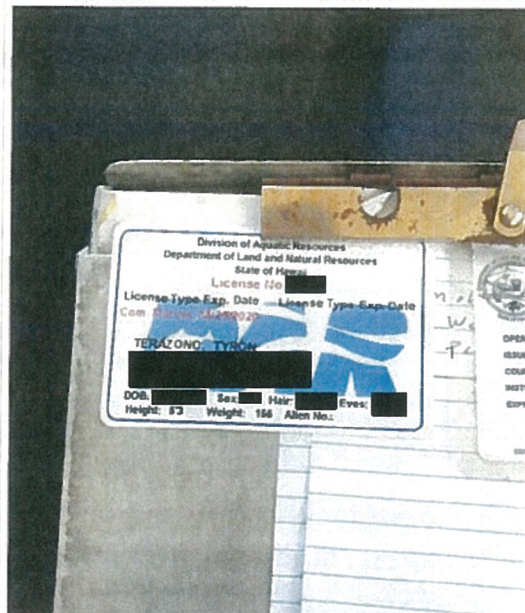
2 TRAILER REGISTRATION



3 VESSEL REGISTRATION



4 COMMERCIAL MARINE LICENSE



INVESTIGATION # 20-0207-HA	DISTRICT West Hawaii	LEAD INVESTIGATOR Verl Nakama	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 2/20/2020 10:58:00 AM	LOCATION West Hawaii Regional Fisheries Management Area	CLASSIFICATION MPA: PROHIBITED ACTIVITIES	CONNECTING REPORT(S) 20-0208-HA

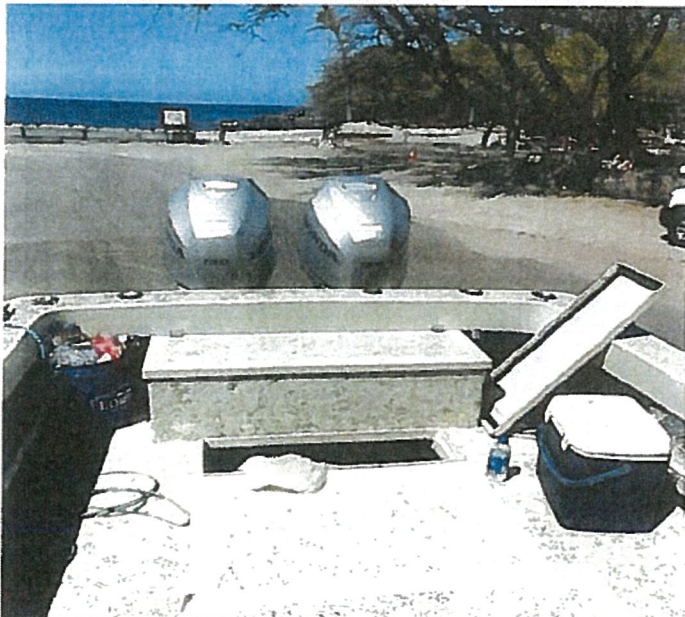
5 VESSEL



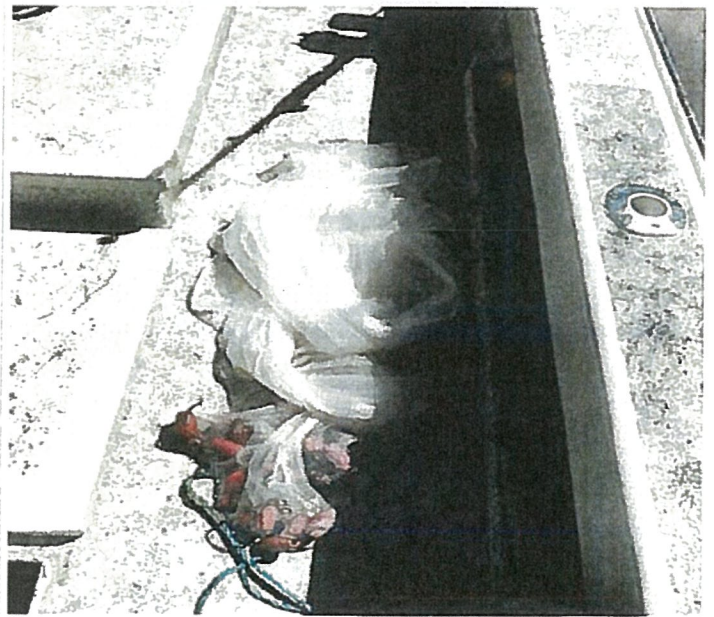
6 REAR OF VESSEL



7 COMPARTMENT WITH MESH NET



8 MESH NET APPROX 40 FEET



INVESTIGATION # 20-0207-HA	DISTRICT West Hawaii	LEAD INVESTIGATOR Veri Nakama	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 2/20/2020 10:58:00 AM	LOCATION West Hawaii Regional Fisheries Management Area	CLASSIFICATION MPA: PROHIBITED ACTIVITIES	CONNECTING REPORT(S) 20-0208-HA

