

State of Hawai'i  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Aquatic Resources  
Honolulu, Hawai'i 96813

January 12, 2024

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

**Request for Final Approval to Adopt a New Chapter Under Title 13 of the Hawaii  
Administrative Rules as Chapter 60.11, "Kīpahulu Community-Based Subsistence  
Fishing Area, Maui"**

Submitted for your consideration and approval is a request to adopt Hawaii Administrative Rules (HAR) Title 13, Chapter 60.11, "Kīpahulu Community-Based Subsistence Fishing Area, Maui" to ensure abundant stocks of priority species and high-quality fishing now and in the future for residents and visitors to Kīpahulu and to reaffirm and perpetuate fishing practices that were customarily and traditionally exercised for Native Hawaiian subsistence, culture, or religion along the southeast coast of Maui.

**PURPOSE**

The purpose of this rulemaking action is to:

- Sustainably support the subsistence needs of the Kīpahulu community on the island of Maui through culturally-rooted, community-based management;
- Ensure the sustainability of nearshore ocean resources in the area through effective management practices, including the establishment of limits on the harvest of marine life;
- Recognize and protect customary and traditional native Hawaiian fishing practices that are exercised for subsistence, cultural, and religious purposes in the area;
- Facilitate the substantive involvement of the community in resource management decisions for the area through dialogue with community residents and resource users;
- Establish the 'Opihi Rest Area to ensure stock health and to allow replenishment of this important food resource; and
- Establish the Kukui Bay Sanctuary for the preservation and protection of critical nursery habitat for numerous marine species, including species traditionally relied upon for subsistence.

The proposed rules would:

- 1) Outline the purpose of the Kīpahulu Community-Based Subsistence Fishing Area (CBSFA) and its subzones;

- 2) Provide definitions for key terms throughout the chapter;
- 3) Establish and delineate the boundaries for the Kīpahulu CBSFA, the Kukui Bay Sanctuary, and the ‘Ōpihi Rest Area subzones;
- 4) Prescribe the permitted and prohibited activities within the Kīpahulu CBSFA, including:
  - a. Restrictions on the take and/or possession of akule, ‘ōmilu, kala, kole, moi, ‘opihi, ula (spiny lobster), ula pāpapa (slipper lobster), ‘alakuma (7-11 crab), and native limu species;
  - b. Restrictions on the use of gill nets for surround net fishing, bag nets, throw nets, and fishing poles, lines, and hooks;
  - c. Prohibitions on the take of marine life with SCUBA gear or while night diving;
  - d. Prohibitions on the take of ‘opihi within the ‘Ōpihi Rest Area Subzone; and
  - e. Prohibitions on the take of marine life within the Kukui Bay Sanctuary;
- 5) Protect Native Hawaiian traditional and customary rights recognized by the Hawai‘i State Constitution;
- 6) Carve out an exception for vessels with restricted species or gear in active transit through the Kīpahulu CBSFA;
- 7) Establish the administrative and criminal penalties for violations of this chapter; and
- 8) Recognize the State’s asset forfeiture authority as an enforcement tool for violations of this chapter.

The proposed rules are described in detail in the Division of Aquatic Resources’ (DAR’s) June 23, 2023 submittal to the Board of Land and Natural Resources (Board) (Item F-2), available on the Board’s website.<sup>1</sup>

## BACKGROUND

The proposed rules are the result of extensive stakeholder engagement over the past ten years. Prior to seeking approval from the Board to initiate formal public rulemaking proceedings, Kīpahulu ‘Ōhana, Inc. (KOI) conducted extensive outreach to the broader Maui community, as well as statewide, and refined the proposal incorporating feedback from a wide variety of stakeholder engagement forums. A detailed description and summary of these scoping efforts is meticulously documented in KOI’s final Administrative Record which is available on the KOI website.<sup>2</sup>

On Tuesday, June 7, 2022, DAR held an online public scoping meeting via Zoom to share information, answer questions, and solicit feedback on the proposed rules. Subsequently, KOI submitted their finalized management plan<sup>3</sup> and administrative record to DAR in January 2023.

On Friday, May 26, 2023, KOI and DAR provided an informational briefing to the Board explaining the proposed rules, including historical background information, outreach

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<sup>1</sup> <https://dlnr.hawaii.gov/wp-content/uploads/2023/06/F-2-1.pdf>

<sup>2</sup> [https://kipahulu.org/pdf/FINAL\\_Kipahulu%E2%80%93Moku-CBSFA-Administrative-Record\\_230123.pdf](https://kipahulu.org/pdf/FINAL_Kipahulu%E2%80%93Moku-CBSFA-Administrative-Record_230123.pdf)

<sup>3</sup> [https://www.kipahulu.org/pdf/FINAL\\_Kipahulu-Moku-CBSFA-Proposal\\_Management-Plan\\_230123.pdf](https://www.kipahulu.org/pdf/FINAL_Kipahulu-Moku-CBSFA-Proposal_Management-Plan_230123.pdf)

efforts, management plan development and finalization, and an overview of the proposed administrative rules. A copy of this non-action item submittal (Item F-3) is available on the Board's website.<sup>4</sup>

On Friday, June 23, 2023, the Board approved the Department's request to hold statewide public rulemaking hearings pursuant to Hawaii Revised Statutes (HRS) chapter 91 to adopt HAR chapter 13-60.11, "Kīpahulu Community-Based Subsistence Fishing Area, Maui."

On Thursday, November 2, 2023, DAR held a statewide public hearing via Zoom, with in-person host sites in Wailuku and Hāna on the island of Maui. The public hearing minutes are attached as **Exhibit 1**. DAR accepted written testimony on the proposed rules from July 30, 2023 to November 10, 2023. DAR received a total of 88 testimonies (31 oral and 57 written) from 54 individuals, 3 government agencies (2 federal and 1 state), 5 elected officials (1 U.S. Congress, 2 State Legislature, and 2 County of Maui) and 24 organizations, with 1 individual and one elected official providing duplicate oral and written testimony. All testimony was in full support of the proposed rules and underlined the importance of community stewardship and management of resources, the hard work and perseverance of KOI and the Kīpahulu community throughout the CBSFA designation process, and the importance of protecting traditional and customary subsistence fishing practices throughout the State. The public hearing was live broadcast to DAR's YouTube channel<sup>5</sup> where a video recording of the hearing is available for review. Additionally, copies of the written testimonies received has been compiled and attached as **Exhibit 2**.

### CHANGES TO PROPOSED RULES

Due to the overwhelming support for the rules as shown in the testimony that was received, no substantive changes have been made to the proposal. However, one minor clarifying amendment was made to section 2 (Boundaries). Section 2, subsection (a) previously stated: "The Kīpahulu CBSFA includes that portion of the southeast coast of the island of Maui consisting of all state waters and submerged lands from Kālepa Gulch in the west to '**Ohe'o Gulch** in the east, from the shoreline out to approximately 60 meters in depth." The intent was that 'Ohe'o Gulch is included within the boundaries of the CBSFA as indicated by the GPS point provided in the rules. However, due to the ambiguity of the wording, it could mislead the reader to think that the boundary stops at 'Ohe'o Gulch. Therefore in order to eliminate any confusion, DAR has amended the description to read: "The Kīpahulu CBSFA includes that portion of the southeast coast of the island of Maui consisting of all state waters and submerged lands from Kālepa Gulch in the west to **Pua'alu'u Gulch** in the east, from the shoreline out to approximately 60 meters in depth." With this amendment, the rules more accurately describe the actual eastern boundary of the Kīpahulu CBSFA as demarcated by the GPS coordinates in the rules. The proposed chapter 13-60.11, HAR, drafted in Ramseyer format is attached as **Exhibit 3**.

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<sup>4</sup> <https://dlnr.hawaii.gov/wp-content/uploads/2023/05/F-3-1.pdf>

<sup>5</sup> <https://www.youtube.com/@DLNR-DAR>

## KA PA'AKAI ANALYSIS

On September 11, 2000, the Hawaii Supreme Court (Court) ruled in *Ka Pa'akai O Ka 'Āina vs. Land Use Commission, State of Hawai'i*<sup>6</sup> (Ka Pa'akai) that State and government agencies have an obligation to “preserve and protect traditional and customary Native Hawaiian rights” and that an appropriate analytical framework was needed to assess whether these rights were unduly violated.<sup>7</sup> The Court developed a three-pronged test, dubbed the “Ka Pa'akai Analysis,” which is triggered when government agencies consider proposed uses of land and water resources that may impact the exercise of Native Hawaiian traditional and customary rights.

Although the Court stated that an agency's constitutional obligation to reasonably protect Native Hawaiian traditional and customary practices was widely applicable to all agency actions, the Court did not opine as to whether the Ka Pa'akai Analysis could or should be applied outside of contested case hearings. Then, on March 15, 2023, the Court ruled in *Flores-Case 'Ohana v. University of Hawai'i*<sup>8</sup> (FCO) that the obligation described in Ka Pa'akai not only applied to contested case hearings, but also to rulemaking actions.<sup>9</sup> In doing so, the Court provided a modified Ka Pa'akai Analysis to be used in rulemaking actions. The analysis outlined in FCO requires agencies to consider:

- 1) The identity and scope of Native Hawaiian traditional and customary rights affected by the rule, if any;
- 2) The extent to which Native Hawaiian traditional and customary rights will be affected or impaired by the rule; and
- 3) Whether the proposed rules reasonably protect Native Hawaiian traditional and customary rights, if they are found to exist, as balanced with the State's own regulatory right.

The Department has provided the following analysis on this proposal's effects on Native Hawaiian traditional and customary practices:

### **1) Identity and Scope of Native Hawaiian Traditional and Customary Rights Affected by the Rule, if Any**

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<sup>6</sup> [Ka Pa'akai o ka 'Āina v. Land Use Comm'n \(Ka Pa'akai\), 94 Hawai'i 31, 7 p.3d 1068 \(2000\)](#) (Ka Pa'akai)

<sup>7</sup> “Following up on PASH, we recognized in Ka Pa'akai that in contested case hearings, the State and its agencies have an ‘affirmative duty ... to preserve and protect traditional and customary native Hawaiian rights’ and provided a framework ‘to effectuate the State's obligation to protect native Hawaiian customary and traditional practices while reasonably accommodating competing private interests.” [Flores-Case 'Ohana v. University of Hawai'i, 153 hawai'i 76, at 83 \(2023\)](#) (quoting Ka Pa'akai at 45-47, 1082-1084)

<sup>8</sup> [Flores-Case 'Ohana v. University of Hawai'i, 153 hawai'i 76, \(2023\)](#)

<sup>9</sup> “In sum, the Ka Pa'akai framework applies to administrative rulemaking in addition to contested case hearings. Requiring the State and its agencies to consider Native Hawaiian traditional and customary rights in these contexts effectuate[s] the State's obligation to protect native Hawaiian customary and traditional practices[.]” [Flores-Case 'Ohana v. University of Hawai'i, 153 hawai'i 76, at 84 \(2023\)](#)



The statutorily established purpose of a community-based subsistence fishing area is to reaffirm and protect “fishing practices customarily and traditionally exercised for purposes of native Hawaiian subsistence, culture, and religion.”<sup>10</sup> Therefore, the proposed rules are inherently intended to affect Native Hawaiian rights by protecting traditional and customary subsistence fishing practices in the area of the proposed rules. This rules package would result in place-specific rules for Kīpahulu, Maui, that are more restrictive than current statewide and island-based rules. The rules would affect Native Hawaiian subsistence fishing rights and cultural practices in two general ways. On one hand, the rules (in particular, more restrictive daily bag limits, higher minimum size limits, and gear restrictions) could restrict subsistence fishers’ ability to gather food for themselves and their communities. On the other hand, the rules honor and protect the identified traditional and customary fishing practices of the community and empower the community as the traditional stewards of their place. The rules have been developed by the community for the community to ensure that their subsistence lifestyle and fishing practices can sustain current and future generations.

**2) Extent to Which Native Hawaiian Traditional and Customary Rights Will Be Affected or Impaired by the Rule**

During the public hearing process, there was no testimony received that indicated the rules would threaten their Native Hawaiian subsistence gathering rights and ability to feed their families. Many individuals identified themselves as Native Hawaiian fishers and provided testimony in full support of the proposed rules without mentioning adverse impacts to subsistence fishing rights. Numerous testifiers noted that resource management is a cultural practice in support of the rules.

**3) Reasonable Protections for Native Hawaiian Traditional and Customary Rights, if They are Found to Exist, as Balanced with the State’s Own Regulatory Right**

As mentioned in the first prong of the analysis, these rules are meant to serve as a protective measure for traditional and customary fishing practices.

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<sup>10</sup> [HRS §188-22.6](#)

RECOMMENDATIONS:

"That the Board give final approval to adopt Hawaii Administrative Rules chapter 13-60.11, "Kīpahulu Community-Based Subsistence Fishing Area, Maui," as set forth in **Exhibit 3** attached hereto."

Respectfully submitted,



for

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BRIAN J. NEILSON, Administrator  
Division of Aquatic Resources

APPROVED FOR SUBMITTAL



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DAWN N. S. CHANG, Chairperson  
Board of Land and Natural Resources

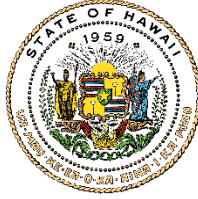
Attachments:

- Exhibit 1 – Public Hearing Minutes
- Exhibit 2 – Compiled Written Testimony
- Exhibit 3 – Proposed HAR Chapter 13-60.11 (Ramseyer format)

## Item F-2, Exhibit 1

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



### STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII' DEPARTMENT OF LAND AND NATURAL RESOURCES KA 'OIHANA KUMUWAIWAI 'ĀINA

DIVISION OF AQUATIC RESOURCES  
1151 PUNCHBOWL STREET, ROOM 330  
HONOLULU, HAWAII 96813

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

LAURA H.E. KAAKUA  
FIRST DEPUTY

M. KALEO MANUEL  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

## PUBLIC HEARING MINUTES

### Adoption of Hawaii Administrative Rules Chapters 13-60.11, "Kīpahulu Community-Based Subsistence Fishing Area, Maui"

Hearing Date: November 2, 2023, 5:30 p.m.  
Hearing Type: Hybrid Zoom with In-Person Host Sites  
Host Site Locations:

- 1) Maui DAR Office,  
130 Mahalani Street  
Wailuku, Hawai'i 96793
- 2) Wānanalua Church Hall  
5105 Hāna Highway  
Hāna, Hawai'i 96713

The full recording of the public hearing is available on the DAR YouTube Channel at: [https://www.youtube.com/watch?v=r6\\_Y8okMUbk](https://www.youtube.com/watch?v=r6_Y8okMUbk)

## I. INTRODUCTION

### A. Opening Remarks

1. Introductions
2. Call to order - **5:33 p.m.**
3. Brief description of the proposal
4. Availability of draft rules for review
5. How to watch YouTube live stream

### B. Purpose, Approval, and Notice

1. Purpose of the public hearing
2. Approval to conduct this public hearing was obtained from the Board of Land and Natural Resources at their board meeting on June 23, 2023.
3. The Legal Notice of this public hearing was published in the October 1, 2023 Sunday issue of the Honolulu Star Advertiser. Additionally, notice of this public hearing was posted on the Draft Rules and Public Notices page of the DAR website (where digital

copies of the draft rules in Ramseyer format can be found) as well as posted on the Announcements page of the DAR website.

**C. Hearing Procedures**

1. Step-by-step overview of how the hearing will be conducted
2. Instructions on how to provide testimony
3. Step-by-step instructions on how testimony will be collected

**II. PRE-RECORDED SLIDES WITH VOICE OVER**

**A. Proposed adoption of Hawaii Administrative Rules Chapter 13-60.11, “Kīpahulu Community-Based Subsistence Fishing Area, Maui”**

1. Brief description and summary of the proposed adoption of HAR chapter 13-60.11.

**III. TESTIMONIES**

**A. Collection of Oral/Video Testimonies**

1. YouTube live streaming reminder for those not wishing to provide testimony but still wish to view the proceedings
2. Reminder on how to provide testimony and the process that testimony will be collected
3. Collection of testimony in Wailuku [No testimonies collected]
4. Collection of testimony in Hāna [5 testimonies collected]
5. Collection of testimony on Zoom [26 testimonies collected]
6. Last call for all others wishing to provide testimony who were not called or for those wishing to provide additional testimony

**B. Written Testimony**

1. Announcement of deadline to provide written testimony: **Friday, November 10, 2023**
2. Instructions on how to provide written testimony via postal mail or via e-mail

**IV. NEXT STEPS AND ADJOURNMENT**

**C. Extended Timeline**

1. Outline of the projected timeline of the rules
2. Last call for questions

**D. Adjournment – 8:42 p.m.**

## Item F-2, Exhibit 2



### **Letters of Support**

Kīpahulu Moku Community-Based Subsistence Fishing Area

November 2, 2023, Public Hearing

The following compilation includes 43 Letters of Support for the Kīpahulu Moku CBSFA gathered by Kīpahulu 'Ōhana, Inc. for the Public Hearing on November 2, 2023. These letters were gathered between April and November 2023. Some of these letters are addressed to the Board of Land and Natural Resources, others to the Division of Aquatic Resources, and all are intended to provide support of this designation throughout the Chapter 91 process.



