

From: John Barry [REDACTED]
Sent: Tuesday, December 6, 2022 4:09 PM
To: DLNR.AR.DLNR.Aquatics <dlnr.aquatics@hawaii.gov>
Subject: [EXTERNAL] Administration Action Against Captain John Barry III

Good Morning Administrator Brian Neilson and Board Members,

My wife, my visiting adult children, and myself have had a lifetime dream of sailing around the world in our own boat and especially exploring Hawaii. After both my wife's and my long careers ended, we departed with an agenda of environmental work mostly concerning the build up of plastic materials in the oceans and humanitarian work with children. My whole family finds Hawaii's charges against us to be extremely upsetting and ironic to our collective world mission!

Please allow me to apologize profusely if we have caused any damage to the reef. We are collectively extremely horrified! We certainly didn't intend to harm the reef and we never intended for our behavior to be disrespectful to our environment or other people!

Please allow me to explain the circumstances leading up to the situation described in your report. While exploring the island of Hawai'i one of our more exciting plans was to visit Kona and visit the site of the Kona Ironman Triathlon. I am a four & 1/2 time Ironman at other events and my lovely wife is my head cheerleader! We desperately needed fuel and our Hawaiian cruising guide told us of a fuel dock in the Honokohau Boat Harbor. We fueled up and I asked the very nice owner of the fuel dock where we could anchor for a short time to organize ourselves after fueling. He said right out of the channel on the right. I pulled out a paper chart and my cruising guide book where both indicated an anchorage. He confirmed the area and said "sink your anchor in the sand between the coral." My on board chart plotter also indicated that this area was an anchorage and did not show it as a restricted area. On our way in, we also saw about five pleasure yachts anchored in the area. We motored out to the anchorage and set our anchor in sand as reported in the report. We did not see any buoys, markers, or signs indicating a restricted area! There are none. We were only there for a very short time to eat and organize. NO ONE came up to us and said that we might be hitting coral with our chain because I would have thanked them for the heads up and moved immediately! That part of the report was an embellishment!

In a short time, Officer Destiny Hoopii arrived with a boat load of young people. I saw her uniform and asked her to come on board. We offered her coffee or water and she took water. She was very polite, professional, and nice. She explained her concerns, we apologized, and asked her where to go to anchor for the night. We wanted to go to Kona. She showed us on the chart plotter Kailua Bay and we departed immediately. As suggested, I scuba dove on my anchor and chain to avoid damage to the reef but it was unnecessary. The tackle all came up easily with no damage to the reef.

Officer Hoopii decided to not write up a violation because she didn't think that we had any intention to damage the reef, there really wasn't much damage, we apologized for her trouble, and we left immediately. She said that she would recommend to her superior to do nothing concerning this event and to drop it. We were so horrified about the accusations against us that while anchored in Kailua Bay we returned to the reef in our dinghy and I scuba dived the whole area. I couldn't differentiate our area of sand from several others but what I noticed is that all of the areas of sand had recent surrounding damage to coral! My immediate response to my wife was that since Officer Hoopii didn't think that we did any damage and there had been many boats anchored there before us, how does

anyone know that the damage reported, after 1 & 1/2 years of nothing from DAR, was actually due to our brief stay? I don't think anyone could truthfully say that the coral condition was due to our brief stay.

After a couple of days touring the Kona Ironman area we departed for Maui. While moored in Maui another DOCARE officer motored up to our boat, I invited him on board, and offered him a drink. Since it was so long ago and Officer Hoopii said nothing would happen, I lost this gentleman's card. He was native Hawaiian, handsome, and a bodybuilder. A nice guy! He took coffee. He said that he had heard of the event and was curious as to what happened. I explained the whole situation and he agreed with Officer Hoopii that no enforcement should be taken. We parted as friends.

In conclusion, taking into consideration my true and honest above testimony, two on the scene DOCARE officers stating that no violations should be enacted, I did everything in my power to minimise any damage that I might have caused, I moved to a different anchorage immediately, all the sandy spots had already been damaged, and I have repeatedly and sincerely apologised if I had damaged any coral, I would respectfully ask you Brian and your review board to dismiss this action against me. I didn't further damage the reef and your two officers agree. Thanks so much for your kind consideration.

Thank you.

Sincerely,

Captain John Barry III
S/V Avalanche

From: [Doug Perrine](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] testimony for BLNR meeting Dec. 9
Date: Friday, November 25, 2022 1:02:31 PM

Dear BLNR:

With regard to Chapter 13-60.41, Hawaii Administrative Rules, entitled "West Hawai'i Paku'iku'i Replenishment"

The Paku'iku'i population in West Hawaii has been in decline for years, and more likely decades, now, as evidenced by surveys conducted by the DAR, and which I can confirm by my own observations. This is one of the rarest fishes for me to encounter on my regular dives on West Hawaii reefs. Management is long overdue. I urge you to adopt the moratorium rule with all due haste.

Sincerely,

Doug Perrine, M.A. Marine Biology & Living Resources

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