9 MAIN FISH TANK TOWARD AFT



10 MAIN FISH TANK MIDDLE SECTION



11 MAIN FISH TANK TOWARD BOW



12 DIVE GEAR IN COMPARTMENT



INVESTIGATION #
20-0207-HA

DISTRICT
West Hawaii

LEAD INVESTIGATOR
Verl Nakama

KEY REPORT
[X] Yes []

DATE / TIME REPORTED
2/20/2020 10:58:00 AM

LOCATION
West Hawaii Regional
Fisheries Management Area

CLASSIFICATION
MPA: PROHIBITED ACTIVITIES

CONNECTING REPORT(S)
20-0208-HA

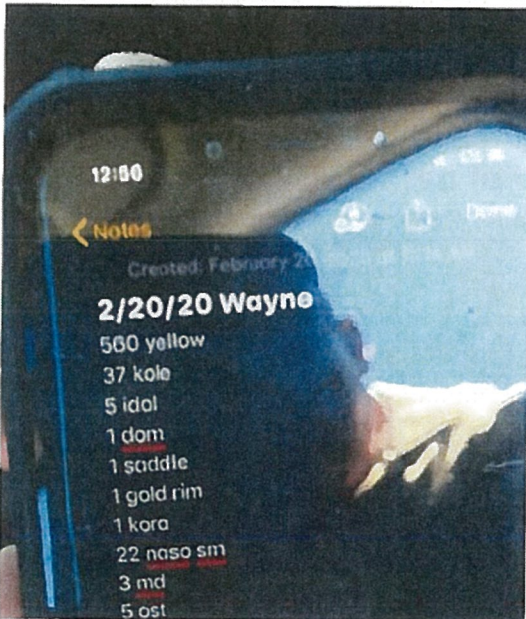
13 DIVE GEAR



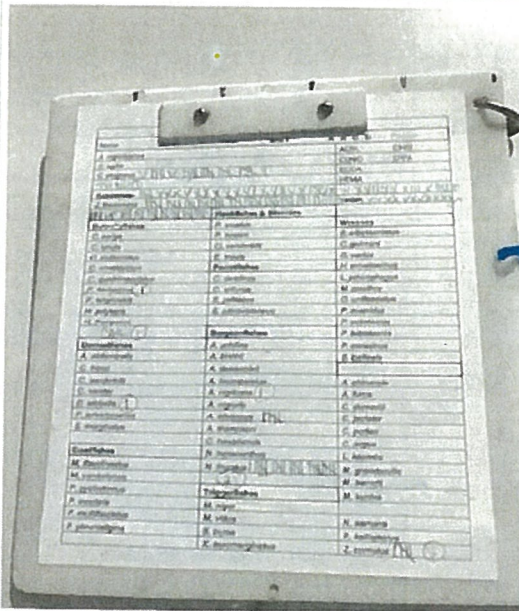
14 5 SCUBA TANKS



15 CELL PHONE LIST/ K. TERAZONO



16 DLNR/DAR FISH COUNT SHEET



INVESTIGATION # 20-0207-HA	DISTRICT West Hawaii	LEAD INVESTIGATOR Veri Nakama	KEY REPORT [X] Yes []
DATE / TIME REPORTED 2/20/2020 10:58:00 AM	LOCATION West Hawaii Regional Fisheries Management Area	CLASSIFICATION MPA: PROHIBITED ACTIVITIES	CONNECTING REPORT(S) 20-0208-HA

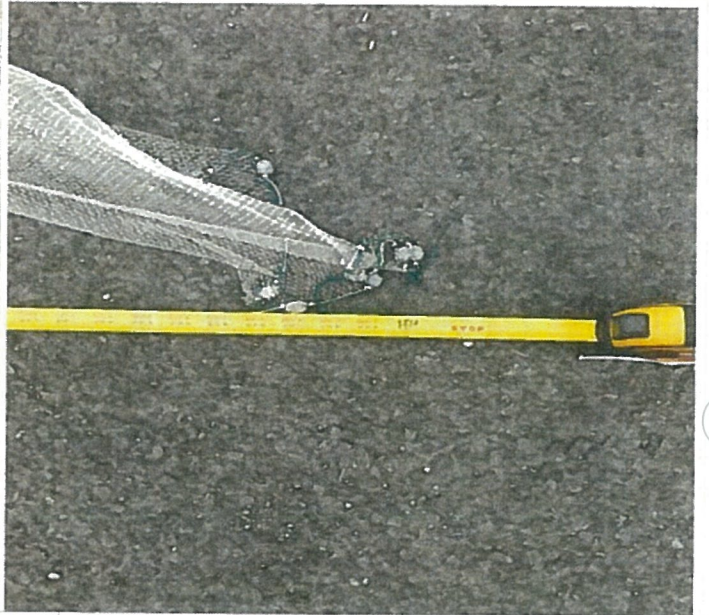
Report Description: **MPA: PROHIBITED ACTIVITIES**
Date/Time Taken: **02-22-2020 1700HRS**
Taken By: Nakama, Veri
Scene: NH