November 1, 2023

Mr. Brian Neilson, Administrator  
Department of Land and Natural Resources  
Division of Aquatic Resources  
1151 Punchbowl Street, Room 330  
Honolulu, HI 96813

**Subject: Testimony in STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation**

Aloha e Administrator Nielson,

On behalf of Kīpahulu 'Ohana, Inc., we are writing in STRONG SUPPORT to approve the Kīpahulu Moku CBSFA Designation. Our team of organizers put together this Marine Management Plan and rules for the 5.7 miles of cherished coastline from Kālepa Gulch to Pua'alu'u Gulch. This management plan is the result of hard work over many years, dedication from community members, and reflects the traditional practices and mana'o from our kūpuna. Our work began in 1995 as an effort to preserve the traditional cultural practices of Kīpahulu and to protect our subsistence lifestyle.

We, the community of Kīpahulu are the lineal descendants of this moku and the greater area of East Maui. East Maui, from Ke'anae to Kaupō, is widely known as "one of the last Hawaiian places." Kīpahulu residents live simply, off the grid, generating our own power, hunting and gathering food, obtaining water through catchment systems, streams, and wells. Our lifestyle is reminiscent of the ways of old.

In 1995, Kipahulu Ohana, Inc. was formed. Since that time, we have been in a co-management relationship with the Haleakalā National Park through a Cooperative Agreement for the stewardship of Kapahu Living Farm. We maintain Kapahu as an active, productive lo'i kalo and also as an educational center, providing hands-on experience for thousands of students, community members and visitors, while also distributing poi and other farm grown products to the community of Maui Hikina.

In 2010, we initiated our Mālama I Ke Kai program to add a makai component to our ahupua'a management programs. We wrote an action plan developed over two years with the support of The Nature Conservancy-Maui Marine Program and other partners, with input from more than 50 community members, fishermen, scientists, managers, and teachers. We identified the unsustainable harvest of fish, limu, and 'opihi as pressing issues contributing to the degradation of the marine environment within our moku. To quote a study conducted in 2014, "If fishing access increases without additional management in place, Kīpahulu could experience rapid and significant declines in fish abundance and biomass, similar to other more populated areas on Maui." (Minton, 2014)

Kīpahulu moku is an essential and extensively used traditional fishing and gathering area, sustaining the local population for centuries. Kīpahulu was prized by the Hawaiian ali‘i for its fertile ‘āina and kai and is a cultural kīpuka for traditional knowledge and practices. For the Kīpahulu community, fishing is a way of life and an integral part of our community's identity through practices such as: hukilau, canoe building, pound and palu fishing, throw net, and akule fishing.

Our kūpuna are with us through this process and many have passed on since we started the work to pursue this designation. This above all else shows the passage of time and emphasizes the importance and urgency to protect what we have, while we have it.

Our kūpuna are the ones who taught us through years of observations and practice:

- How to be konohiki and stewards of our place
- How to harvest and interact in pono ways
- How to kilo or observe our surroundings
- And how to give back to the land so that our keiki will thrive

They taught us to think seven generations ahead and behind, that resources can continually be available to nourish us from the ‘āina and kai when both are cared for and connections are restored.

A CBSFA for our community is the right fit to protect our subsistence lifestyle, traditions, resources, and legacy. It is a designation we’ve chosen, and a space that would allow for ample fishing to feed ‘ohana now and into the future, with places set aside to rest and replenish the ice box. We define our community in the context of the CBSFA as having a hoā‘āina relationship to place, as indicated through genealogy, practice, or residency.

The very first draft of the proposed rules was started in 2010. The following 10+ years have been focused on community outreach to finalize the rules, encourage feedback, and spread the word about this designation.

I refer you to our Administrative Record for a full account of our extensive community outreach. Over the years, we have conducted extensive outreach in various capacities. The estimated reach of our efforts across Maui, Hawai‘i, and the world looks something like this:

- 685 East Maui Residents from Ke‘anae to Kaupō signed a petition in SUPPORT of the Kīpahulu Moku CBSFA
- 4,000 additional Maui and Hawai‘i public engaged, including East Maui residents, keiki, and kūpuna
- 50+ Members of DAR and DOCARE have been included and informed in our process.
- 30+ Legislators have been engaged in the process
- Over 250,000 people reached worldwide through 38 publications and media events; That’s over 260,000 people reached since we started counting in 2013.

These numbers show the tremendous amount of work, time, blood, sweat, and tears we have put into this proposal. But what matters to us most is the clear support we have from within our own community and



across East Maui.

Finally, there are three critical amendments we need to make regarding the proposed boundary, place names, and maps:

1. Boundary: To be more clear about where the northeast boundary is, instead of saying “Ohe‘o Gulch”, it would be more accurate to say “**Pua‘alu‘u Gulch**”. This name change is also consistent with the maps and GPS points provided in the rules package.
2. Place Names: We request that the proper Hawaiian name “**Pū‘ali**” be used instead of/in addition to “Submarine Point” on relevant maps and verbiage.
3. Maps: We are requesting that ahupua‘a names be added to the maps. The correct names were provided to DAR on May 10, 2023 and it has been requested that these names be updated and used as part of the finalized maps and verbiage. Due to issues with the state’s GIS system, there have been challenges for DAR in updating the maps.

Providing that these three amendments are made, on behalf of the natural resources we speak for, our community, and our kūpuna, we humbly ask that the Kīpahulu Moku Community-Based Subsistence Fishing Area designation be approved.

Me ka mahalo,

*Kamalei Pico*

Kamalei Pico, Executive Director  
Kīpahulu ‘Ohana  
P.O. Box 454  
Hāna, HI 96713

Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

Date: June 20, 2023

Re: Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation

Aloha e Chair Chang,

My name is Leimamo Lind-Strauss and I reside in Honaunau, Moku o Keawe. I am a 3rd Grade teacher at Ho'okena Elementary and I am also a lineal descendant of the Kīpahulu Moku. Kīpahulu is where I grew up immersed in Native Hawaiian Culture and where my Tutu spoke Hawaiian, my father spoke Pidgin, and I was taught my Hawaiian culture. I learned to take "only what you going eat" and "no be greedy". My kuleana is to pass on these lessons.

I strongly support and urge DLNR to approve the proposal to designate a Community-Based Subsistence Fishing Area (CBSFA) for the moku of Kīpahulu, founded based on the following:

- Under the leadership of Kīpahulu 'Ohana, Inc. (KOI), the CBSFA application and draft management plan have been over 10 years in the making, engaging many stakeholders, amassing over 600 signatures of support from East Maui residents, reaching over 260,000 people locally and globally with information regarding their management efforts, and allowing many different opportunities for community input along the way.
- KOI is a well-established and respected organization with over 20 years of experience conducting projects for ahupua'a management, including traditional Hawaiian agriculture and shoreline management. They have proven their ability to work in collaborative partnership with agencies and organizations for co-management efforts, and their capacity to sustain projects and programs over time.
- This effort aligns with and greatly supports the need for co-management of Hawai'i's nearshore resources by elevating indigenous community leadership and insight to inform decision-making.
- Such a designation would be consistent with Executive Order 18-06 (relating to the United Nations Sustainable Development Goals) that supports an increase in community management of marine resources and the protection of Hawai'i's cultural and natural heritage.

KOI has my full support in their efforts to designate the Kīpahulu moku as a Community-Based Subsistence Fishing Area, and I urge the Department to look favorably on their application and move the administrative rule-making process forward expeditiously. Kīpahulu will always be my home no matter where I go as it holds ko'u na'au (my heart).

Mahalo,

*W. Leimamo Lind-Strauss*

Leimamo Lind-Strauss  
Honaunau, Hawaii





## **East Maui Ready ~ Ho'omakaukau Maui Hikina**

P.O. Box 856, Hāna, HI 96713

Email: [info@EastMauiReady.org](mailto:info@EastMauiReady.org)

Website: <https://hanamaui.com/makaala/>

Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

### **Re: In STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation**

August 31, 2023

Aloha e Chair Chang,

On behalf of East Maui Ready ~ Ho'omakaukau Maui Hikina (EMR), our community affiliation of residents and first responders engaged in emergency preparedness, I write this letter urging support for the Kīpahulu Moku Community-Based Subsistence Fishing Area (CBSFA) designation.

The Kīpahulu 'Ōhana, Inc. (KOI) is a well-established and respected organization with over 20 years of experience conducting projects for ahupua'a management, including traditional Hawaiian agriculture and shoreline management. They have proven their ability to work in collaborative partnership with agencies and organizations for co-management efforts, and their capacity to sustain projects and programs over time.

Kīpahulu moku, while rich in history, culture, and resources, is also under threat from various influences, including overharvesting and improper harvesting of marine resources. Local fishers have described abundant fishery resources present in Kīpahulu 30-40 years ago, noting that fish would "come up to smell your spear" and "papio would come when you snap under water." Since then, fishery abundance and biomass has been observed to decline, suggesting room for improved management.

This effort aligns with and greatly supports the need for co-management of Hawai'i's nearshore resources by elevating indigenous community leadership and insight to inform decision-making. In addition, in light of the Maui Wildfire Disaster of late, empowering one another to be observant and protect our resources must be at the forefront of all of our actions.

As an active engaged resident of Hāna, KOI has my full support in their efforts to designate the Kīpahulu Moku as a Community-Based Subsistence Fishing Area, and I urge the Department to look favorably on their application and move the administrative rule-making process forward expeditiously.

Mahalo,

A handwritten signature in purple ink that reads "Heidi Lea".

Heidi Lea, EMR Community Liaison  
East Maui Ready ~ Ho'omakaukau Maui Hikina  
[info@eastmauiready.org](mailto:info@eastmauiready.org)

#### The EMR Mission Statement

***To educate and assist our East Maui communities in being prepared, informed and ready to mitigate the effects of emergencies when disasters occur.***



## Hāna Business Council

P.O. Box 856, Hāna, HI 96713

Email: [hbc@hanabusinesscouncil.com](mailto:hbc@hanabusinesscouncil.com)

Websites: [www.HanaBusinessCouncil.com](http://www.HanaBusinessCouncil.com) & [www.HanaMaui.com](http://www.HanaMaui.com)

Phone: (808) 435-2755

Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

### Re: In **STRONG** Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation

August 16, 2023

Aloha e Chair Chang,

On behalf of the **Hāna Business Council (HBC)**, with approval from our Board of Directors, we write this letter urging support for the Kīpahulu Moku Community-Based Subsistence Fishing Area (CBSFA) designation which was founded based on the following:

- Under the leadership of Kīpahulu 'Ohana, Inc. (KOI), the CBSFA application and draft management plan have been over 10 years in the making, engaging many stakeholders, amassing over 600 signatures of support from East Maui residents, reaching over 260,000 people locally and globally with information regarding their management efforts, and allowing many different opportunities for community input along the way.
- KOI is a well-established and respected organization with over 20 years of experience conducting projects for ahupua'a management, including traditional Hawaiian agriculture and shoreline management. They have proven their ability to work in collaborative partnership with agencies and organizations for co-management efforts, and their capacity to sustain projects and programs over time.
- Kīpahulu moku, while rich in history, culture, and resources, is also under threat from various influences, including overharvesting and improper harvesting of marine resources. Local fishers have described abundant fishery resources present in Kīpahulu 30-40 years ago, noting that fish would "come up to smell your spear" and "papio would come when you snap under water." Since then, fishery abundance and biomass has been observed to decline, suggesting room for improved management.
- This effort aligns with and greatly supports the need for co-management of Hawai'i's nearshore resources by elevating indigenous community leadership and insight to inform decision-making.
- Such a designation would be consistent with Executive Order 18-06 (relating to the United Nations Sustainable Development Goals) that supports an increase in community management of marine resources and the protection of Hawai'i's cultural and natural heritage.

KOI has my full support in their efforts to designate the Kīpahulu moku as a Community-Based Subsistence Fishing Area, and I urge the Department to look favorably on their application and move the administrative rule-making process forward expeditiously.

Mahalo,

Heidi Lea, HBC Executive Director

**Hāna Business Council**

[hbc@hanabusinesscouncil.com](mailto:hbc@hanabusinesscouncil.com)

The HBC Mission Statement: *Hāna Business Council exists to support business endeavors, create business and employment opportunities within the special culture and traditions of aloha, for the health and welfare of our East Maui area.*

Hāna Business Council is a nonprofit tax-exempt IRS 501(c)(3) organization. Federal Tax ID #99-0313784.

Your donation is U.S. tax deductible to the extent allowed by law.

Heidi Lea



Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

August 31, 2023

**Re: In STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation**

Aloha e Chair Chang,

Mahalo for taking into consideration my testimony. I live in the Kaeleku ahupua'a of the Hāna District, but my heart and family live in Kīpahulu, where I have been blessed to reside for a time and now frequently enjoy time with the lands and 'ohana that reside there.

The opportunity to empower the knowledge held in those that reside in Kīpahulu is a powerful and honorable assignment. I encourage you to support the wisdom held in the rules package for Kīpahulu Moku Community-Based Subsistence Fishing Area.

Over the last few years I have engaged within several of the informational meetings hosted by the Kīpahulu 'Ohana and DAR. I am inspired by the depth of heartfelt engagement and involvement from so many local fishermen, cultural knowledge holders, general coastal ocean-loving dwellers (who love our local ono food), and business people in this process!

The weaving of traditional fishing practices and specific place-based knowledge into this rules package will enshrine the work of your office as a beneficial advocate for future generations to sustainably thrive in our coastal communities.

Malama pono,

*Heidi Lea*

Heidi Lea

Barry Chang  
[REDACTED]  
[REDACTED]

Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

August 31, 2023

Re: In STRONG Support of the Kipahulu Moku Community-Based Subsistence Fishing Area Designation

Aloha Kākou,

I am Barry Chang. Born and raised in Hāna. Lifelong resident except four years in the Air Force. I'm testifying in support of the Kīpahulu Moku CBSFA. We need and are presently doing CBSFA for all of East Maui. You are guarranteeing the future of the Kai, Wai and 'Aina by approving this. The future generations will aloha you.

Mahalo,



Barry Chang

Letter of Support For Kipahulu Moku CBSFA

Attn: Board of Land & Natural Resources,

Dawn Chang, Chairperson

Aloha,

My name is Calvin Kanoa Park, born and raised in Hana, Kowali; when I was growing up my family always going Kipahulu to camp, back then fishing was abundant, but now, there's hardly any fish. So we need to stop and let things grow, and keep our resources so our generation kids get to enjoy. We all need to malama the aina.

I used to go to Kipahulu for diving with my 'ohana, and it was so fun, gathering for kaukau, pulehu, and catch, I'm for Kipahulu Moku and what they doing to protect resources.

Mahalo Nui

A handwritten signature in cursive script that reads "Calvin Park".

Calvin Kanoa Park



# Kipahulu Moku CBSFA

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August 16, 2023  
Re: Kipahulu CBSFA

Dawn Chang, Chairperson

Aloha Board of Land & Natural Resources,

My name is Destiny Lind. My Ohana stretches Erin Ke'anae to Kaupo so Kipahulu Moku was a big part of my childhood. Kipahulu Ohana took me under their wing and introduced me to fishing and farming which has been the most memorable skillset I've learned to this day. My most favored memory I've had in Kipahulu was learning to plant and farm Limu from my uncle John. His style of planting was passed down through generations and only found in Kipahulu, therefore giving me a deeper connection to this moku. I strongly support this rules package for the Kipahulu Moku community-based subsistence fishing area because I dream for my children to see the same Kipahulu beauty and abundance that their kupuna used to.

Mahalo,

Destiny Lind



Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

August 24, 2023

Re: In STRONG Support of the Kipahulu Moku Community-Based Subsistence Fishing Area  
Designation

Aloha e Chair Chang,

My name is Erik Muhm, and I'm from Kipahulu.

I think it is important to help prevent overfishing in Kipahulu since its one of the last fairly remote and intact areas. Let the local people manage it, for their and our all benefit.

Mahalo,

A handwritten signature in black ink, appearing to read 'Erik Muhm', written in a cursive style.

Erik Muhm

Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

August 16, 2023

Re: In STRONG Support of the Kipahulu Moku Community-Based Subsistence Fishing Area  
Designation

Aloha e Chair Chang,

I am Harene Bergau-Park and I'm from Waikaloa, Hāna, Maui, Hawai'i.

As a child, my family would go camping Kaupō and watch my 'ohana (Malaikini's) go fishing Lelekea Bay. Back then, I remember gathering the fish that was caught and placing it in fishing bags and cook that evening. It was fun, we got to use our own bamboo poles.

I do support the rules package for Kīpahulu Moku Community-Based Subsistence Fishing Area. I have always thought "do not take what you can't finish." We as makua need to protect what is left, to feed our future. Mahalo to Kipahulu CBSFA for always caring and protecting the past, present, and future. Who will protect our future now!

With Aloha,

A handwritten signature in black ink that reads "Harene Bergau-Park". The signature is written in a cursive, flowing style.

Harene Bergau-Park



Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

August 16, 2023

Re: In STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation

Aloha Chair Chang,

My name is Hau'oli Kahaleuahi and I live in Haneo'o, Hāna, with family roots in the Kīpahulu Moku through my Kahaleuahi 'ohana (Papa Teve Kahaleuahi and Mama Anna Momoa).

My Papa Teve was a hunter and gatherer, providing for his 'ohana through having an intimate relationship with the natural world, including the ocean. My Mama Anna was a master lauhala weaver, creating beautiful and intricate designs through also having an unbreakable connection with the surrounding resources. They resided and raised their family in Kīpahulu, and the generations to follow spent many days within this moku—continuing to hunt, gather, camp and host family reunions and funerals, and connect deeper to each other and 'āina, including the kai.