Equipment: **IPHONE**
Weather Conditions: **CLEAR**
Lighting: **DAY**
Focus: **AUTO**

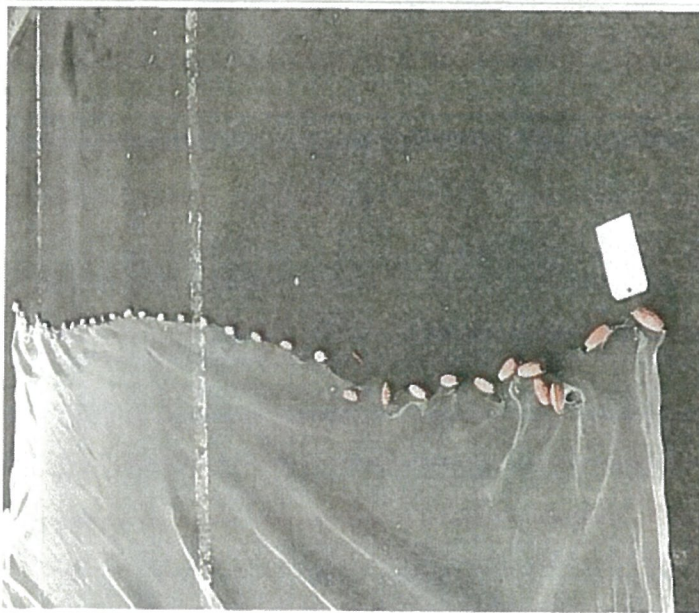
1 Mesh net



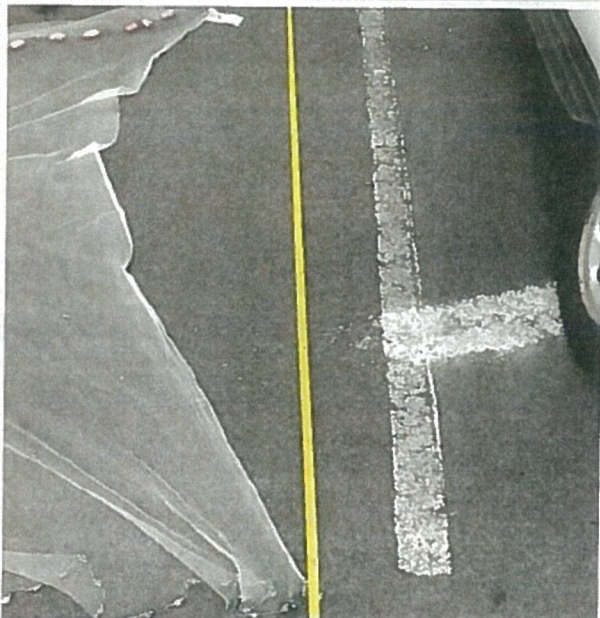
2 Mesh net measured approx. 25 feet



3 Top view of net with floaters



4 Height of net approx. 9 feet 3 inches.



INVESTIGATION # 20-0207-HA	DISTRICT West Hawaii	LEAD INVESTIGATOR Verl Nakama	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 2/20/2020 10:58:00 AM	LOCATION West Hawaii Regional Fisheries Management Area	CLASSIFICATION MPA: PROHIBITED ACTIVITIES	CONNECTING REPORT(S) 20-0208-HA

5 INVENTORY DOCUMENTATION 3



6 INVENTORY DOCUMENTATION 4



7 INVENTORY DOCUMENTATION 5



8 INVENTORY DOCUMENTATION 5A



INVESTIGATION # 20-0207-HA	DISTRICT West Hawaii	LEAD INVESTIGATOR Veri Nakama	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 2/20/2020 10:58:00 AM	LOCATION West Hawaii Regional Fisheries Management Area	CLASSIFICATION MPA: PROHIBITED ACTIVITIES	CONNECTING REPORT(S) 20-0208-HA

9 INVENTORY DOCUMENTATION 6



10 INVENTORY DOCUMENTATION 7



11 INVENTORY DOCUMENTATION 8



12 INVENTORY DOCUMENTATION 9



INVESTIGATION #
20-0207-HA

DISTRICT
West Hawaii

LEAD INVESTIGATOR
Verl Nakama

KEY REPORT
[X] Yes []

DATE / TIME REPORTED
2/20/2020 10:58:00 AM

LOCATION
West Hawaii Regional
Fisheries Management Area

CLASSIFICATION
MPA: PROHIBITED ACTIVITIES

CONNECTING REPORT(S)
20-0208-HA

Report Description: MPA: PROHIBITED ACTIVITIES

Date/Time Taken: 02-21-2020

Taken By: Nakama, Verl

Scene: NH DOCARE BASEYARD

Equipment: IPHONE

Weather Conditions: CLEAR

Lighting: DAY

Focus: AUTO

1 INVENTORY DOCUMENTATION 1



2 INVENTORY DOCUMENTATION 1A



3 INVENTORY DOCUMENTATION 2

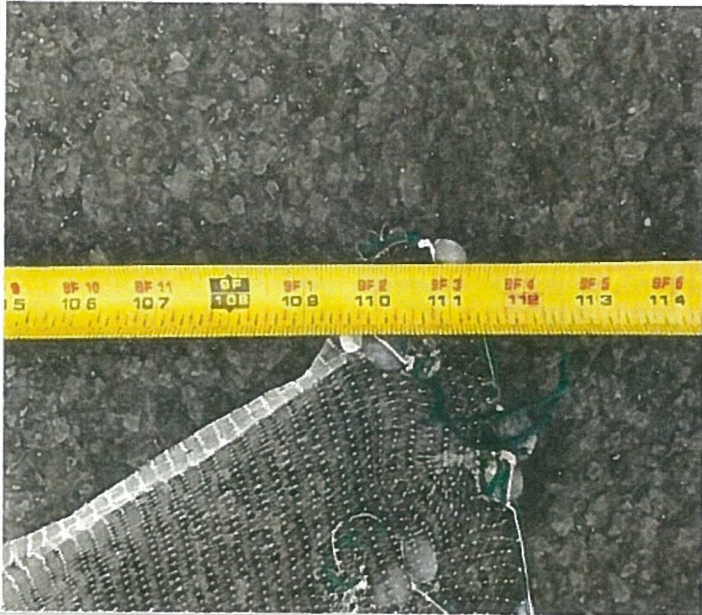


4 INVENTORY DOCUMENTATION 2A

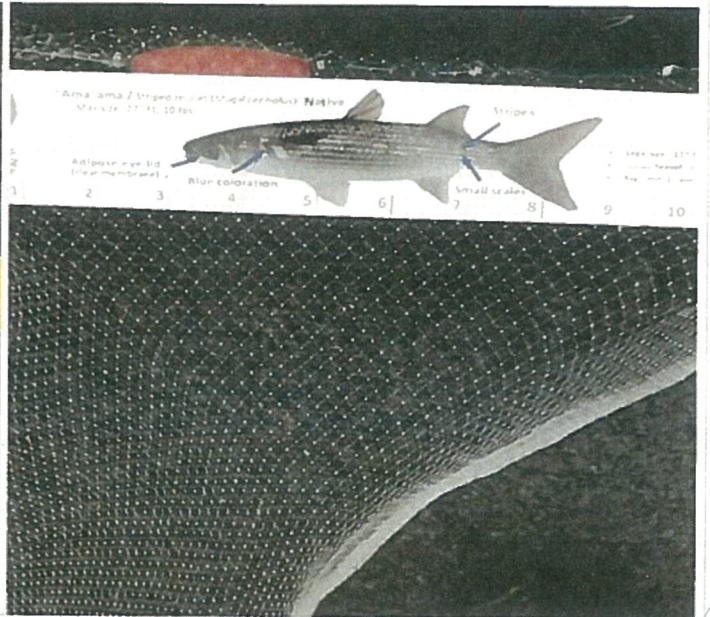


INVESTIGATION # 20-0207-HA	DISTRICT West Hawaii	LEAD INVESTIGATOR Veri Nakama	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 2/20/2020 10:58:00 AM	LOCATION West Hawaii Regional Fisheries Management Area	CLASSIFICATION MPA: PROHIBITED ACTIVITIES	CONNECTING REPORT(S) 20-0208-HA

5 Close up of measuring tape (Height)



6 Mesh less than .5 inch eye



7 Port side of vessel



8 Port side of vessel



INVESTIGATION #
20-0207-HA

DISTRICT
West Hawaii

LEAD INVESTIGATOR
Veri Nakama

KEY REPORT
 Yes No

DATE / TIME REPORTED
2/20/2020 10:58:00 AM

LOCATION
West Hawaii Regional
Fisheries Management Area

CLASSIFICATION
MPA: PROHIBITED ACTIVITIES

CONNECTING REPORT(S)
20-0208-HA

9 Port close up



10 Rear of vessel



11 Starboard side of vessel



12 Starboard close up



State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 20-0208-HA	District West Hawaii	Lead Investigator Elvenia, Daniel	Report Status In Progress	Key Report <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date/Time Reported 02/20/2020 10:58AM	Location West Hawaii Regional	Classification MPA: PROHIBITED ACTIVITIES		Connecting Reports 20-0207-HA

Incident & Report Control Form DOCARE-5 (Rev. 8/03)

A. COMPLAINT

Taken By: Daniel Elvenia Reported Date/Time 02/20/2020 10:58AM
 How Taken: Other

Complainant:
 Home Work Cell

Phone:
 Address: HI

Incident Summary Description: Suspect(s) were observed traversing through a restricted FMA and found to be in possession of prohibited fishing gear and live marine animals
 Suspect: Wayne Thomas NEWMAN, [REDACTED]
 Vehicle/Vessel: Force 24 fishing boat, named "MASAKO"
 Location: West Hawaii Regional Fisheries Management Area Occured From: 02/20/2020 08:00AM
 Location Notes: Waters along the South Kohala Shoreline from Kawaihae to Upolu Point Occured To:

B. REPORT CONTROL

Branch: Hawaii
 District: West Hawaii
 Lead Investigator: Daniel Elvenia
 Date Assigned: 02/20/2020 08:57PM

WONA _____ ST. PARKS _____
 HILO _____ DOBOR _____
 KAMUELA _____ PROSECUTOR 2-26-20 *with*
 HONOLULU _____ FEDERAL _____ *Railey*
 AQUATICS 0-27-20 HP _____
 DOFAW _____ OCCL _____
 LAND DIV _____

C. NOTES/DISPOSITION/OTHER INFO

Web

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 20-0208-HA	District West Hawaii	Lead Investigator Elvenia, Daniel	Report Status In Progress	Key Report <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date/Time Reported 02/20/2020 10:58AM	Location West Hawaii Regional	Classification MPA: PROHIBITED ACTIVITIES	Connecting Reports 20-0207-HA	

Investigation Report

BASIC	1. CLASSIFICATION MPA: PROHIBITED ACTIVITIES						2. SOURCE Other		
	3. COMPLAINANT'S NAME Michael NAKACHI			4. SEX [REDACTED]	5. RACE [REDACTED]	6. AGE [REDACTED]	7. BIRTH DATE [REDACTED]	8. OCCUPATION Manager	
	9. ADDRESS [REDACTED]			10. PLACE EMPLOYED/SCHOOL ATTENDING			11. HOME	12. WORK	13. CELL [REDACTED]
	14. LOCATION OF INCIDENT/INTERSECTING STREET Near shore waters fronting Kawaihae Small Boat Harbor						15. DATE/TIME OCCURRED 02/20/2020 08:00AM		16. DATE/TIME REPORTED 02/20/2020 10:58AM

VEHICLES	17. TYPE Boat	18. YEAR 2019	19. MAKE FORCE	20. MODEL 24	21. COLOR WHITE	22. LICENSE / HA No. HA4495K	23. LENGTH -	24. STOLEN No
	25. REGISTERED OWNER		29. ADDRESS HI			27. HOME	28. WORK	28.. CELL
	30. NOTES							
	31. TYPE	32. YEAR	33. MAKE	34. MODEL	35. COLOR	36. LICENSE / HA No.	37. LENGTH	38. STOLEN

PEOPLE	45. NAME Wayne NEWMAN			46. SEX [REDACTED]	47. RACE [REDACTED]	48. AGE [REDACTED]	49. BIRTH DATE [REDACTED]	50. OCCUPATION
	51. CATEGORY Suspect		52. ADDRESS [REDACTED]			53. HOME	54. WORK	55. CELL
	58. NAME			57. SEX	58. RACE	59. AGE	60. BIRTH DATE	61. OCCUPATION
	62. CATEGORY		63. ADDRESS			64. HOME	65. WORK	66. CELL

WRITE SYNOPSIS	70. SYNOPSIS On 20 FEB 2020 at 1120 Hrs, DOCARE North Hawaii Supervisor Veri NAKAMA, assigned me to respond to the Kawaihae Small Boat Harbor regarding a report of a possible aquarium fishing violation. I arrived at the scene at 1150 Hrs where I observed NAKAMA initiating a vessel boarding inspection of a boat named "MASAKO".							
	This investigation is connected to the master report number 20-0207-HA. Please refer to the attached supplemental report for additional information.							
INV: CONTINUING								

70. REPORT WRITTEN BY Elvenia, Daniel	80. BADGE No. 16	81. DATE/TIME WRITTEN 02/20/2020 07:09PM	82. SUPERVISOR APPROVING Nakama, Veri	83. DATE/TIME APPROVED 2-26-20/1346	84. BADGE No. 7
85. DISPOSITION					

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 20-0208-HA	DISTRICT West Hawaii	LEAD INVESTIGATOR Daniel Elvenia	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 2/20/2020 10:58:00 AM	LOCATION West Hawaii Regional Fisheries Management Area	CLASSIFICATION MPA: PROHIBITED ACTIVITIES	CONNECTING REPORT(S) 20-0207-HA

Report Type: Continuation of Report Supplemental Follow Up
 Date/Time Written: 20 FEB 2020 / 1915 HRS
 Written By: Elvenia, Daniel

Report

ASSIGNMENT / ARRIVAL

On 20 FEB 2020 at 1120 Hrs, DOCARE North Hawaii District Supervisor Lieutenant Verl NAKAMA contacted me via mobile phone and instructed me to meet with him at the Kawaihae Small Boat Harbor, north ramp, to investigate a possible aquarium fishing violation. I arrived on scene at 1150 Hrs.

INITIAL OBSERVATIONS

Upon arrival, I observed Lt NAKAMA standing beside a boat, later identified as a Force 24 named "Masako", on a trailer connected to a black Chevrolet Silverado pickup truck parked at the boat wash station. NAKAMA appeared to be initiating a boarding and safety inspection on the vessel. There was an adult male on board, later identified as Tyron TERAZONO, another adult male moving about the trailer, later identified as Wayne NEWMAN, and an adult female standing beside the pickup truck, later identified as Kacie TERAZONO.