Mahalo for this opportunity to provide heartfelt testimony. I am in strong support of the rules package for the Kīpahulu Moku Community-Based Subsistence Fishing Area.

With guidance of the kūpuna before us, the Hawaiian community of Kīpahulu remains as generational stewards of this special place with irreplaceable first-hand knowledge and experience to holistically mālama 'āina and kai for generations to come.

Kīpahulu 'Ohana has been hard at work for over a decade to complete this process, remaining committed to a true community-based approach. Traditional and customary fishing practices are reflected in the rules package, which has been developed over time after extensive outreach, community meetings, 'ohana talk story sessions and interviews, and network and event opportunities with other communities, partners, and colleagues.

Over 260,000 people were reached so far through educational outreach, publications, and media, and 685 East Maui residents signed the petition in support of this CBSFA designation.

Proposed rules such as (1) Non-commercial take ONLY for Akule (Bigeye Scad) and (2) Limit of 40 pieces (shell on) per-person/per-day of 'opihi allow for the community members descended from this place to ensure resources do not decline even more, to the point of no return.

It is negligent and irresponsible for there to be no bag limit and/or size limit for precious marine life and resources like lobster and kole. Together, let's be on the pono side of history in our community.

Mahalo for making space to provide testimony in strong support of the Kīpahulu CBSFA!

Me ke aloha,

Hau'oli Kahaleuahi

A handwritten signature in dark ink, appearing to read 'Hau'oli Kahaleuahi', written in a cursive style.

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Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

August 24, 2023

Re: In STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area  
Designation

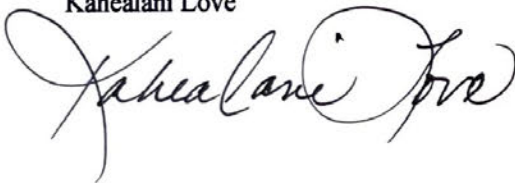
Aloha Chair Chang,

My name is Kahea Love. I am in strong support of the Kīpahulu Moku CBSFA designation. I've been a resident of Kīpahulu for 5 years by way of Waianae, Hawai'i. My grandmother and many family members were born and raised in the district of Hāna, Maui and I feel very strongly about protecting and conserving the natural resources that sustain our community and environment.

Mahalo for allowing my voice to be heard on such an important matter that is close to my heart.

Sincerely,

Kahealani Love

A handwritten signature in black ink, appearing to read 'Kahealani Love', with a large, stylized flourish at the end.

# Kipahulu Moku CBSFA

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August 16, 2023  
Re: Kipahulu CBSFA

Dawn Chang, Chairperson

Aloha Board of Land & Natural Resources,

I come from a long line of fisherman and farmers from Kipahulu. I am determined and focused to share my love of farming and fishing to the next generations. The knowledge and experience I have obtained through my younger years in Kipahulu has given me the passion to protect this place in any way I can so that our children can grow up in the same kipahulu that I did. My favorite memory of raw kipahulu life was with my uncles Pekelo, Kane and beloved uncle John. We were surrounding a pile of O'io to provide loom for the east maui taro festival. I was about 7 years old and I remember pulling up the biggest O'io and Mois I've ever seen. With the bounty we gathered, the hana and kipahulu community was able to enjoy. I am hopeful that we can keep this place protected for our children and future grandchildren.

Mahalo,

A handwritten signature in black ink, appearing to read "Kamanu K Lind". The signature is fluid and cursive, with the first name "Kamanu" being the most prominent.

Kamanu Lind



Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

August 16, 2023

Re: In STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation

Aloha e Chair Chang,

Aloha, my name is Valerie Mapuana Kalani'ōpio-Cook, and I'm from Hāna, Maui.

My grandmother, Mary Ann Pihana Koko was born and raised i Kīpahulu. Durig her lifetime, her stories cemented our pilina (connection) of her life and other family members growing up in Kīpahulu. Life was not easy during those days, but it was satisfying to those who lived there. Fishing and gathering along the coastline was part of life. Food was shared and families were close-knit and for the most part, blood-related. Growing up in Hāna, we used to go to Kīpahulu to visit 'ohana and when we did we went swimming and fishing along the coast of Kīpahulu. Although some of the areas were dangerous, we went with adults who knew the places well. We mostly enjoyed swimming in the pools of 'Ohe'o and hiking the Pipiwai trail learning about the history and plants from aunties and uncles. Especially which plants to use as lā'au lapa'au and how important it was to the health and well-being of the community. Similarly, what was used from the ocean must be used in a sustainable way so it will benefit future generations in perpetuity. Today, life is a rough balance between the modern world and ancient traditional practices. More so, it is even more important to allow communities like Kīpahulu to empower remote rural communities to rise and plant themselves firmly in preserving and protecting these ancient spaces along with our traditional practices.

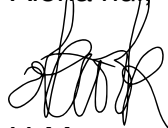
When my husband and I moved to Paehala, we lived on family land located about two miles north of the Haleakalā National Park, technically known as Hāna. We took our children to these same places and shared with them the importance of these places and why we need to preserve and mālama them. We live off-the-grid, we value a sustainable lifestyle, we have various lo'i and have a variety of fruit trees. Water comes from Kakiweka and Hahalawe, it provides water to lo'i and our hale. We are mindful and remain resolute in our kuleana to care for our home and this special places from mauka to makai.

The Hawaiian community of Kīpahulu are generational stewards of their place and are lineal descendants that can trace their genealogy to pre-western contact communities that were established throughout the area of East Maui. Their intimate knowledge of

place, their traditional practices on how to care for place must be protected. Today, they continue to 'auamo their kuleana to mālama 'āina & kai, caring for the 'āina and marine resources of their place. My 'ohana and I stand in unity to kōkua a kāko'o i na mea a pau i mea e pono ai i nā po'e kānaka o kēia 'āina.

Mahalo for this opportunity. I am testifying in support of the rules package for Kīpahulu Moku Community-Based Subsistence Fishing Area and ask for your support in favor of this subsistence fishing community in their kuleana to mālama i ke kai and feed people now and into the future. This rules package reflects the sound rationale of their traditional fishing practices and expresses their intimate relationship they have with their 'āina and kai. Mahalo a nui iā 'oukou no ka hana 'ana a me ke kuleana nui mau loa aku.

Aloha nui,

A handwritten signature in black ink, appearing to read 'V. Mapuana Kalani'ōpio-Cook', written over the printed name below.

V. Mapuana Kalani'ōpio-Cook

# Kipahulu Moku CBSFA

August 16, 2023  
Re: Kipahulu CBSFA

Dawn Chang, Chairperson

Aloha Board of Land & Natural Resources,

I'm a lineal descendent of the Kipahulu Moku, I support the Kipahulu CBSFA, because of the generational knowledge that have been passed down through several generations. Living off the land in the Moku of Kipahulu from Mauka to Makai, we have gathered as an 'Ohana. Those memories will always hold dear to my heart. The knowledge holds cultural importance, and all practices serve with a Pono purpose, to save our species in the ocean, while feeding our 'Ohana. Being able to be apart of the hui to malama or take care of our resources, is an inherited kuleana, that must be protected and perpetuated, so our future generations can flourish with the same generational knowledge.

In closing, what better way to enforce rules than to have the people of the place manage from present to perpetuity.

Mahalo

A handwritten signature in dark ink, appearing to read "Nakua Lind", written in a cursive style.

Nakua Lind

Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

August 24, 2023

Re: In STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation

Aloha Chair Chang,

My name is Wahineholani Lind I was born in Hāna, Maui, and raised in Kīpahulu along with the shores of East Maui. As a Native Hawaiian I grew up and lived the lifestyle "Mauka to Makai." Fishing was a great part of my life growing up. My dad John Lind was the one who taught my siblings and me not only to fish but to also mālama the land/ocean and to always give back by not overfishing and only taking what you need. My dad used to set us up with either a reel fishing pole or a bamboo pole. We went fishing all the time as anything from the sea was a huge part of our diet growing up.

Mahalo for this opportunity to testify in support of the rules package of Kīpahulu Moku Community-Based Subsistence Fishing Area Designation. Protecting our resources is very important to me and our future generations to come. Too many people/companies are taking too much and will continue to take until our resources dwindle not giving time for reproduction and stabilizing our precious ecosystem. My kids already understand the knowledge of protecting our precious resources. They are the next generation and again in support of Kīpahulu CBSFA as it speaks volumes in protecting our Kīpahulu marine resources.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wahineholani Lind', written in a cursive style.

Wahineholani Lind



Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

May 2nd, 2023

Re: In STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation

Aloha e Chair Chang,

As Executive Director of Ala Kukui, I am very pleased to write this letter urging support for the proposal to designate a Community-Based Subsistence Fishing Area (CBSFA) for the moku (district) of Kīpahulu, founded based on the following:

- Under the leadership of Kīpahulu 'Ohana, Inc. (KOI), the CBSFA application and draft management plan have been over 10 years in the making, engaging many stakeholders, amassing over 600 signatures of support from East Maui residents, reaching over 260,000 people locally and globally with information regarding their management efforts, and allowing many different opportunities for community input along the way.
- KOI is a well-established and respected organization with over 20 years of experience conducting projects for ahupua'a management, including traditional Hawaiian agriculture and shoreline management. They have proven their ability to work in collaborative partnership with agencies and organizations for co-management efforts, and their capacity to sustain projects and programs over time.
- Kīpahulu moku, while rich in history, culture, and resources, is also under threat from various influences, including overharvesting and improper harvesting of marine resources. Local fishers have described abundant fishery resources present in Kīpahulu 30-40 years ago, noting that fish would "come up to smell your spear" and "pāpio would come when you snap under water." Since then, fishery abundance and biomass has been observed to decline, suggesting room for improved management.
- This effort aligns with and greatly supports the need for co-management of Hawai'i's nearshore resources by elevating indigenous community leadership and insight to inform decision-making.
- Such a designation would be consistent with Executive Order 18-06 (relating to the United Nations Sustainable Development Goals) that supports an increase in community management of marine resources and the protection of Hawai'i's cultural and natural heritage.

KOI has my full support in their efforts to designate the Kīpahulu moku as a Community-Based Subsistence Fishing Area, and I urge the Department to look favorably on their application and move the administrative rule-making process forward expeditiously.

Mahalo,

Kau'i Kanaka'ole, Executive Director — Ala Kukui

May 22, 2023

Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DINR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawaii 96813

Re: In STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation

Aloha Chair Chang,

As the Former Representative of Aha Moku O Kaupo and a Resident of Kaupo, I'm very honored to write this letter in support for the proposed designated Community-Based Subsistence Fishing Area (CBSFA) In the Moku (District) of Kīpahulu. I have worked hand in hand with the Kīpahulu Ohana Inc for years and admire the work they do in managing the traditional Hawallan agriculture and shoreline projects.

The traditional knowledge of Kīpahulu Is passed down to the Generations that John and Tweety Lind nurtures for preservation. Our Youths have grown up inspiring others in the importance of Ike (knowledge), being active and Involved In managing our areas and proving their ability to teach.

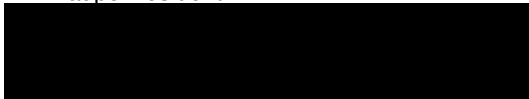
We appreciate the collaborative Partnerships they have established and to which has been extended to our Kaupo Moku (district). We highly believe in this process and that it will assist us in protecting our natural resources and traditional lifestyle that our Communities live upon.

Our Smith Ohana are in full support for formal designation for the CBSFA In Kīpahulu under the Kīpahulu Ohana Inc. Please help to expedite their process for a prosperous outcome.

Sincerely,



Jade Alohalani Smith  
Kaupo Resident



April 28, 2022

Chairperson Dawn Chang  
Kalanimoku Building  
1151 Punchbowl Street  
Honolulu, Hawai‘i 96813

Re: In STRONG Support of the Kīpahulu Moku CBSFA Designation

Aloha e Chair Chang:

On behalf of the Council for Native Hawaiian Advancement (CNHA), I write in strong support of Kīpahulu ‘Ohana’s efforts to designate Kīpahulu Moku’s nearshore waters as a Community- Based Subsistence Fishing Area (CBSFA). Not only would such designation offer an additional layer of protection to roughly 5.7 miles of coastline and 1,650 acres of submerged land, but it would also further the state’s Marine 30x30 Initiative as well as effectuate the state’s affirmative duty to protect and preserve Native Hawaiian traditional and customary practices.

As a reference, The Council for Native Hawaiian Advancement is a member-based 501(c)3 non-profit organization with a mission to enhance the cultural, economic, political, and community development of Native Hawaiians. Headquartered in Kapolei, CNHA is a Native Community Development Financial Institution (CDFI) certified by the U.S. Treasury department and a HUD-Certified Housing Counseling agency. CNHA provides access to capital, financial education and individualized financial counseling services with a focus on low and moderate-income families. CNHA serves as a National Intermediary, providing grants and loans targeting underserved communities in Hawai‘i.

Kīpahulu is home to kama‘āina families who continue to maintain a significantly subsistence- based lifestyle. Steadfast in their traditional fishing, farming, and hunting practices, these families are determined to pass these traditions on to future generations. This kuleana, which is itself a traditional practice that stems from time immemorial, helps to ensure that future generations will be able to know the abundance of their kūpuna.

In more recent memory, the Kīpahulu ‘Ohana has been working to ensure the proper stewardship of Kīpahulu’s natural resources for nearly 25 years. In 2011, they promulgated the Mālama I Ke Kai Community Action Plan, which identified unsustainable harvest of fish, limu, and ‘opihi as one of the priority threats contributing to the degradation of the marine environment. With the community becoming increasingly frustrated with the noticeable decline in abundance, the Kīpahulu ‘Ohana reached out to DAR in 2016 to consider CBSFA designation and submitted an official CBSFA Proposal and Management Plan in 2019.



CNHA expresses great appreciation to the Kīpahulu ‘Ohana for all their hard work and effort. The proposed rules for the Kīpahulu Moku CBSFA were developed over a decade of conversations with Kūpuna, East Maui residents, fishers, state and county agencies, and science experts. Additionally, in furtherance of the proposal, Kīpahulu ‘Ohana spent several years conducting outreach activities to gather input and grow support for the designation, including community meetings, individual and family interviews and talk-story sessions, and educational tables at local festivals and other events.

CBSFA designation, along with a collaborative management plan, will provide Kīpahulu with an invaluable tool to help reduce, and hopefully eliminate, unsustainable harvest by changing human behaviour and allowing fish populations to stabilize and recover. Moreover, designation would serve to acknowledge and reinforce the kuleana that this community holds, and it would also empower them to have a greater say regarding the management of the resources that have sustained their families for countless generations.

Accordingly, CNHA stands in strong support of the proposal to designate Kīpahulu Moku as a CBSFA, and we urge the Department to look favorably on their application and move the administrative rule-making process forward expeditiously.  
Mahalo nui for the opportunity to provide this letter of support.

Me ka ha‘aha‘a,



J. Kūhiō Lewis  
Chief Executive Officer  
Council for Native Hawaiian Advancement



May 8, 2023

Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

Re: In STRONG Support of the Kīpahulu Moku Community-Based  
Subsistence Fishing Area (CBSFA) Designation

Aloha Chair Chang,

As Regional Program Director for the Coral Reef Alliance (CORAL), I would like to express my strong support for Kīpahulu 'Ohana, Inc. (KOI) and their pursuit of the Kīpahulu Moku CBSFA Designation. I first worked with the pono fishers of Kīpahulu community back in 2007 while at The Nature Conservancy. Back then, KOI already had a clear vision of how to bring back the abundance of marine resources so that their community could thrive. Rather than focusing on prohibitions, they focused positively on the abundance of what marine resources they wanted to see more of. Through their vision of abundance—more fish, more limu and more opihi, I have seen the Kīpahulu community come together around protecting the natural and cultural resources of Kīpahulu moku's coastline and have inspired other communities in Hawaii and across the Pacific region to do the same. It is rare to find a strong sense of kuleana *and* leadership with aloha together and this community organization has both and has worked very hard to get to this stage. It has been a long journey for them, and they have come a long way in further refining their stewardship plans in a very collaborative spirit and in close and respectful consultation with the DLNR through DAR Maui. The only thing they need now is the strong support of DLNR to recognize their good work via CBSFA designation, and in doing so, fulfill its mandate (via HRS §188-22.6) to work with communities as valued partners in protecting natural resources, and reaffirms and protects traditions and customary practices for subsistence and culture.

KOI has diligently worked through their internal processes within their community and have collaboratively engaged with DLNR (DAR Maui) and with fair, transparent and open public outreach over the years. The Kīpahulu community is a cultural kīpuka as they have always generously shared their fishing knowledge and Aloha 'Āina values with other communities across Hawai'i and the wider Pacific. One of the beloved and revered kūpuna in Hawaii, the late Uncle John Lind, mentored so many stewards of the land and sea that it is clear from his legacy that the true wealth of any community is its relationship with place and its ability to care for one another. The reason that KOI is pursuing support via this designation is so that this vital and reciprocal relationship between people and the place that feeds them can continue. In essence, perpetuating the well-being of Hawai'i's people and protecting the culture of mālama 'āina from threats that deplete our resources. The Community-Based Subsistence Fishing Area designation was designed specifically to protect places like Kīpahulu and as such, I fully and strongly support this CBSFA designation.



The people of Kīpahulu are generational stewards of their place and are lineal descendants that can trace their genealogy to pre-western contact communities that were established throughout the area of East Maui. Their intimate knowledge of place, their traditional practices on how to care for place must be protected. I believe their designation package reflects these traditional practices and knowledge on sustainably managing their coral reef fisheries—a truly complex system that has much to offer the rest of Hawaii and the world in terms of lessons in sustainability. I support this subsistence fishing community in their kuleana to mālama ‘āina and feed people now and into the future. This designation reflects the sound rationale of their traditional fishing practices and expresses their intimate relationship they have with their ‘āina. Moreover, the entire state will learn tremendous lessons from this CBSFA and will contribute significantly to the State’s Holomua initiative.

Under the leadership of Kīpahulu ‘Ohana, Inc. (KOI), the CBSFA application and draft management plan have been over 10 years in the making, engaging many stakeholders, amassing over 600 signatures of support from East Maui residents, reaching over 260,000 people locally and globally with information regarding their management efforts, and allowing many different opportunities for community input along the way. KOI is a well-established and respected organization with over 20 years of experience conducting projects for ahupua’a management, including traditional Hawaiian agriculture and shoreline management. They have proven their ability to work in collaborative partnership with agencies and organizations for co-management efforts, and their capacity to sustain projects and programs over time. Kīpahulu moku, while rich in history, culture, and resources, is also under threat from various influences, including overharvesting and improper harvesting of marine resources. Local fishers have described abundant fishery resources present in Kīpahulu 30-40 years ago, have since declined indicating that we must all pursue improved management. This effort aligns with and greatly supports the need for co-management of Hawai‘i’s nearshore resources by elevating indigenous community leadership and insight to inform decision-making. Such a designation would be consistent with Executive Order 18-06 (relating to the United Nations Sustainable Development Goals) that supports an increase in community management of marine resources and the protection of Hawai‘i’s cultural and natural heritage. Through their perseverance and diligence, KOI has not left any stone unturned in this process and have followed state guidelines. KOI has my full support in their efforts to designate the Kīpahulu moku as a Community-Based Subsistence Fishing Area, and I urge the Department to look favorably on their application and move the administrative rule-making process forward expeditiously.

Mahalo for allowing me this opportunity to provide this written testimony in full and strong support of the Kīpahulu Moku CBSFA designation.

Sincerely,

Manuel Mejia  
Regional Program Director-Hawai‘i  
Coral Reef Alliance (coral.org)

Council Chair Director of Council Services  
Kelly T. King Maria E. Zielinski



Vice-Chair  
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore

Tasha Kama

Councilmembers  
Riki Hokama  
Alice L. Lee  
Michael J. Molina  
Tamara Paltin  
Shane M. Sinenci  
Yuki Lei K. Sugimura

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

May 18, 2023

Dawn Chang, Chairperson  
Board of Land & Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, HI 96813

Aloha Chair Chang,

**SUBJECT: SUPPORT FOR CBFSA FOR KIPAHULU 'OHANA**

My name is Shane Sinenci and I am the County Council Representative for East Maui. I am a Cultural Practitioner and also the East Maui Representative for "Aha Moku." As such, I would like to express my sincere support for the proposal to designate the Moku of Kipahulu as a Community Based Subsistence Fishing Area (CBSFA).

Kipahulu Ohana is a long established, dependable non-profit organization which represents their ahupua'a in many different ways with CBSFA as their most current project. They are a group many others look up to regarding making their ahupua'a more independent and sustainable. There is much concern regarding East Maui's resources; resources that many in our community need to sustain their families. East Maui still has many families who hunt and fish to subsist, given the lower

income status and the high cost of living. Through Kipahulu Ohana, there are at least three other ahupua'a interested in and attending workshops towards designating their own ahupua'a as CBSFA also.

As East Maui's Representative, I hope to assist with placing more Moku in East Maui and the whole Maui Nui into a CBSFA program assuring our future generations will always have food to sustain their livelihood and way of life for generations to come.

I fully support Kipahulu Ohana in their effort to designate Kipahulu Moku as a Community Based Subsistence Fishing Area and urge you to please move forward with this process. You are welcome to call me if you have any questions or need further information.

Mahalo,

A handwritten signature in black ink, appearing to read "Shane M. Sinenci". The signature is fluid and cursive, with a large initial 'S' and 'M'.

Shane Sinenci, Councilmember  
Maui County Council  
East Maui Representative

cc: Kipahulu 'Ohana

Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

Date: 4/27/2023

Re: In STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation

Aloha e Chair Chang,

As residents, I am very pleased to write this letter urging support for the proposal to designate a Community-Based Subsistence Fishing Area (CBSFA) for the moku (district) of Kīpahulu, founded based on the following:

- Under the leadership of Kīpahulu 'Ohana, Inc. (KOI), the CBSFA application and draft management plan have been over 10 years in the making, engaging many stakeholders, amassing over 600 signatures of support from East Maui residents, reaching over 260,000 people locally and globally with information regarding their management efforts, and allowing many different opportunities for community input along the way.
- KOI is a well-established and respected organization with over 20 years of experience conducting projects for ahupua'a management, including traditional Hawaiian agriculture and shoreline management. They have proven their ability to work in collaborative partnership with agencies and organizations for co-management efforts, and their capacity to sustain projects and programs over time.
- Kīpahulu moku, while rich in history, culture, and resources, is also under threat from various influences, including overharvesting and improper harvesting of marine resources. Local fishers have described abundant fishery resources present in Kīpahulu 30-40 years ago, noting that fish would "come up to smell your spear" and "papio would come when you snap under water." Since then, fishery abundance and biomass has been observed to decline, suggesting room for improved management.
- This effort aligns with and greatly supports the need for co-management of Hawai'i's nearshore resources by elevating indigenous community leadership and insight to inform decision-making.
- Such a designation would be consistent with Executive Order 18-06 (relating to the United Nations Sustainable Development Goals) that supports an increase in community management of marine resources and the protection of Hawai'i's cultural and natural heritage.

KOI has my full support in their efforts to designate the Kīpahulu moku as a Community-Based Subsistence Fishing Area, and I urge the Department to look favorably on their application and move the administrative rule-making process forward expeditiously.

Mahalo,  
**Diane M. Kanealii & Roger M. Kanealii, Jr.**  
**Kawaihae, Hawaii**



# HALE HULU MAMO

## Hana Senior Center

P.O. Box 567 Hana, HI. 96713 (808) 248-8833  
Fax (808) 248-8803



April 27, 2023

Hale Hulu Mamo  
PO Box 567  
Hana, HI 96713

Re: In STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation

Aloha Chair Chang,

I am writing in complete support of Kipahulu 'Ohana and their efforts to create a Community Based Subsistence Fishing Area (CBSFA). Kipahulu 'Ohana has the tremendous *kuleana* of maintaining and managing one of our most significant and sacred places; Kipahulu Moku. This near shore waters is valuable and sustains important resources for our community. I submit this letter of support for Kipahulu 'Ohana and their (CBSFA) to continue the culturally-appropriate management and protection of this special place.

The coastline of Kipahulu Moku has been a resource for our community in many ways. By perpetuating many varieties of Hawaiian fish, limu and opihi, they serve as a storehouse to provide "food" to our people who come back to the ocean and wish to fish these places once again. Having a bountiful shoreline, the Kipahulu 'Ohana have shared harvest and allowed for fish population to stabilize and recover from their moku. We at Hale Hulu Mamo have assisted Kipahulu 'Ohana in whatever ways we can, especially with building and maintaining the connections between the Kupuna of Hāna and Kipahulu Moku. The preservation and maintenance of Kipahulu Moku's near shore waters as a CBSFA for future generations of Kanaka Maoli is vital to the Kupuna of Hāna and Hawai'i nei. As cultural practitioners of today we still gather from the ocean, *la'au lapa'au*, traditional medicines, food for our people and *sustenance* physically, spiritually and emotionally.

Please consider the proposal submitted by Kipahulu 'Ohana with my support and that of the Kupuna of Hāna. Thank you for this opportunity to share our letter of support and the voices of our Kupuna.

Me ke aloha,

Sheila Roback  
Hale Hulu Mamo  
Senior Center Director

Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

Date: April 26, 2023

Re: In STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation

Aloha e Chair Chang,

As General Manager of Hana Maui Resort, I am very pleased to write this letter urging support for the proposal to designate a Community-Based Subsistence Fishing Area (CBSFA) for the moku (district) of Kīpahulu, founded based on the following:

- Under the leadership of Kīpahulu 'Ohana, Inc. (KOI), the CBSFA application and draft management plan have been over 10 years in the making, engaging many stakeholders, amassing over 600 signatures of support from East Maui residents, reaching over 260,000 people locally and globally with information regarding their management efforts, and allowing many different opportunities for community input along the way.
- KOI is a well-established and respected organization with over 20 years of experience conducting projects for ahupua'a management, including traditional Hawaiian agriculture and shoreline management. They have proven their ability to work in collaborative partnership with agencies and organizations for co-management efforts, and their capacity to sustain projects and programs over time.
- Kīpahulu moku, while rich in history, culture, and resources, is also under threat from various influences, including overharvesting and improper harvesting of marine resources. Local fishers have described abundant fishery resources present in Kīpahulu 30-40 years ago, noting that fish would "come up to smell your spear" and "papio would come when you snap under water." Since then, fishery abundance and biomass has been observed to decline, suggesting room for improved management.
- This effort aligns with and greatly supports the need for co-management of Hawai'i's nearshore resources by elevating indigenous community leadership and insight to inform decision-making.
- Such a designation would be consistent with Executive Order 18-06 (relating to the United Nations Sustainable Development Goals) that supports an increase in community management of marine resources and the protection of Hawai'i's cultural and natural heritage.

KOI has my full support in their efforts to designate the Kīpahulu moku as a Community-Based Subsistence Fishing Area, and I urge the Department to look favorably on their application and move the administrative rule-making process forward expeditiously.

Mahalo,



Jon Benson  
General Manager

Hana Maui Resort  
5031 Hana Hwy, Hana, HI 96713  
808-270-3250



May 18, 2023



Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

Re: In STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation

Aloha e Chair Chang,

I am very pleased to write this letter urging support for the proposal to designate a Community-Based Subsistence Fishing Area (CBSFA) for the moku (district) of Kīpahulu, founded based on the following:

- Under the leadership of Kīpahulu 'Ohana, Inc. (KOI), the CBSFA application and draft management plan have been over 10 years in the making, engaging many stakeholders, amassing over 600 signatures of support from East Maui residents, reaching over 260,000 people locally and globally with information regarding their management efforts, and allowing many different opportunities for community input along the way.
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- Kīpahulu moku, while rich in history, culture, and resources, is also under threat from various influences, including overharvesting and improper harvesting of marine resources. Local fishers have described abundant fishery resources present in Kīpahulu 30-40 years ago, noting that fish would "come up to smell your spear" and "papio would come when you snap under water." Since then, fishery abundance and biomass has been observed to decline, suggesting room for improved management.
- This effort aligns with and greatly supports the need for co-management of Hawai'i's nearshore resources by elevating indigenous community leadership and insight to inform decision-making.
- Such a designation would be consistent with Executive Order 18-06 (relating to the United Nations Sustainable Development Goals) that supports an increase in community management of marine resources and the protection of Hawai'i's cultural and natural heritage.

KOI has my full support in their efforts to designate the Kīpahulu moku as a Community-Based Subsistence Fishing Area, and I urge the Department to look favorably on their application and move the administrative rule-making process forward expeditiously.

Mahalo,

  
Kauwila Hanchett  
Executive Director



P. O. Box 115  
Hāna, HI 96713  
contact@savehanacoast.org

Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

May 2, 2023

Re: In STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation

Aloha e Chair Chang,

As a Director and Vice Chair of Ke Ao Hāli'i - Save Hāna Coast, a non-profit based in Hāna, Maui, I am happy to write this letter urging support for the proposal to designate a Community-Based Subsistence Fishing Area (CBSFA) for the moku (district) of Kīpahulu, founded based on the following:

- Under the leadership of Kīpahulu 'Ohana, Inc. (KOI), the CBSFA application and draft management plan have been over 10 years in the making, engaging many stakeholders, amassing over 600 signatures of support from East Maui residents, reaching over 260,000 people locally and globally with information regarding their management efforts, and allowing many different opportunities for community input along the way.
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- Kīpahulu moku, while rich in history, culture, and resources, is also under threat from various influences, including overharvesting and improper harvesting of marine resources. Local fishers have described abundant fishery resources present in Kīpahulu 30-40 years ago, noting that fish would "come up to smell your spear" and "papio would come when you snap under water." Since then, fishery abundance and biomass has been observed to decline, suggesting room for improved management.
- This effort aligns with and greatly supports the need for co-management of Hawai'i's nearshore resources by elevating indigenous community leadership and insight to inform decision-making.
- Such a designation would be consistent with Executive Order 18-06 (relating to the United Nations Sustainable Development Goals) that supports an increase in community management of marine resources and the protection of Hawai'i's cultural and natural heritage.

KOI has my full support in their efforts to designate the Kīpahulu moku as a Community-Based Subsistence Fishing Area, and I strongly urge the Department to look favorably on their application and move the administrative rule-making process forward expeditiously.

Mahalo,

*John "Irish" O'Hara*

John "Irish" O'Hara  
Ke Ao Hāli'i – Save the Hāna Coast

The Kai Kuleana Network  
PO Box 1056  
Kamuela, HI 96743

Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813



Date: May 3, 2023

Re: Support of the Kīpahulu Community-Based Subsistence Fishing Area Designation and Management Plan

Aloha e Chair Chang,

The Kai Kuleana Network supports the efforts of the Kīpahulu 'Ōhana, Inc. (KOI), in cooperation with the State Department of Land and Natural Resources (DLNR) and community members, to restore abundance to the Kīpahulu reefs and nearshore waters through their proposal to establish a Community-Based Subsistence Fishing Area (CBSFA) designation and management plan.

The Kai Kuleana Network is composed of 15 communities in West Hawai'i, from South Kona to North Kohala, that are actively engaged in place-based conservation for people and nature to thrive, and collectively supports efforts to engage in solution-oriented community actions to promote 'āina momona (healthy vibrant places with engaged communities). The network aims to support one another in the perpetuation of traditional practices through active stewardship, capacity building, and place-based management that is intimately connected with the kai (sea).

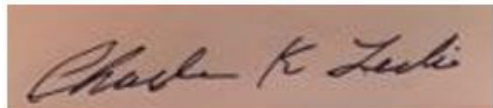
The KOI is a well-established and respected organization with over 20 years of experience conducting projects for ahupua'a management, including traditional Hawaiian and shoreline management. They have proven their ability to work collaboratively with agencies and organizations for co-management efforts, and demonstrated their capacity to sustain projects and programs over time. The CBSFA application and draft management plan have been thoughtfully developed over 10 years, engaging many stakeholders, gathering over 600 signatures of support from East Maui residents, reaching over 260,000 people locally and globally with information regarding their management efforts, and allowing many different opportunities for community input along the way. Kīpahulu moku, while rich in history, culture, and resources, is also under threat from various influences, including overharvesting and improper harvesting of marine resources. Local fishers have described abundant fishery resources present in Kīpahulu 30-40 years ago, noting that fish would "come up to smell your spear" and "papio would come when you snap under water." Since then, fishery abundance and biomass has been observed to decline, suggesting room for improved management.

The Kai Kuleana Network encourages the Board of Land and Natural Resources to look favorably on their application and move the administrative rule-making process forward expeditiously. This effort aligns with place-based pillar of the Holomua Marine Initiative, and the need for co-management of Hawai'i's nearshore resources by elevating indigenous community stewardship. Such a designation would be consistent with Executive Order 18-06 (relating to the United Nations Sustainable Development Goals) that supports an increase in community management of marine resources and the protection of Hawai'i's cultural and natural heritage. The Kai Kuleana Network would like to praise the Kīpahulu 'ohana on their thoughtful approach to place-based management to ensure the marine resources are well cared for and thriving into the future.

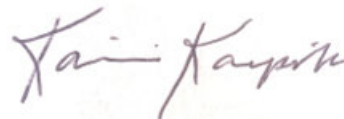
Mahalo for the opportunity to share our perspectives from the communities in West Hawai'i.

Signed on behalf of the Kai Kuleana Network by lineal descendants and representatives from Miloli'i, Ho'okena, Napo'opo'o (Kealakekua), Pahoehe, Kahalu'u, Keauhuou, Kauhola, Kohanaiki, Ka'upulehu, Kūki'o, Kīholo, Puakō and Kawaihae, as well as kako'o organizations from Moana 'Ohana.

Mahalo,



Charles K. Leslie  
Kupuna Lawai'a  
Nāpo'o'po'o, Hawai'i



Ka'imi Kaupiko  
Miloli'i, Kapalilua, Hawai'i



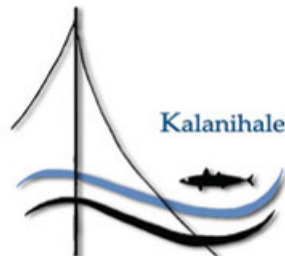
REGGIE LEE  
Manager, Shoreline and Public Areas  
Kohanaiki Service Company LLC



**KOHANAIKI**

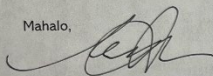
Mobile: 808.987.7213  
Office: 808.854.2817  
Email: rlee@kohanaiki.com  
www.kohanaiki.com

Mail: PO Box 9015, Kailua-Kona HI 96745  
Courier: 73-2055 Ala Kohanaiki, Kailua-Kona HI 96740



*Ho'āla Kealakekua*

Mahalo,



Alayna DeBina, VP/Secretary  
Ho'āla Kealakekua  
hoalakealakekua@gmail.com  
808.987.6519

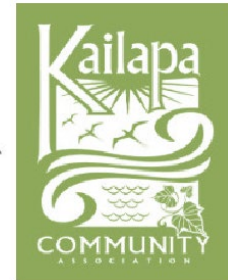


George Fry III  
Puakō Community Association  
Puakō, South Kohala, Hawai'i Island

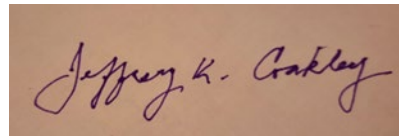
Mahalo nui.