I moved to consort with Lt NAKAMA regarding the situation and he confirmed that he was about to start the boarding and boat safety inspection on the vessel Masako. NAKAMA informed me that he received information that the vessel was seen operating in waters off the South Kohala Shoreline in the area of the 10.5 mile marker of Akoni Pule Highway (Hwy 270), possibly engaged in the collecting of marine life for aquarium purposes. He observed the vessel approaching the Kawaihae SBH from the north, traveling through waters along the South Kohala Shoreline. He viewed Tyron TERAZONO operating the vessel as it came into port, where Wayne NEWMAN disembarked and retrieved the black Chevrolet pickup. Kacie TERAZONO also disembarked to help steady the boat dockside and prepare it for trailering. After NEWMAN returned with the truck and trailer, all 3 parties trailered the boat and brought it ashore.

NAKAMA began conducting a boarding inspection of the vessel Masako, as I moved on board to assist. While on board, I observed a small eye mesh net laying on the deck near the rear of vessel, and also viewed numerous live yellow tang and kole fish, swimming in the vessel's centerline compartment after Tyron TERAZONO voluntarily opened it. Upon viewing the net and live fish, NAKAMA contacted the DLNR Division of Aquatic Resources (DAR) requesting assistance with determining if any violations of the Hawaii Administrative Rules occurred, considering the circumstances.

VESSEL DESCRIPTION

The vessel involved in this investigation is described as a 2019 Force 24 Open M/B, with twin outboard Honda 150 engines and made of fiberglass material. The vessel is registered with the Department of Land and Natural Resources Division of Boating and Ocean Recreation under vessel number HA 4495 K, is named "Masako", and is owned by Tyron TERAZONO and his wife, Kacie TERAZONO.

DIVISION OF AQUATIC RESOURCES RECOMMENDATION

While conducting the boarding inspection, NAKAMA received information from the DLNR DAR that a violation of HAR Section 13-60.4-4, ACTIVITIES PROHIBITED WITHIN THE WEST HAWAII REGIONAL FISHERY MANAGEMENT AREA (WHRFMA), had been committed.

Upon receiving this information, he decided to administer the Department of Land and Natural Resources (DLNR), Division of Conservation and Resources Enforcement (DOCARE) Advice of Rights to Tyron TERAZONO, and asked me to do the same with Wayne NEWMAN and Kacie TERAZONO. I proceeded to contact Wayne NEWMAN and Kacie TERAZONO while NAKAMA spoke with Tyron TERAZONO.

Elvenia, Daniel
 Officer



16

Badge No.

20 FEB 2020 / 2130 HRS

Date / Time

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 20-0208-HA	DISTRICT West Hawaii	LEAD INVESTIGATOR Daniel Elvenia	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 2/20/2020 10:58:00 AM	LOCATION West Hawaii Regional Fisheries Management Area	CLASSIFICATION MPA: PROHIBITED ACTIVITIES	CONNECTING REPORT(S) 20-0207-HA

Report (Continued)

ADVICE OF RIGHTS

At 1223 Hrs, I contacted Wayne NEWMAN and administered the DLNR Division of Conservation and Resources Enforcement (DOCARE) Advice of Rights, after informing him of the above mentioned violation. NEWMAN understood the rights explained to him, did not request a lawyer at the time, was willing to answer questions and provide a statement, and did not want a lawyer during the interview. He so indicated by provided his signature and initials on the form at 1225 Hrs. Please refer to the attached AOR form for further information.

SUSPECT IDENTIFICATION / STATEMENT

I identified, via a valid State of Hawaii Driver's License, and received the following statement from:

NAME: NEWMAN, Wayne Thomas
 DOB: [REDACTED]
 SSN: [REDACTED]
 ADDRESS: [REDACTED]
 PHONE: [REDACTED]
 OCCUPATION: Diver/Aquarium Fish Collector

NEWMAN stated that he is a friend and colleague of Tyron TERAZONO and works with him in the business of collecting and selling marine life for use in private collectors/hobbyists aquariums. NEWMAN was on board the Masako on 20 FEB 2020 and operating in waters off the South Kohala Shoreline with TERAZONO and his wife, Kacie TERAZONO. He said that they launched the vessel from the Kawaihae SBH north ramp at approximately 8 o'clock in the morning and headed north with the intention of collecting aquarium fishes and possibly deep water fish such as Ahi and Ono, while traveling about the ocean.

NEWMAN stated that their plan was to head north to Upolu Point and do their collecting past the point, as he was aware of the designated Fisheries Management Area which extends from Kawaihae to Upolu Point. He explained that he knew capturing and taking marine life within the WHRFMA for the purpose of aquarium collections is restricted, which is why the plan was to travel past the point to do their fish collecting.

NEWMAN said both he and Tyron TERAZONO were the divers whom collected the fish which were held in the centerline compartment on board the Masako. He added all of the fish on board were caught past the point using the mesh net viewed during the boarding inspection. NEWMAN said that they were in the water collecting for an hour or so, before heading back to Kawaihae after completing a "successful catch", and while they were in the water, Kacie TERAZONO was operating the vessel.