Shawna K. Kaulukukui  
K.  
Shawna Kaulukukui-President  
Kailapa Community Association – Board of Directors



Diane and Roger Kanealii, Jr  
Kawaihae, Hawai'i



Jeffrey K. Coakley  
Kauhola, North Kohala, Hawai'i Island



Malia Kipapa  
Kipapa 'Ohana, Pahoehe, Kahalu'u, Keahuou



Hannah Kihalani Springer  
Ka'ūpūlehu Marine Life Advisory Committee



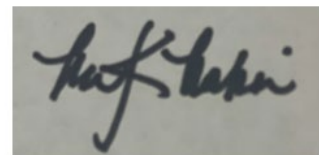
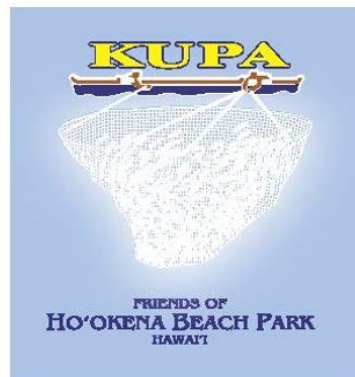
Ku'ulei Keakealani  
Lineal Descendant of Kekaha, North Kona  
Cultural Director  
Hui Aloha Kūhōlo



*Hui Aloha Kūhōlo*



Charles Young  
KUPA Friends of Ho'okena Beach Park



Mike Nakachi, Moana 'Ohana







*He Lawai a no ke kai papa u, ne pokaie ke ano; He Lawai a no ke kai  
hohonu he loa ke aho” “A fisherman of shallow seas uses a short  
line; a fisherman of the deep sea uses a long line.”*

## **KALANIHALE**

Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

May 10, 2023

Re: STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation

Aloha e Chair Chang,

As Executive Director of Kalanihale, I am very pleased to write this letter urging support for the designation of a Community-Based Subsistence Fishing Area (CBSFA) for Kīpahulu Moku, based on the following:

- Kīpahulu Moku, while rich in history, culture, and resources, is also under threat from various influences, including improper and overharvesting of marine resources. Local fishers have described abundant fishery resources present in Kīpahulu 30-40 years ago, noting that fish would “come up to smell your spear” and “papio would come when you snap under water.” Since then, fishery abundance and biomass has been observed to decline, suggesting room for improved management.
- KOI is a well-established and respected organization with over 20 years of experience conducting projects for ahupua‘a management, including traditional Hawaiian agriculture and shoreline management. They have proven their ability to work in collaborative partnership with agencies and organizations for co-management efforts, and their capacity to sustain projects and programs over time.
- Under the leadership of Kīpahulu ‘Ohana, Inc. (KOI), the CBSFA application and draft management plan have been over 10 years in the making, engaging many stakeholders, amassing over 600 signatures of support from East Maui residents, reaching over 260,000 people locally and globally with information regarding their management efforts, and allowing many different opportunities for community input along the way.
- This effort aligns with and greatly supports the need for co-management of Hawai‘i’s nearshore cultural and natural resources with community-based indigenous knowledge and leadership to inform decision-making.
- Such a designation would be consistent with Executive Order 18-06 (relating to the United Nations Sustainable Development Goals) that supports an increase in community management of marine resources and the protection of Hawai‘i’s cultural and natural heritage.

89-1831 Milolii Road  
Captain Cook, HI 96704

Phone: (808)937-1310  
Fax: (866)265-6376

[kalanihale@gmail.com](mailto:kalanihale@gmail.com)  
[www.kalanihale.com](http://www.kalanihale.com)



*He Lawai a no ke kai papa u, ne pokaie ke ano; He Lawai a no ke kai  
hohonu he loa ke aho" "A fisherman of shallow seas uses a short  
line; a fisherman of the deep sea uses a long line."*

## **KALANIHALE**

Milolii was fortunate to be the second community to receive CBSFA Status, Kīpahulu will be just the third to receive such a designation with rules and a management plan. I am hoping to see a favorable decision from the board as we continue to see more communities stand up for their culture and practice.

KOI has my full support in their efforts to designate the Kīpahulu Moku as a Community-Based Subsistence Fishing Area, and I urge the Department to look favorably on their application and move the administrative rule-making process forward expeditiously.

Mahalo,

Kaimi Kaupiko  
89-1831 Milolii Road.  
Captain Cook, HI 96704



Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

Date: May 8, 2023

Re: In STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation

Aloha e Chair Chang,

As the Vice President of Kaupō Community Association, Inc., I am very pleased to write this letter urging support for the proposal to designate a Community-Based Subsistence Fishing Area (CBSFA) for the moku (district) of Kīpahulu, founded based on the following:

- Under the leadership of Kīpahulu 'Ohana, Inc. (KOI), the CBSFA application and draft management plan have been over 10 years in the making, engaging many stakeholders, amassing over 600 signatures of support from East Maui residents, reaching over 260,000 people locally and globally with information regarding their management efforts, and allowing many different opportunities for community input along the way.
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- This effort aligns with and greatly supports the need for co-management of Hawai'i's nearshore resources by elevating indigenous community leadership and insight to inform decision-making.
- Such a designation would be consistent with Executive Order 18-06 (relating to the United Nations Sustainable Development Goals) that supports an increase in community management of marine resources and the protection of Hawai'i's cultural and natural heritage.

KOI has my full support in their efforts to designate the Kīpahulu moku as a Community-Based Subsistence Fishing Area, and I urge the Department to look favorably on their application and move the administrative rule-making process forward expeditiously.

Mahalo,  
Tara Apo-Priest



**Kipahulu Community Association**

HC 1 Box 168 • Hana, Hawaii 96713

May 17, 2023

Ms. Dawn Chang, Chairperson  
Board of Land and Natural Resources  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

Aloha Chair Chang,

The Kipahulu Community Association, Inc. (KCA) is a 501(c)(3) nonprofit organization founded in 1993 whose membership is comprised of all residents of Kipahulu area. The purposes of the KCA include: to help meet the needs and promote the affairs of Kipahulu; to provide a forum for the exchange of ideas and information; to promote self-sufficiency and conservation; and to preserve the natural beauty and rural agricultural values of the community.

At a general membership meeting held on April 22, 2023, attended by 29 community members, the KCA voted to reaffirm our support for the designation of Kipahulu moku as a Community-Based Subsistence Fishing Area, as proposed by the Kipahulu 'Ohana, in order to protect the resources and the traditional lifestyles upon which our members depend.

The KCA's members include several Hawaiian families who have lived in the area for many generations and are practitioners of traditional subsistence fishing.

Our members participated in the Mālama I Ke Kai planning process that the Kipahulu 'Ohana led in 2010-2012 that set a priority to "Designate Kipahulu as a local management area under DLNR," and also in the development of the proposed rules that are part of the Kipahulu Ohana's CBSFA application.

As the proposed CBSFA is considered for formal designation, we wish to continue supporting this process, including being a partner in the management plan as appropriate to help to effectively implement the rules once the CBSFA is established.

Sincerely,



Janan Brown  
Secretary



Christopher E. Bird  
Department of Life Sciences - College of Science and Engineering  
6300 Ocean Dr. Unit 5802  
Corpus Christi, Texas 78412-5800  
P: 361-825-6024 - F 825-2742

May 3, 2023

Ms. Dawn N. S. Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

Re: In STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation

Dear Chair Chang,

I would like to express my **strong support** for Kīpahulu 'Ohana Inc.'s (KOI) proposal and management plan to adopt place-based regulations and designate the Kīpahulu Moku Community-Based Subsistence Fishing Area (KM-CBSFA). My relationship with KOI began in 2008, over 15 years ago, when they (and The Nature Conservancy's Maui Marine Program) requested my assistance in monitoring their 'opihi populations while I was a postdoctoral fellow at the Hawai'i Institute of Marine Biology, and after earning my Ph.D. at the University of Hawai'i at Mānoa studying 'opihi. I continue to work with KOI and TNC through to the present day.

There are three primary reasons why I support KOI's application for the KM-CBSFA:

- 1) Through our monitoring efforts, we found a decline in 'opihi abundance from 2010-2014, and it's no secret that 'opihi declined substantially over 100 years ago. In the early 1900's, the commercial catch was up to ~150,000 lbs per year. From 2001-2021 (the latest records available), the commercial catch has averaged 9,856 lbs which is about the same average as for 1944-2021.
- 2) In over 40 years of 'opihi management by the State of Hawai'i (size regulation adopted in 1978), there has been no evidence of recovery, but in three short years of management by KOI, 'opihi were recovering without the benefit of legal enforcement. I have attached a copy of the thesis documenting this for your review. Imagine how successful KOI would be in managing their fisheries with the explicit support of the State of Hawai'i in the form of a CBSFA.

Through education and outreach, alone, KOI has successfully launched a program that encourages fishermen to voluntarily comply with 'Opihi Rest Areas where 'opihi can live and reproduce without being harvested. The 'Opihi Rest Areas, which began in 2014, have been successful in increasing the abundance of 'opihi in the Rest Areas and down-current in actively harvested areas. The results of this action are detailed in a Master's thesis written by my former student, Ms. Brenda Bennett, and passed the critical review of three committee members at Texas A&M University – Corpus Christi.

- 3) The future of Hawaii's fisheries rests with the State and organizations like KOI and the State of Hawai'i should embrace, support, and partner with these local organizations. KOI is highly-organized, has demonstrated dedication to the sustainable extraction of marine resources in East Maui, is well-supported by The Nature Conservancy under the direction of Ms. Emily Fielding and now Mr. Scott Crawford, and has intricate knowledge and fishing practices that have been patiently acquired and passed down by multiple generations, including that of the current generations of fishermen. As you surely know, KOI is focused on managing their whole moku, not just 'opihi, and has been successful in the majority of their endeavors.



Christopher E. Bird  
Department of Life Sciences - College of Science and Engineering  
6300 Ocean Dr. Unit 5802  
Corpus Christi, Texas 78412-5800  
P: 361-825-6024 - F 825-2742

I recognize the longstanding efforts of KOI as they continue to care for the natural and cultural resources of Kīpahulu Moku and East Maui. I fully support KOI and the Kīpahulu community's initiative to protect its natural and cultural resources by designating the moku of Kīpahulu as a CBSFA.

Sincerely,

A handwritten signature in black ink that reads "Chr. Bird".

Christopher E. Bird, Ph.D.  
Associate Professor  
Director, Genomics Core Laboratory



## MARINE RESOURCE COUNCIL

April 24, 2023

Dawn Chang, Esq., Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

Re: In STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation

Dear Chairperson Chang,

On behalf of the Maui Nui Marine Resource Council (MNMRC) I'm writing this letter in **strong support** of Kīpahulu 'Ohana Inc.'s (KOI) proposal and management plan to designate the Kīpahulu Moku as a Community-Based Subsistence Fishing Area and adopt place-based regulations for the area. MNMRC, through its involvement with the Maui Nui Makai Network (MNMN), has worked with KOI since 2012 when the Network was formed. We have supported them as they have grown into a highly respected community managed conservation organization.

The founders of KOI embody aloha 'āina in all they do. From teaching youth about the ecological sustainability of traditional kalo farming systems, to working to preserve cultural sites within the Kīpahulu moku, to influencing the local community to support an opihi resting zone, KOI has had a huge influence in helping both the local and visiting community understand the importance of sustainable subsistence practices. KOI's founders and managers possesses intricate knowledge of traditional farming and fishing practices, passed down to them over multiple generations and carefully refined through both the study of historical documents and research on aquatic ecosystems and effective fisheries management. KOI is highly respected in the local community and therefore uniquely positioned to propose and govern bottom-up pono fishing practices that will ensure culturally sensitive and effective fisheries management in Kīpahulu moku. KOI has also acted as a leader, reaching out to other East Maui communities and sharing experience and tools to empower them in the management of their own areas.

Maui Nui Marine Resource Council recognizes the longstanding efforts of KOI as they continue to care for the natural and cultural resources of Kīpahulu moku and East Maui and serve as a model for Maui and the state. MNMRC is in fully support of KOI and the Kīpahulu community's initiative to protect its natural and cultural resources by designating the moku of Kīpahulu as a CBSFA.

Sincerely,

Michael Fogarty  
Acting Executive Director  
Maui Nui Marine Resource Council



# MAUI OCEAN CENTER

*Our Mission: To foster understanding,  
wonder and respect for Hawaii's marine life.*

Dawn N.S. Change, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

04/27/23

RE: In STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation

Dear Chair Chang,

My name is Tapani Vuori and as General Manager at the Maui Ocean Center and a President of the Board at the Maui Ocean Center Marine Institute I am very pleased to write this letter urging support for the proposal to designate a Community-Based Subsistence Fishing Area (CBSFA) for the moku (district) of Kīpahulu, Maui. CBSFA application and draft management plan submitted by Kīpahulu 'Ohana, Inc. (KOI) has been many years in the making and garnered much support not only in Kīpahulu but also in neighboring communities far and wide.

It is disheartening to witness the degradation to near shore marine eco systems in many of our communities as demonstrated by ample data and research but also anecdotally as we all have heard the stories from our kūpuna how things used be. The community of Kīpahulu has become increasingly concerned about the continued decline of natural resources in their area and the perceived disconnect with the regulations that are supposed to protect them. Here we have a community that has recognized the importance getting involved and becoming engaged with an existential issue of having ability to manage, or rather mālama, natural resources in their community.

Papahānaumokuākea and Kahekili Herbivore Fisheries Management Area and 'Āhihi-Kīna'u reserve are great examples already here on Maui what is possible with regards to protecting our natural resources. These and other Marine Protected Areas (MPA) give us a window to most likely outcome with the CBFSFA designation for Kīpahulu community. Data shows that within MPA's not only are there benefits marine life with regards to biomass, resiliency, numerical density and organism size but also financial benefit has been documented. Then there is a well-



192 Ma'alaea Road Wailuku, Hawai'i 96793 • [mauiocceancenter.com](http://mauiocceancenter.com) • 808.270.7000

documented “spillover” effect that positively impacts the areas around the MPA’s. Empowering the local community to take care of their natural resources is a very powerful multiplier in our collective efforts to safeguard the natural resources for the future generations.

I applaud DLNR in your first designation in the State of Hawaii of the Miloli’i Community as a Community Based Subsistence Fishing Area (CBSFA), on Hawai’i Island. This demonstrates that this is doable and the level of excitement about this has been palpable Statewide. Both Miloli’i and Kīpahulu have many things in common but again most importantly they both have communities that are engaged and committed to protecting the natural resources in communities, and they are very passionate about this.

KOI has my full support in their efforts to designate the Kīpahulu moku as a Community-Based Subsistence Fishing Area, and I urge the Department to look favorably on their application and move the administrative rule-making process forward expeditiously.

Thank you for your consideration.

Aloha,

A handwritten signature in blue ink, appearing to read 'Tapani Vuori', with a stylized flourish at the end.

Tapani Vuori

808.561.2022

[tvuori@mauiocenter.com](mailto:tvuori@mauiocenter.com)



Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

Date: 04/27/2023

Re: In STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation

Aloha e Chair Chang,

My name is Jerome Kekiwi Jr President of our 501©3 non-profit organization Na Moku Aupuni O Ko'olau Hui located in the Ke'anae-Wailuanui Ahupua'a of the Ko'olau Moku, I am very pleased to write this letter urging support for the proposal to designate a Community-Based Subsistence Fishing Area (CBSFA) for the moku (district) of Kīpahulu, founded based on the following:

- Under the leadership of Kīpahulu 'Ohana, Inc. (KOI), the CBSFA application and draft management plan have been over 10 years in the making, engaging many stakeholders, amassing over 600 signatures of support from East Maui residents, reaching over 260,000 people locally and globally with information regarding their management efforts, and allowing many different opportunities for community input along the way.
- KOI is a well-established and respected organization with over 20 years of experience conducting projects for ahupua'a management, including traditional Hawaiian agriculture and shoreline management. They have proven their ability to work in collaborative partnership with agencies and organizations for co-management efforts, and their capacity to sustain projects and programs over time.
- Kīpahulu moku, while rich in history, culture, and resources, is also under threat from various influences, including overharvesting and improper harvesting of marine resources. Local fishers have described abundant fishery resources present in Kīpahulu 30-40 years ago, noting that fish would "come up to smell your spear" and "pāpio would come when you snap under water." Since then, fishery abundance and biomass has been observed to decline, suggesting room for improved management.
- This effort aligns with and greatly supports the need for co-management of Hawai'i's nearshore resources by elevating indigenous community leadership and insight to inform decision-making.
- Such a designation would be consistent with Executive Order 18-06 (relating to the United Nations Sustainable Development Goals) that supports an increase in community management of marine resources and the protection of Hawai'i's cultural and natural heritage.

KOI has my full support in their efforts to designate the Kīpahulu moku as a Community-Based Subsistence Fishing Area, and I urge the Department to look favorably on their application and move the administrative rule-making process forward expeditiously.

Mahalo,





*P.O. Box 824 • Hana, Hawaii 96713*

May 5, 2023

Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

**RE: In STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation (CBSFA)**

Dear Chairperson Chang,

On behalf of the Board and families of Nā Mamo O Mū'olea, we offer our strongest support of the proposal and management plan of Kipahulu Ohana Inc. (KOI) to adopt place-based regulations and designate the Kīpahulu Moku as a Community-Based Subsistence Fishing Area.

Founded in 2006, Nā Mamo O Mā'olea is a non-profit organization dedicated to perpetuating traditional 'ahupua'a management of the Mū'olea 'ahupua'a in East Maui, and to restore and maintain the area's natural, cultural, scenic, historic and marine resources for the benefit, education and enjoyment of our community and future generations. We manage a 72-acre area of coastal land that is owned by the County of Maui through a 50-year lease agreement, including various shoreline management and educational projects.

Nā Mamo O Mū'olea and Kipahulu Ohana, Inc. have worked in partnership on our makai efforts since both organizations started to put a particular focus on this aspect of our programs around 2010. Both organizations are part of the 'Opihi Partnership and manage voluntary 'opihi rest areas in collaboration with The Nature Conservancy and Texas A&M University Corpus Christi. We share our 'opihi survey methods that were developed through the work of the Partnership, and support each other in our rest area efforts. In addition, both organizations were co-founders in 2013 of the Maui Nui Makai Network, bringing together communities on Maui, Moloka'i and Lāna'i that are actively engaged in culturally- and community-based makai management projects to encourage and support each other's efforts.

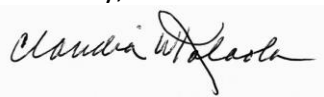
Kīpahulu Ohana, Inc. has demonstrated an enduring commitment to ahupua'a management and education programs, from the mountain to the sea, based on the generational traditional knowledge of the Native Hawaiian practitioners of the area, and supported by appropriate science and technology.

As all of our communities in East Maui, we know that the traditional fishermen and practitioners of Kīpahulu have witnessed a decline in the abundance and diversity of their nearshore fisheries over the years, and are concerned about the impact of overharvesting and inappropriate harvest methods and other pressures that will continue to degrade the fisheries over time without intervention.

Although Nā Mamo O Mū'olea has chosen not to pursue CBSFA designation for the area we manage at this time, we support the co-management model to protect traditional and customary practices that the CBSFA designation embodies, and we believe Kīpahulu moku is very appropriate region to protect and manage in this fashion.

We offer our continued support for the Kīpahulu 'Ohana in their ongoing makai management efforts, and strongly encourage the Department to support the application and management plan for the designation of Kīpahulu moku as a Community-Based Subsistence Fishing Area.

Sincerely,

A handwritten signature in black ink, reading "Claudia W. Kalaola", written in a cursive style.

Claudia W. Kalaola  
Director, Kūpuna Practitioner



# United States Department of the Interior



NATIONAL PARK SERVICE  
Interior Regions 8, 9, 10, and 12  
Haleakalā National Park  
P.O. Box 369  
Makawao, HI, 96768

IN REPLY REFER TO: *HALE A.1.2; 10.A*

April 25, 2023

Dawn Chang  
Chairperson, Board of Land  
and Natural Resources DLNR  
Main Office, Kalanimoku  
Building 1151 Punchbowl  
Street  
Honolulu, HI 96813

Dear Chair Chang:

During the consideration of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation, we are writing to highlight the benefits that would result from Kīpahulu ‘Ohana’s resource protection through the Kīpahulu Moku Malama I Ke Kai program.

The National Park Service (NPS) first entered into a partnership agreement with the Kīpahulu ‘Ohana (“‘Ohana”) in 1995 for the management and interpretation of Kapahu Living Farm, a traditional wetland taro farm located within Haleakalā National Park. For the last few years, the ‘Ohana has taken the initiative on several shoreline management projects, including the voluntary ‘Opihi Rest Area adjacent to the park. The Kīpahulu Campground that the NPS manages is the access point for hundreds of residents and visitors to enjoy the Kīpahulu shoreline, and both the NPS and the ‘Ohana have worked hard to educate users regarding makai resource management issues. Prominent among these issues is the establishment and promotion of the community-based voluntary ‘Opihi Rest Area spearheaded by the ‘Ohana as part of the ‘Opihi Partnership. The Partnership’s co-members include the National Park Service as well as other key state and federal agencies and private organizations. NPS staff have worked with the ‘Ohana to place “No Take” signs along key access points on the shoreline, participated in the design of an educational poster at the campground and visitor center, participated in ‘opihi biological surveys, received training and provided information to campground and other shoreline users to encourage voluntary compliance within the ‘Opihi Rest Area.

The goals of the Community-Based Subsistence Fishing Area (CBSFA) program align with the conservation mission of the National Park Service, to “conserve the scenery and the wild life therein and provide for the enjoyment of the same in such a manner as will leave them unimpaired for the enjoyment of future generations.” We place value on education and training of NPS staff so they can communicate to visitors the traditional and customary practices of the area. As the CBSFA proposed by the Kīpahulu ‘Ohana is considered for formal designation, we are happy to continue providing

INTERIOR REGION 8 • LOWER COLORADO BASIN\*  
INTERIOR REGION 9 • COLUMBIA—PACIFIC NORTHWEST\*  
INTERIOR REGION 10 • CALIFORNIA—GREAT BASIN  
INTERIOR REGION 12 • PACIFIC ISLANDS

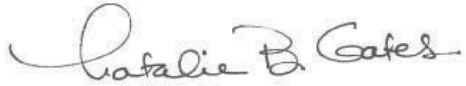
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AMERICAN SAMOA, ARIZONA\*, CALIFORNIA, GUAM, HAWAII, IDAHO, MONTANA\*,  
NEVADA, NORTHERN MARIANA ISLANDS, OREGON, WASHINGTON

\*PARTIAL

input and partnership in this process. Protection of the shoreline areas adjacent to Haleakalā National Park benefits not just the immediate community but the entire island community. Please let us know if we can provide any additional information or perspective on this important topic.

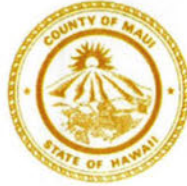
Sincerely,

A handwritten signature in cursive script that reads "Natalie B. Gates". The signature is written in a dark ink and is positioned above the printed name and title.

Natalie B. Gates  
Superintendent

**RICHARD T. BISSEN, JR.**  
Mayor

**KEKUHAUPIO R. AKANA**  
Managing Director



**OFFICE OF THE MAYOR**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.maui-county.gov](http://www.maui-county.gov)

May 19, 2023

Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawaii 96813

Dear Chair Chang:

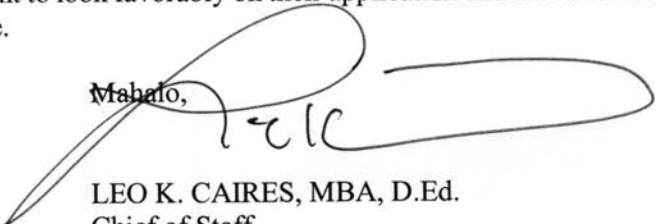
Re: Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation

As Chief of Staff, I am very pleased to write this letter urging support for the proposal to designate a Community-Based Subsistence Fishing Area (CBSFA) for the moku (district) of Kīpahulu. Our support is also based on the following:

- Supporting an organization which conducts projects for ahupua'a management, including traditional Hawaiian agriculture and shoreline management. They aim to work in a collaborative partnership with agencies and organizations for co-management efforts, and their capacity to sustain projects and programs over time which is important in seeking this designation.
- Kīpahulu moku, while rich in history, culture, and resources, is also under pressure from overharvesting and improper harvesting of marine resources. Local fishers have described abundant fishery resources present in Kīpahulu 30-40 years ago, noting that fish would "come up to smell your spear" and "pāpio would come when you snap under water." Since then, fishery abundance and biomass has been observed to decline, suggesting room for improved management.
- The effort of this organization aligns with and greatly supports the need for co-management of Hawai'i's nearshore resources by elevating indigenous community leadership and insight to inform decision-making.
- Such a designation would support an increase in community management of marine resources and the protection of Hawai'i's cultural and natural heritage.

KOI has asked for support in their efforts to designate the Kīpahulu moku as a Community-Based Subsistence Fishing Area, and we are extending our support to the Department to look favorably on their application and move the administrative rule-making process forward expeditiously as possible.

Mahalo,

  
LEO K. CAIRÉS, MBA, D.Ed.  
Chief of Staff



Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

May 6, 2023

Re: In STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation

Aloha e Chair Chang,

As Conservation Manager at Pacific Whale Foundation, I am very pleased to write this letter urging support for the proposal to designate a Community-Based Subsistence Fishing Area (CBSFA) for the moku (district) of Kīpahulu, founded based on the following:

- Under the leadership of Kīpahulu 'Ohana, Inc. (KOI), the CBSFA application and draft management plan have been over 10 years in the making, engaging many stakeholders, amassing over 600 signatures of support from East Maui residents, reaching over 260,000 people locally and globally with information regarding their management efforts, and allowing many different opportunities for community input along the way.
- KOI is a well-established and respected organization with over 20 years of experience conducting projects for ahupua'a management, including traditional Hawaiian agriculture and shoreline management. They have proven their ability to work in collaborative partnership with agencies and organizations for co-management efforts, and their capacity to sustain projects and programs over time.
- Kīpahulu moku, while rich in history, culture, and resources, is also under threat from various influences, including overharvesting and improper harvesting of marine resources. Local fishers have described abundant fishery resources present in Kīpahulu 30-40 years ago, noting that fish would "come up to smell your spear" and "papio would come when you snap under water." Since then, fishery abundance and biomass has been observed to decline, suggesting room for improved management.
- This effort aligns with and greatly supports the need for co-management of Hawai'i's nearshore resources by elevating indigenous community leadership and insight to inform decision-making.
- Such a designation would be consistent with Executive Order 18-06 (relating to the United Nations Sustainable Development Goals) that supports an increase in community management of marine resources and the protection of Hawai'i's cultural and natural heritage.

KOI has our full support in their efforts to designate the Kīpahulu moku as a Community-Based Subsistence Fishing Area, and I urge the Department to look favorably on their application and move the administrative rule-making process forward expeditiously.

Mahalo,  
Susan Frett  
Conservation Manager  
Pacific Whale Foundation





## HOUSE OF REPRESENTATIVES

STATE OF HAWAII  
STATE CAPITOL  
HONOLULU, HAWAII 96813

May 19, 2023

Dawn Chang, Chairperson  
Board of Land and Natural Resources  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

*Re: In STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation*

Aloha e Chair Chang,

As Representative for House District 13, I am pleased to write this letter urging support to designate a Community-Based Subsistence Fishing Area (CBSFA) for the moku (district) of Kīpahulu, based on the following:

- Under the leadership of Kīpahulu 'Ohana, Inc. (KOI), the CBSFA application and draft management plan have been over 10 years in the making, engaging many stakeholders, amassing over 600 signatures of support from East Maui residents, reaching over 260,000 people locally and globally with information regarding their management efforts, and allowing many different opportunities for community input along the way.
- KOI is a well-established and respected organization with over 20 years of experience conducting projects for ahupua'a management, including traditional Hawaiian agriculture and shoreline management. They have proven their ability to work in collaborative partnerships with agencies and organizations for co-management efforts and their capacity to sustain projects and programs over time.
- Kīpahulu moku, while rich in history, culture, and resources, is also under threat from various influences, including overharvesting and improper harvesting of marine resources. Local fishers described abundant fishery resources present in Kīpahulu 30-40 years ago, noting that fish would "come up to smell your spear" and "papio would come when you snap underwater." Since then, fishery abundance and biomass have been observed to decline, suggesting room for improved management.

Representative Mahina Poepoe  
House District 13  
415 S. Beretania Street, Room 331  
Honolulu, HI 96813  
(808) 586-6790 reppoepoe@capitol.hawaii.gov

- This effort aligns with and greatly supports the need for co-management of Hawai'i's nearshore resources by elevating indigenous community leadership and insight to inform decision-making.
- Such a designation would be consistent with Executive Order 18-06 (relating to the United Nations Sustainable Development Goals) that supports an increase in community management of marine resources and the protection of Hawai'i's cultural and natural heritage.

KOI has my full support in their efforts to designate the Kīpahulu moku as a Community-Based Subsistence Fishing Area, and I urge the Department to look favorably on their application and move the administrative rule-making process forward expeditiously.

Mahalo,



Representative Mahina Poepoe  
District 13  
Pā'ia, Ha'ikū, Nāhiku, Kaupō, Hāna, Kīpahulu,  
Molokini, Kaho'olawe, Lana'i, Molokai

Dawn Chang: Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl Street  
Honolulu, Hawaii 96813

06/01/2023

Aloha Chairperson Chang,

My name is Samuel Ahling Akoi IV. My father's 'ohana is from the Keanae side of the Hana Coast and my Mother's is from Kipahulu and Kaupo. My Grandchildren trace their Kipahulu heritage back 8 generations to the Pio family.

I recently moved back to Kipahulu after nearly 20 years of being away, working, getting my children through school and generally, "making a living".

But you know, it didn't really feel like, "making a living", it felt like just getting by.

While living, "outside", I would come, "home" often. I would come home to fish, hunt and gather. But I also needed to come home to nourish and nurture my soul. I needed to come home to, "fill myself up" with the good, with the real of who I truly am.

As a child we lived in Hana town, but came to Kipahulu on weekends, school breaks and for the summer. My Grandfather was the Kipahulu Ranch Manager and all of my Aunties, Uncles and Cousins would come as an 'Ohana to reconnect, gather and be together.

One of the things I remember doing regularly was surrounding akule at Lelekea. I'm in my 50's now, I'm back in Kipahulu, I go down to Lelekea, my Grandparents are gone, my mother is gone, many of my Uncles are gone, and the akule are gone.

In their place there are trophy fisherman from outside, camping at Lelekea with numerous poles per fisherman in the water, leaving opala, toilet paper and their own human waste, posting pictures on instagram and bragging at fishing tournaments about where their prize ulua came from.

I walk each morning from my house near Kukulula, Kipahulu to Kalepa and back. Most mornings there are fisherman camping at Lelekea and most weekends at Hanawi as well.

I make it a point to talk to the fisherman and let them know the mana'o behind this area and our traditional practices. I ask them to take their rubbish away with them, to remind them to take



only what they need to eat. I ask them to please not post the location of their catch online. I ask them to please give back to this area and to be thankful for what they received.

I feel so blessed that when I get hungry for fish, instead of driving to the market and buying my dinner, I grab my throw net and catch my dinner. This is subsistence living. This is what Kipahulu still is today.

If Kipahulu was designated as a Community Based Subsistence Fishing Area (CBSFA), this precious lifestyle would be protected and be available for future generations. When I went on my walks in the morning I would not only be suggesting that this area be treated respectfully and used in a pono way; it would be the legal mandate.

Please support Kipahulu 'Ohana and the people of Kipahulu in our continued Malama 'Aina of our home and wahi Pana.

Mahalo,

*Sam Akoi IV*

Sam Akoi IV

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



## The Senate

STATE CAPITOL  
HONOLULU, HAWAII 96813

September 19, 2023

Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

Dear Chair Chang,

**SUBJECT: Strong Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation**

As the State Senator for District 7 that encompasses all of East Maui including the areas of Hāna and Kīpahulu, I strongly support the application by the Kīpahulu 'Ohana to designate a Community-Based Subsistence Fishing Area (CBSFA) for the moku (district) of Kīpahulu.

Over the past few years, the members of the Kīpahulu 'Ohana have done their due diligence to engage most, if not all, of the community members surrounding the Kīpahulu moku to formulate a CBSFA proposal that the majority of the community has agreed upon. I appreciate their outreach work and willingness to listen to the concerns that have been brought to their attention and their efforts to address them so the community can feel comfortable with this proposal.

Last year I attended a site visit to Kīpahulu on April 13, 2022 that included members of the Kīpahulu 'Ohana, community members, DLNR- Division of Aquatic Resources (DAR) and elected officials, and was impressed by the efforts of everyone involved to be as inclusive as possible.

I feel that the CBSFA proposal for the moku of Kīpahulu balances community concerns and needs while planning best efforts to protect and restore the natural resources that community members rely on for subsistence and culture.

If you would like to speak with me directly about my support for the Kīpahulu CBSFA proposal please contact me at (808)587-7225 or [sendecoite@capitol.hawaii.gov](mailto:sendecoite@capitol.hawaii.gov).

Respectfully with Aloha,

A handwritten signature in black ink that reads "Lynn DeCoite".