NEWMAN informed me that they traveled back to Kawaihae along the coastline, approximately one half mile from shore. He admitted to knowing that the area was a designated fisheries management area, however was not aware that traversing these waters while in possession of aquarium collecting gear and/or fish species, is prohibited.

NEWMAN added that he is a long time waterman and aquarium collecting fisherman. He prided himself as being aware of the State of Hawaii rules and regulations governing fishing in Hawaiian waters. He said he had never heard of the HAR Section for prohibited activities within the WHRFMA. For this reason, he was surprised to learn that he would be issued a citation for violating the HAR Section.

CONFISCATION OF PROPERTY

Shortly after interviewing NEWMAN, Lt NAKAMA informed me that he received direction from higher authority within DOCARE, that we would be seizing the vessel, trailer, and its contents to include the mesh net and marine life. We informed TERAZONO of this and provided him with a property receipt form to account for the items. Please refer to the Property and Evidence reports for further information on the vessel, trailer, and items taken into evidence.

Elvenia, Daniel 
 Officer

16
 Badge No.

20-FEB 2020 / 2130 HRS
 Date / Time

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 20-0208-HA	DISTRICT West Hawaii	LEAD INVESTIGATOR Daniel Elvenia	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 2/20/2020 10:58:00 AM	LOCATION West Hawaii Regional Fisheries Management Area	CLASSIFICATION MPA: PROHIBITED ACTIVITIES	CONNECTING REPORT(S) 20-0207-HA

Report (Continued)

SECOND SUSPECT IDENTIFICATION / STATEMENT

On 20 FEB 2020 at 1235 Hrs, I identified the third person aboard the Masako as:

NAME: TERAZONO, Kacie Kuuleilani Masako [REDACTED]
 DOB: [REDACTED]
 SSN: [REDACTED]
 ADDRESS: [REDACTED]
 PHONE: [REDACTED]
 OCCUPATION: Business Owner/Operator

TERAZONO informed me that she is the wife of Tyron TERAZONO, and was on board the vessel Masako with her husband and NEWMAN. She said that on the above date and times, they intended to collect aquarium fishes for selling to collectors/hobbyists, as they have done numerous times in the past, and that their self-owned and operated business is their primary source of income.

Before continuing my conversation with TERAZONO, I informed her that I would need to administer an Advice of Rights form to which she acknowledged and agreed upon.

ADVICE OF RIGHTS

At 1238 Hrs, I administered the DLNR Division of Conservation and Resources Enforcement (DOCARE) Advice of Rights to Kacie TERAZONO. She indicated that she understood the rights as stated on the form, but requested a lawyer at the time and during an interview, and declined to make any additional statements. Please refer to the attached AOR form for further information.

HAR VIOLATION / CITATION ISSUED

On 22 FEB 2020 at 1300 Hrs, I issued a Department of Land and Natural Resources DOCARE Complaint and Summons citation number 050483LNR, to Wayne NEWMAN for violation of the Hawaii Administrative Rules Section 13-60.4-4, ACTIVITIES PROHIBITED WITHIN THE WEST HAWAII REGIONAL FISHERY MANAGEMENT AREA. Please refer to attached copy of the citation for additional information.

After accepting the citation, NEWMAN left the area with Tyron and Kacie TERAZONO via the black Chevrolet Silverado pickup truck.

DOCARE & DAR SUPPORT

At approximately 1330 Hrs, DOCARE Hawaii Island Branch Manager Lino KAMAKAU and West Hawaii District Officer Kainoa KEAWE arrived on scene to provide towing support for the vessel. The vessel was towed to and secured at the DOCARE facility in North Hawaii District.

A few moments after their arrival, the DLNR Division of Aquatic Resources agents arrived to assist with identifying and counting the fishes. Once identified and accounted for, all captured fish were returned to the ocean outside of the North Kawaihae SBH break wall. Please refer to the attached DAR incident report for detailed information and additional HAR violations.

MASTER REPORT

This report is connected to the master report by Lieutenant Veri NAKAMA. The master report number is 20-0207-HA, and contains information regarding the vessel owner and operator, Tyron TERAZONO. Please refer to the master report for related additional information.

Elvenia, Daniel
Officer



16
Badge No.

20 FEB 2020 / 2130 HRS
Date / Time

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION #
20-0208-HA

DISTRICT
West Hawaii

LEAD INVESTIGATOR
Daniel Elvenia

KEY REPORT
 Yes No

DATE / TIME REPORTED
2/20/2020 10:58:00 AM

LOCATION
West Hawaii Regional
Fisheries Management Area

CLASSIFICATION
MPA: PROHIBITED ACTIVITIES

CONNECTING REPORT(S)
20-0207-HA

Report (Continued)

DISPOSITION

Due to the above information, I recommend this investigation be closed, citation issued. Please route a copy of this report to the Hawaii Island Division of Aquatic Resources for their review and presentation to the DLNR Land Board. Also recommend a copy of this report be routed to the Prosecutors Office for their review.

CLOSED: CITATION ISSUED

COPY OF THIS REPORT HAS BEEN FORWARDED TO THE SOUTH KOHALA PROSECUTORS OFFICE.

Elvenia, Daniel
Officer



16
Badge No.

20 FEB 2020 / 2130 HRS
Date / Time

State of Hawaii
Department of Land and Natural Resources
Division of Conservation and Resources Enforcement

ADVICE OF RIGHTS

Report/Citation # 20-0208 HA
050483 LNR

I am a Conservation Enforcement Officer. I want to inform you of your rights.

1. You have the right to remain silent. You do not have to answer any questions.
2. Anything you say may be used against you in a court of law.
3. You have the right to talk to a lawyer before we ask you any questions and to have him with you during questioning.
4. If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.
5. If you decide to answer the questions now without a lawyer present, you will still have the right to stop answering at any time and talk to a lawyer.

The Advice of Rights was administered to Wayne Thomas Newman

By D. EUGENIA #16
Conservation Enforcement Officer

<u>N. KAWAHAWE SBT</u>	<u>20 FEB 2020</u>	<u>1223</u>
Location	Date	Time

WAIVER OF RIGHTS

Initial

1. Do you understand the rights that I have just read to you? Yes WA No
2. Do you want a lawyer now? Yes ~~WA~~ No WA
3. Are you willing to answer questions and make a statement? Yes WA No
4. Do you want a lawyer during this interview? Yes No WA

Witness _____

Wayne Thomas Newman
Subject's Signature

Date _____ Time _____

2-20-20 12:25
Date Time

Refused to sign / / _____

All the foregoing was translated into _____

By _____

Remarks: _____

State of Hawaii
Department of Land and Natural Resources
Division of Conservation and Resources Enforcement

ADVICE OF RIGHTS

Report/Citation # 20-0308-14a

I am a Conservation Enforcement Officer. I want to inform you of your rights.

1. You have the right to remain silent. You do not have to answer any questions.
2. Anything you say may be used against you in a court of law.
3. You have the right to talk to a lawyer before we ask you any questions and to have him with you during questioning.
4. If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.
5. If you decide to answer the questions now without a lawyer present, you will still have the right to stop answering at any time and talk to a lawyer.

The Advice of Rights was administered to KACIE KULELONI TIBAZONO

By D. GVENIA #16
Conservation Enforcement Officer

A. KAWAHOE SBT 20 FEB 2020 1238
 Location Date Time

WAIVER OF RIGHTS

- | | | Initial | |
|---|----------------|---------------|------------|
| 1. Do you understand the rights that I have just read to you? | Yes <u>K</u> | No <u> </u> | |
| 2. Do you want a lawyer now? | Yes <u>K</u> | No <u> </u> | |
| 3. Are you willing to answer questions and make a statement? | Yes <u> </u> | No <u> </u> | <u> </u> |
| 4. Do you want a lawyer during this interview? | Yes <u> </u> | No <u> </u> | <u> </u> |

Witness

Date Time

[Signature]
Subject's Signature
2/20/20 12:40
Date Time

Refused to sign / / _____

All the foregoing was translated into _____

By _____ Remarks: _____

DOCARE COMPLAINT & SUMMONS

In the DISTRICT/FAMILY COURT

of the 2d Cir CIRCUIT, STATE OF HAWAII

LN# 050483 Drvr Lic /SS# H00576521 STATE HI JUVENILE

NAME NEWMAN

WAYNE THOMAS

Current/Mailing Address [REDACTED]

City, State, Zip [REDACTED]

Hgt [REDACTED] Wgt [REDACTED] Sex [REDACTED] Date of Birth [REDACTED] Age [REDACTED] Completion [REDACTED]

Place of Employment School or Branch of Service FISHARMS Job Title, Yr. in school or Military Rank

Parent's name if juvenile: _____

Phone number (Days): [REDACTED] (Eves): _____

Did on/or about this 20 day of FEB Yr. 20 at about 12:00 AM/PM PM

did operate/command Vehicle/Vessel#: JA 4495 K

Vehicle/Vessel Make/Name Polaris Type 24 Color WHT Yr. 2019

at (location): KAWAIAKE EST

and did commit the offense of: PHO PROHIBITED ACTIVITY

SECTION: 13-60.4-4 HRS
HAB
OTHER

EVIDENCE TAKEN: Yes No

DESCRIPTION OF EVIDENCE
VESSEL MARIJUANA
20' SMALL GYE MESH NET

Receipt of this citation is acknowledged (Your signature is not an admission of guilt)

X
Signature

The undersigned alleges that the person named above committed the offense herein set forth, contrary to law.

Date of issue 20 FEB 2020 Time 13:00 Hrs.

[Signature] Complainer Badge/ID No. 16

Bail Forfeiture by Mail Permitted: Yes No

A Postmark/paid before court date Payment Amount 0.00 **B** Postmark/paid on or after court date Payment Amount 0.00

SUMMONS

Your court appearance date is:

DATE: 31 MAR 20 TIME: 0830 AM COURTROOM: _____

District Court Family Court of S KUALA

OFFICER'S COPY