Senator Lynn DeCoite  
Majority Floor Leader  
Hawai'i State Senate  
7<sup>th</sup> District

**Senator Lynn DeCoite**

District 7: East and Upcountry Maui: Sprecklesville, Pukalani, Makawao, Olinda, Pūlehu, Kula, Waiohuli, Keokea, Ulupalakua, portion of Keoneoio, Pā'ia, Lower Pā'ia, Ha'ikū, Pauwela, Ulumalu, Huelo, Kailua, (portion of Kahului), Ke'anae, Wailua, Nahiku, Hāna, Hoku'ula, Hamoa, Pu'uiki, Haou, Mū'olea, Kīpahulu, Kaupō; Islands of Kaho'olawe, Molokini, Lana'i, & Moloka'i  
State Capitol, Room 230, Honolulu, HI 96813 - Phone: (808) 587-7225 - Fax: (808) 587-7230  
Email Address: [sendecoite@capitol.hawaii.gov](mailto:sendecoite@capitol.hawaii.gov)

**OFFICE OF MILILANI B. TRASK  
OFFICE OF HAWAIIAN AFFAIRS - BOARD OF TRUSTEES - HAWAI'I ISLAND TRUSTEE  
MAY 30, 2023**

Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office, Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

**STRONG Support of the Kīpahulu Moku Community - Based  
Subsistence Fishing Area Designation**

Aloha e Chair Chang,

I applaud Kīpahulu 'Ohana's efforts to create a Community-Based Subsistence Fishing Area (CBSFA) for the moku (district) of Kīpahulu. My family has strong ties to the area. I am a descendant of the Maui Chiefs of the Pi'ilani line. I trace my genealogy to the High Ali'i Lonohonuakini, the grandfather of King Kekaulike of Maui. My maternal grandmother Iwalani Haia is a lineal descendant of Hana and was a well-known kilo i'a of akule fishing. Stewardship is an important teaching and practice by the Haia-Cooper family of Hana. My two brothers were Captains of commercial fishing and passenger cruising. My surviving younger brother Michael is the harbormaster in Hilo Bay.

I offer all of this personal information to demonstrate why the efforts of Kīpahulu 'Ohana resonate with me and why I am proud to support them. They understand what it means to cherish and sustain community and hold dear to Hawaiian traditional practices. They know what community means in Hawaiian culture and what it demands of each of us.

They have spent many many years using various means to engage many stakeholders. They have amassed over 600 signatures of support from East Maui residents and reached over 260,000 people here and around the world. In doing so, they listened to input from many. I am impressed by their experience conducting projects for ahupua'a management, including traditional Hawaiian agriculture and shoreline management. They can work effectively with all kinds of agencies and organizations.




**OFFICE OF MILILANI B. TRASK**  
**OFFICE OF HAWAIIAN AFFAIRS - BOARD OF TRUSTEES - HAWAI'I ISLAND TRUSTEE**  
**MAY 30, 2023**

Kīpahulu moku suffers from over-harvesting and improper harvesting. Fishery abundance and biomass have declined. They are doing something about what they kilo. They deserve to be supported.

As someone who has developed a model for indigenous entrepreneurship, I am delighted to see this grassroots effort to elevate Hawaiian traditional knowledge in the co-management of our marine resources. It is in step with Executive Order 18-06 (relating to the United Nations Sustainable Development Goals) that supports more community management of marine resources and the protection of Hawai'i's cultural and natural heritage.

I urge you to designate the Kīpahulu moku as a Community-Based Subsistence Fishing Area and approve it without delay. It is a step in the right direction, and it will help our families thrive.

A handwritten signature in black ink, appearing to read "Mililani B. Trask", with a long horizontal flourish extending to the right.

Mililani B. Trask  
Office of Hawaiian Affairs  
Board of Trustees Vice Chair  
Hawai'i Island Trustee

Dawn Chang, Chairperson  
Board of Land and Natural Resources  
DLNR Main Office  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

26 April 2023

Re: STRONG Support of the Kīpahulu Moku Community-Based Subsistence Fishing Area Designation

Aloha e Chair Chang,

As Program Administrator for Miloli'i Community-Based Subsistence Fishing Area, I am very pleased to write this letter urging support for the designation of a Community-Based Subsistence Fishing Area (CBSFA) for Kīpahulu Moku, based on the following:

- Kīpahulu moku, while rich in history, culture, and resources, is also under threat from various influences, including improper and overharvesting of marine resources. Local fishers have described abundant fishery resources present in Kīpahulu 30-40 years ago, noting that fish would “come up to smell your spear” and “papio would come when you snap under water.” Since then, fishery abundance and biomass has been observed to decline, suggesting room for improved management.
- KOI is a well-established and respected organization with over 20 years of experience conducting projects for ahupua'a management, including traditional Hawaiian agriculture and shoreline management. They have proven their ability to work in collaborative partnership with agencies and organizations for co-management efforts, and their capacity to sustain projects and programs over time.
- Under the leadership of Kīpahulu 'Ohana, Inc. (KOI), the CBSFA application and draft management plan have been over 10 years in the making, engaging many stakeholders, amassing over 600 signatures of support from East Maui residents, reaching over 260,000 people locally and globally with information regarding their management efforts, and allowing many different opportunities for community input along the way.
- This effort aligns with and greatly supports the need for co-management of Hawai'i's nearshore cultural and natural resources with community-based indigenous knowledge and leadership to inform decision-making.
- Such a designation would be consistent with Executive Order 18-06 (relating to the United Nations Sustainable Development Goals) that supports an increase in community management of marine resources and the protection of Hawai'i's cultural and natural heritage.

KOI has my full support in their efforts to designate the Kīpahulu Moku as a Community-Based Subsistence Fishing Area, and I urge the Department to look favorably on their application and move the administrative rule-making process forward expeditiously.

Mahalo,

  
U'ilani Naipo

Heʻeia National Estuarine Research Reserve  
*Koʻolaupoko, Oʻahu, Hawaiʻi*

November 2, 2023

**Testimony in support Kipahulu CBSFA**

Aloha Chair Chang and members of the BLNR,

I am providing this written testimony in support of the proposed Kipahulu Community-based Subsistence Fishing Area (CBSFA).

The CBSFAs that have been created thus far (Hāʻena, Kauaʻi; and Miloliʻi, Kona Hema) have been successful by every metric. As illustrated in the DAR-supported scientific monitoring of the Hāʻena CBSFA has shown, the creation of the CBSFA has resulted in an increase in resource fishes while continuing to maintain the subsistence fishing needs of the community. Our own research group, along with others, have collaboratively produced an abundance of scholarly publications, all of which point to CBSFAs as being among the most successful and progressive marine conservation approaches that have been studied anywhere in the world.

Given the success of previous CBSFA initiatives, it only makes sense for there to be more. As such, I urge you to support the formalization of the Kipahulu CBSFA, along with its management plan and administrative rules package.

Thank you for your time and consideration,



Kawika Winter, PhD

Director, Heʻeia National Estuarine Research reserve

[REDACTED]

[REDACTED]

**To:** DLNR.Aquatics@hawaii.gov

[REDACTED]

Aloha Kākou,

Makahānaloa Fishing Association strongly supports the Kīpahulu CBSFA rules package. There is no better advocate for ‘āina than the community that those lands feed.

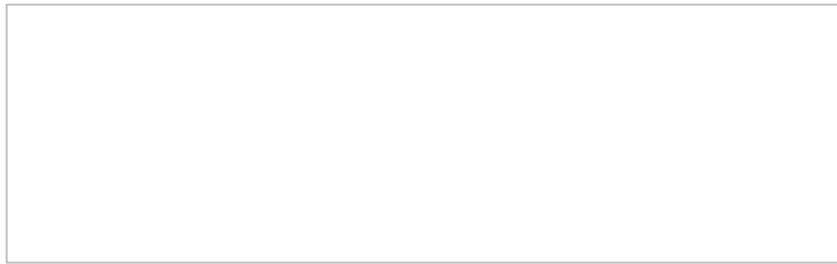
Makahānaloa Fishing Association represents over one hundred and twenty ‘ohana from Pepe‘ekeo, Papa‘ikou, and Honomu on Hawai‘i Island. Our access to traditional fishing areas has been threatened since the sugar plantations slow demise, ending in the 1990s. The Association is by every means seeking to grow and to protect our fishing community’s rights to provide food for their families and maintain the generational bond with our treasured shoreline areas. Many of our Association members know Kīpahulu and are grateful to the community for working to maintain and preserve these important shoreline sites and the health of our ocean.

The Kīpahulu community has volunteered countless hours to generate these rules in cooperation with the State of Hawai‘i based on the Native Hawaiian customary and traditional subsistence practices of a place. As a place-based organization we see our ‘opihi, limu and other fish decline because of un-pono harvesting practices. Kīpahulu has for generations built observational data to optimize management of the shoreline and we support their efforts. Building a movement for community driven mālama ‘āina mauka to makai cannot grow without pathways like this.

Mahalo nui for your consideration of this testimony in support of the proposed rules package for CBFSFA Kīpahulu.

Blake McNaughton  
President  
Makahānaloa Fishing Association

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***Makahaloa Fishing Association***

*PO Box 132 Pepe'ekeo 96783*

*Ua ola no o kai i kai* - Fishers live by their own efforts

'Ōlelo No'eau (2838)



November 1, 2023

Re: SUPPORT: Hawaii Administrative Rules (HAR) chapter 13-60.11 “Kīpahulu Community-Based Subsistence Fishing Area (CBSFA), Maui.”

Dear Division of Aquatics Resources Administrator and Staff,

On behalf of the Makai Watch program under the Department of Land and Natural Resources (DLNR), I would like to submit this letter of support for the proposed CBSFA put forth by the community of Kīpahulu. The Kīpahulu ‘Ohana completed their Makai Watch training with DLNR-DAR and DLNR-DOCARE representatives on August 5th, 2023. This allowed the community to take the next step towards taking the initiative on co-managing their resources with DLNR.

As we begin to build up the Makai Watch program in Maui Nui, the community of Kīpahulu has been essential to this growth. Their perseverance throughout the process of working with DAR to implement this CBSFA has been unwavering and their work has motivated other communities to take the actions necessary for the preservation of our marine resources on Maui. The regulations outlined in this CBSFA are carefully crafted to reflect their cultural beliefs and practices, which is something that is essential to the Makai Watch program.

As the relationship between DLNR and the community of Kīpahulu continues to grow, we look forward to building this foundation on transparency, *pono* practices, education, and the perpetuation of culture.

If you have any questions or concerns, please contact me at [REDACTED]

[REDACTED] Thank you for the opportunity to submit a testimony.

Sincerely,

*Chanel Browne*

Chanel Browne  
Makai Watch Maui Nui Coordinator



**RELATING TO PROPOSED ADOPTION OF HAWAII ADMINISTRATIVE RULES 13-60.11,  
“KĪPAHULU COMMUNITY-BASED SUBSISTENCE FISHING AREA, MAUI”**

Board of Land and Natural Resources

November 2, 2023

5:30 pm

Room 330

The Administration of the Office of Hawaiian Affairs (OHA) offers its **STRONG SUPPORT**, unwavering and resolute, for the proposed adoption of Hawai‘i Administrative Rules (HAR) chapter 13-60.11, which seeks to establish the “Kīpahulu Community-Based Subsistence Fishing Area” on the island of Maui. **As the principal public agency in the State responsible for the performance, development, and coordination of programs and activities relating to Native Hawaiians,<sup>1</sup> OHA wishes to emphasize the vital significance of designating Kīpahulu as a CBSFA.**

Kīpahulu is a living testament to the enduring traditions and customary practices of Native Hawaiians, which have been integral to the very fabric of these islands for generations. The lush, pristine coastal waters of Kīpahulu have borne witness to the continuous exercise of these traditional practices, making it an area of profound cultural significance that deserves the highest degree of preservation and protection.

Native Hawaiians have a unique and constitutionally protected<sup>2</sup> relationship with our ancestral lands and waters. The continued exercise of these rights, including subsistence fishing, must be governed by a principle deeply rooted in self-determination. The State's process of CBSFA designation serves as an initial step towards recognizing and respecting this self-determination, allowing Native Hawaiians the opportunity to have a greater say in the stewardship of our socio-political, economic, and environmental interests.

Moreover, the Kīpahulu community's desire to establish a CBSFA is not only a testament to their commitment to preserving their natural and cultural resources but also a demonstration of their dedication to the perpetuation of traditional and customary practices. It symbolizes their aspiration to attain a level of autonomy over the fish sanctuary, ensuring that these practices are safeguarded for the Kīpahulu ‘Ohana, present and future.

**I. Native Hawaiian Ecological Infrastructure**

Native Hawaiians, i ka wā kahiko (in the time long before), established a complex system for sustainable self-sufficiency and enduring survival. The wealth of traditional and customary practices that are rooted in place form vital components to Native Hawaiian ecological infrastructure, aggregating geographically distributed natural resources for the purpose of meeting traditional Native Hawaiian socio-political-economic-environmental needs. Hawai‘i’s

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<sup>1</sup> Haw. Rev. Stat. §10-3(4).

<sup>2</sup> Haw. Stat. Con. Art. XII, Sec. 7 (1978).





**RELATING TO PROPOSED ADOPTION OF HAWAII ADMINISTRATIVE RULES 13-60.11,  
“KĪPAHULU COMMUNITY-BASED SUBSISTENCE FISHING AREA, MAUI”**

Board of Land and Natural Resources

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network of interconnected natural resource infrastructure, often identified as the “ahupua’a system,” with components that include both land and sea, are still operational today. However, many island infrastructures have been forcefully dismantled over the course of historical injustice.

Lawai’a (and other coastal/marine) practices have been a critical component of Native Hawaiian ecological infrastructure for centuries. These meticulously designed and ingeniously conceived practices not only sustained communities but also enhanced the overall health of our fragile ecosystems. The management of our aquaculture systems required an intricate understanding of the balance between the land and sea, demonstrating our kūpuna’s profound ecological knowledge. The Kīpahulu community’s commitment to subsistence fishing area designation echoes this ancient wisdom, passed through to our current – and hopefully our future – generations.

Ola nā ‘Ōiwi. OHA wishes to emphasize that the collective knowledge that we have amassed across centuries of hardship and the rights we possess that are enshrined within the Hawai’i State Constitution,<sup>3</sup> make us more than capable of returning to the operating controls of our ancestral systems.

**II. Native Hawaiian Knowledge and Climate Change**

Native Hawaiian knowledge is an invaluable resource, especially in the face of the global climate crisis. Indigenous knowledge, including traditional practices, can provide unique insights into sustainable environmental management. Native Hawaiians have long observed and adapted to the ever-changing environmental conditions of these islands. Our knowledge offers valuable lessons on resilience, conservation, and adaptability, which are more pertinent than ever in the context of climate change.

By granting Kīpahulu the opportunity to govern their subsistence fishing area, we empower our communities to apply their deep-rooted Native Hawaiian knowledge to develop sustainable and adaptive strategies in response to climate change. The protection of these coastal waters not only preserves a way of life but also supports the broader efforts to mitigate, adapt, and become resilient to the impacts of a changing climate.

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<sup>3</sup> Id.



**RELATING TO PROPOSED ADOPTION OF HAWAII ADMINISTRATIVE RULES 13-60.11,  
“KĪPAHULU COMMUNITY-BASED SUBSISTENCE FISHING AREA, MAUI”**

Board of Land and Natural Resources

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Accordingly, OHA fervently supports the establishment of the Kīpahulu Community-Based Subsistence Fishing Area. This designation recognizes the significance of Kīpahulu as a stronghold of Native Hawaiian traditions, the vital role of traditional and customary Native Hawaiian practices in the governance of Hawai‘i, and the critical importance of Native Hawaiian Knowledge in addressing existential threats to our collective existence – like Climate Change. The Kīpahulu community deserves the opportunity to manage and protect their natural-cultural resources, ensuring the perpetuation of their cultural practices and identity, and the safeguarding of these cherished waters for generations to come.

OHA appreciates the opportunity to provide testimony on this matter urging the BLNR to wholeheartedly support this initiative and acknowledge its critical importance to the Native Hawaiian community and the State of Hawai‘i as a whole. Mahalo nui loa.

November 2, 2023

Mr. Brian Neilson, Administrator  
Division of Aquatic Resources  
Department of Land and Natural Resources  
State of Hawai'i  
1151 Punchbowl Street, Room 330  
Honolulu, HI 96813

**RE: Testimony of The Nature Conservancy in support of proposed adoption of Hawai'i Administrative Rules (HAR) chapter 13-60.11, "Kīpahulu Community-Based Subsistence Fishing Area, Maui"**

Aloha e Administrator Neilson:

The Nature Conservancy (TNC) is steadfast in our support for Kīpahulu 'Ohana's proposal to designate a Community-Based Subsistence Fishing Area (CBSFA) for the moku of Kīpahulu.

Guided by science and our mission to conserve the lands and waters on which all life depends, TNC works with government agencies, non-governmental organizations, academic partners, and more than 30 non-profit community groups across the state to restore and protect the marine and coastal habitats that support Hawai'i's people, fisheries, economy, and way of life.

Kīpahulu 'Ohana became a leader in Native Hawaiian place-based co-management in 1995 through their restoration of the lo'i kalo of Kapahu Living Farm under a Cooperative Agreement with Haleakalā National Park. In 2010, they decided to expand their programs to include a makai component to their ahupua'a and moku efforts, which is when TNC began working with Kīpahulu 'Ohana to facilitate and provide technical support for creating a makai resource management plan. Community-led activities and workshops resulted in the creation of their Mālama I Ke Kai Plan in 2012, where a CBSFA designation for Kīpahulu Moku was identified as a priority action.

One of TNC's roles in supporting Kīpahulu 'Ohana's Mālama I Ke Kai process and pursuit of a CBSFA has been to provide science expertise to better understand the status of key resources and effectiveness of proposed management interventions. In the paragraphs below we share relevant findings from 'opihi rest area studies, reef and reef fish surveys, an analysis of the Kukui Bay sanctuary, and human use and creel surveys.

**'Opihi Rest Area**

Since 2008, TNC has supported community engagement in science for 'opihi management and monitoring in Kīpahulu in partnership with Kīpahulu 'Ohana, Dr. Chris Bird's lab at Texas A&M University - Corpus Christi, Haleakalā National Park, other East Maui community non-profit organizations, and many community volunteers. The slot-limit proposed for 'opihi (1 1/4" minimum - 2" maximum) is directly informed by findings from these surveys. It is critical to maintain the older, larger 'opihi, referred to as prime spawners, which produce more and healthier larvae and contribute disproportionately to the overall reproductive output of the population. When selective pressure targets larger individuals, there is a reduction in average size and reproductive output over time.

**BOARD OF TRUSTEES**

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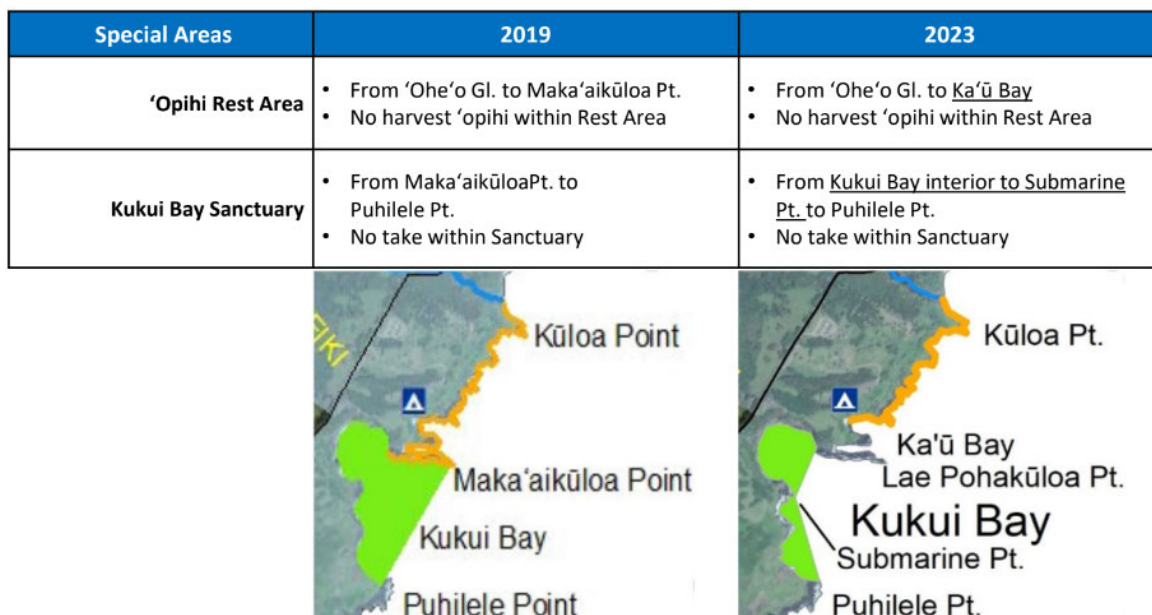
*Ihupani Advisory Council:* Paul D. Alston Christopher J. Benjamin Kenton T. Eldridge Eiichi Kuwana  
Duncan MacNaughton Jean E. Rolles Crystal K. Rose Nathan E. Smith

*Founders:* Samuel A. Cooke Herbert C. Cornuelle

‘Opihi Rest Areas have been successful in increasing the population and density of ‘opihi within rest areas and down-current areas open for harvest. From 2008-2014, Kīpahulu community members surveyed and measured disappointing annual declines in ‘opihi. Because ‘opihi reproduce every six months and are fast growing, one of Kīpahulu ‘Ohana’s leaders and traditional fisherman, John Lind, suggested that if harvest pressure is reduced, their populations would grow quickly and replenish successfully. To test this theory, in 2014, Kīpahulu ‘Ohana along with one other East Maui community group decided to revive the traditional Hawaiian practice of resting an area from ‘opihi harvest so that it will be momona (abundant) again.

Since 2014, surveyors have conducted ‘opihi surveys on an annual basis (except during the COVID-19 pandemic) within the voluntary rest area located in front of the Haleakalā National Park campground and roughly 100 meters and 1,000 meters outside of the rest area on either end. Survey sites are divided into approximately 2-meter transects in which all ‘opihi makaiauli (*Cellana exarata*) are counted and tallied into size classes. Between 2014 and 2017, nine out of the twelve survey areas within or down current from the rest area saw up to six-fold increases in the number of ‘opihi per meter.<sup>1</sup>

This extensive community-led, science-supported monitoring and data collection effort has involved over 200 volunteers who counted and sized ‘opihi makaiauli from 7,213 transects along 2 kilometers of coastline. Outreach and education have been effective in encouraging most people to voluntarily comply with the request not to harvest ‘opihi within the rest area. The CBSFA rules package would formalize the rest area from ‘Ohe’o Gulch to Ka‘ū Bay, and in response to public feedback, the rest area would no longer include Lae Pohakūloa Point, to allow for respectful harvest of ‘opihi in this area adjacent to the campground (Figure 1).



**Figure 1.** Changes in the proposed ‘Opihi Rest Area (gold line) and Kukui Bay Sanctuary (bright green area) from 2019 to 2023. From Kīpahulu ‘Ohana’s handout at the Board of Land and Natural Resources (BLNR) Meeting on June 23, 2023.

1. The Nature Conservancy. 2018. ‘Opihi Rest Area Surveys (2014-2017), East Maui. 2pp.

### Reef and Reef Fish

TNC assessed the reef and reef fish at 36 randomly selected sites along two miles of nearshore reef between 10- and 50-foot depth in 2010, 2013, and 2019. Our surveys measured abundance and size of reef fish and other reef organisms, including coral, algae, and invertebrates. These snapshots provide valuable baseline data and key findings from which to measure changes in reef and reef fish condition and populations at Kīpahulu.<sup>2,3</sup>

### Coral

- Coral cover is lower than the state average, likely due to high-wave energy, and showed evidence of stress from land-based sources of pollution, primarily sediment.
- Like other high-wave energy environments, the reef in Kīpahulu is largely comprised of turf algae and cauliflower and lobe corals.

### Biomass and Target Fish

- Reef fish had high total biomass (total weight of all fish) compared to other sites surveyed across the state open to fishing, but lower than some areas closed to fishing.
- Surgeonfish accounted for the greatest reef fish biomass, followed by goatfish, parrotfish, large wrasses, snappers, and apex predators, such as sharks and jacks.
- Apex predators were nearly absent in 2010, but were relatively abundant in 2013 and 2019, highlighting the high annual and/or seasonal variability in these fish populations.

### Indicators of Stress

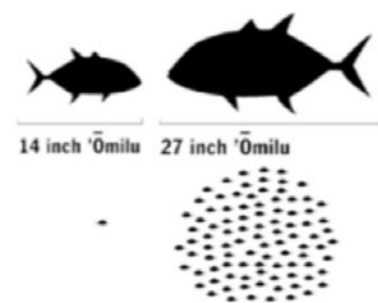
- At Kīpahulu, reef fish such as uhu (parrotfish) and manini (convict tang) do not reach their ideal reproductive age or size. This is an indicator of fishing impacts and diminishes the overall breeding potential of the population.
- Only 25% of uhu 'ele'ele and palukaluka (male and female ember parrotfish), one of the most abundant species of uhu in the Main Hawaiian Islands, were large enough to reproduce.
- Average manini size was 5.6" - more than 1" smaller than the average size of reproduction.

### Kukui Bay Sanctuary

If designed well, sanctuaries or replenishment areas can help to increase the diversity, density, biomass, body size, and reproductive potential of key fishery species within their boundaries.<sup>4</sup> These areas can also benefit surrounding areas through the export of eggs, larvae, and adults to other reserves and fished areas.<sup>4</sup>

Like 'opihi, older, larger fish produce more and healthier larvae and are responsible for the vast majority of reproduction. For example, a 27-inch 'ōmilu (bluefin trevally), makes 86 times the number of eggs produced by an 'ōmilu half its size (Figure 2).

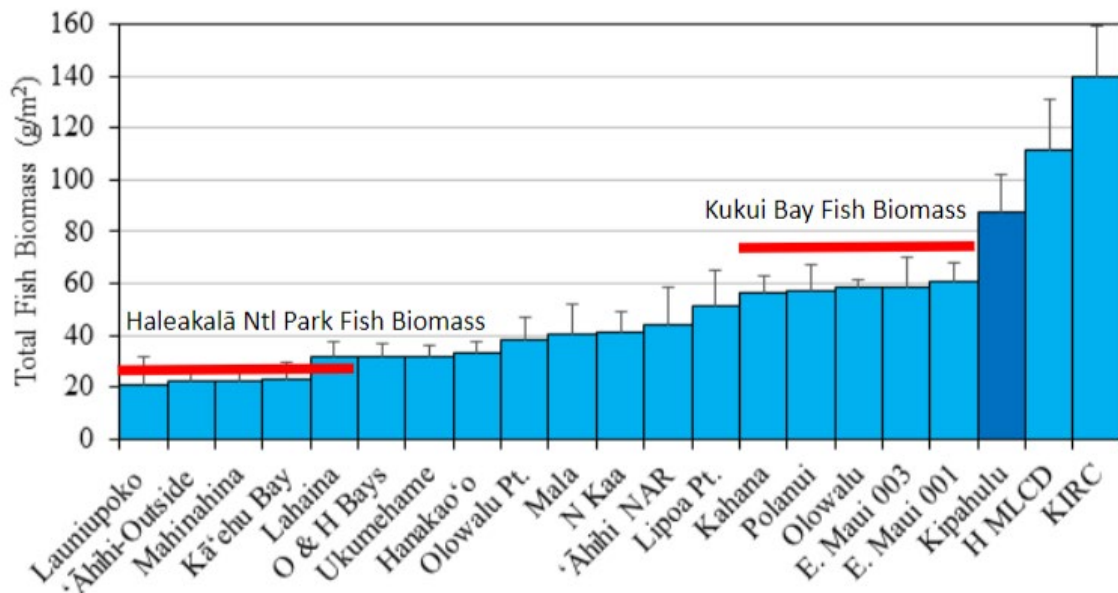
### Reproductive Capacity of 'Ōmilu



**Figure 2.** Bigger fish make more fish.

- 
2. Minton, D., Conklin, E., Amimoto, R., & Pollock, K. 2014. Baseline surveys of marine resources at Kīpahulu, Maui 2010 and 2013. Final Report, The Nature Conservancy, Honolulu, HI.
  3. Minton, D., Carr, R., Lynch, H., Rose, J., Sylva, R., & Conklin, E. 2019. Survey of Marine Resources at Kīpahulu, Maui, 2019. Final Report, The Nature Conservancy, Honolulu, HI.
  4. Green, A., White, A. T., Kilarski, S., Fernandes, L., Tanzer, J., Aliño, P. M., Jompa, J., Lokani, P., Soemodinoto, A., Knight, M., Pomeroy, R. S., Possingham, H. P., & Pressey, R. L. 2013. Designing marine protected area networks to achieve fisheries, biodiversity, and climate change objectives in tropical ecosystems: a practitioner guide. URL: <https://repository.library.noaa.gov/view/noaa/16939>

Kukui Bay was identified by the community as the ideal place for a sanctuary for its habitat diversity, good fish biomass, and the potential for replenishment of the low fish biomass zone on the reef fronting the Haleakalā National Park campground, as spillover of adult fish has potential to improve fishing there (Figure 3). As originally proposed, the Kukui Bay Sanctuary was around 32 acres. Its size has since been reduced to roughly 14 acres following public feedback gathered during the scoping process (Figure 1).



**Figure 3.** Fish biomass at Kukui Bay and Haleakalā National Park in comparison to other sites surveyed across Maui Nui. Original figure from Minton et al. (2019).<sup>3</sup>

### Human Use & Creel Survey

With logistical and science support from TNC, between December 2021 and November 2022, Kīpahulu 'Ōhana staff and community members conducted a human use and creel survey to improve their understanding of fishing in the Kīpahulu Moku. Survey results revealed several crucial insights that align with the proposed CBSFA fishing rules and further support Kīpahulu 'Ōhana's efforts to establish effective management of their coral reefs and reef fisheries:<sup>5</sup>

- Kīpahulu experiences greater annual fishing effort than many other areas in Hawai‘i where fishing and human use surveys (“creel surveys”) have been conducted. The study found ‘opihi make up more than half of the estimated annual catch in Kīpahulu, underscoring the importance of the suggested ‘opihi regulations, including bag limits, size limits, seasonal restrictions, the establishment of an ‘opihi rest area, and prohibition of ‘opihi collection through free diving.
- Pole fishing is the predominant fishing method in the area, representing 95% of fishing activities. Nine percent of total fishing events occurred in the survey area encompassing Lelekea Bay, a heavily used area along the Kīpahulu coastline. Despite its traditional use for akule fishing, the bay now attracts numerous fishers using multiple poles. While pole fishing is a less targeted fishing method resulting in a more diverse catch compared to other forms of fishing in Kīpahulu (e.g., spear, ‘opihi knife), the high success rate (0.44 fish caught per gear hour) supports the proposed overall finfish bag limit to prevent overharvest. The proposed two pole two hook limit would further promote sustainable fishing by reducing effort and unintended catch.

5. Koike, H., Lind, J., Pico, C., Stark, T., Crawford, S., Fielding, E., & Conklin, E. 2023. Kīpahulu Fishing & Human Use Survey: Final Report. The Nature Conservancy Hawai‘i. [report in preparation].

- The people of Kīpahulu and East Maui heavily depend on marine resources for subsistence practices and their way of life. Creel survey interviews showed 81% of fish caught remained in East Maui and over half were used for home consumption and community events (e.g., funerals), reinforcing that the selection of a CBSFA is appropriate for management of fisheries in this area.

Through these research and monitoring efforts, TNC has helped develop a baseline understanding of the status of ‘opihi, reef and reef fish, and human use prior to the CBSFA designation. We will continue to offer our research and monitoring support in the years following designation as it aligns with the Kīpahulu Moku CBSFA Management Plan, which calls for regular monitoring of key species and other social and biological indicators to measure outcomes of CBSFA co-management.

Kīpahulu ‘Ohana has worked tirelessly to develop the proposed CBSFA rules and accompanying management plan shaped by generational knowledge, place-based traditional Hawaiian and subsistence practices, and the best available science. This plan is a guide for pono and sustainable fishing practices to restore abundance to Kīpahulu reefs and nearshore waters and reflects community input and needs. Having partnered with Kīpahulu ‘Ohana for more than a decade on multiple projects, we admire their ability to bring the community together and meticulously track their outreach and engagement. Their CBSFA proposal is supported by more than 600 East Maui residents, as a result of their engagement of community members over ten years of planning and preparation for the CBSFA. In total, they reached an estimated 260,000 people through 175 CBSFA-specific outreach efforts, as documented in their Administrative Record.

Kama‘āina families, kūpuna, keiki, fishers, gatherers, and other East Maui community members want to restore productive, sustainable subsistence fishing in their home and maintain their relatively good fish biomass proactively through the proposed CBSFA designation. Studies across the Pacific from Fiji to Hawai‘i show that even abundant fish stocks can be rapidly depleted with increases in fishing pressure. Without appropriate rules and regulations in place, Kīpahulu could face this same fate. Their community has witnessed the increases in ease of access and dramatic declines in resource abundance over generations, and local fishers described a more abundant ocean in Kīpahulu 30-40 years ago. If fishing increases without additional management in place, Kīpahulu could experience rapid and significant declines in fish abundance and biomass, similar to other more populated areas on Maui.<sup>2</sup>

Kīpahulu ‘Ohana is an important ally to the Department of Land and Natural Resources’ (DLNR) Holomua Initiative to improve marine management across the State. They have shown their commitment to working with the Division of Aquatic Resources (DAR) and Division of Conservation and Resources Enforcement (DOCARE) to ensure that the State’s marine resources are managed sustainably and that the benefits of food, shoreline protection, recreation, and cultural values will be available today and for future generations.

We respectfully reiterate our strong support for the Kīpahulu Moku CBSFA and request the BLNR and DLNR support the designation of the Kīpahulu Moku CBSFA as proposed by the community. Mahalo for your support and stewardship of Hawai‘i’s natural resources.

Sincerely,



Emily Fielding  
Hawai‘i Marine Conservation Director

*The Nature Conservancy of Hawai‘i and Palmyra is a non-profit organization dedicated to the preservation of the lands and waters upon which all life depends. The Conservancy has helped protect more than 200,000 acres of natural lands in Hawai‘i and Palmyra Atoll. We manage 40,000 acres in 13 nature preserves and support over three dozen coastal communities to help protect and restore the nearshore reefs and fisheries of the main Hawaiian Islands. We forge partnerships with government, private parties, and communities to protect forests and coral reefs for their ecological values and for the many benefits they provide to people.*



JILL N. TOKUDA  
2ND DISTRICT, HAWAII

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<http://tokuda.house.gov>

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1102**

COMMITTEE ON AGRICULTURE  
SUBCOMMITTEE ON CONSERVATION, RESEARCH,  
AND BIOTECHNOLOGY  
SUBCOMMITTEE ON NUTRITION, FOREIGN  
AGRICULTURE, AND HORTICULTURE  
SUBCOMMITTEE ON LIVESTOCK, DAIRY,  
AND POULTRY  
COMMITTEE ON ARMED SERVICES  
SUBCOMMITTEE ON MILITARY PERSONNEL  
(VICE RANKING MEMBER)  
SUBCOMMITTEE ON READINESS  
SELECT SUBCOMMITTEE ON THE  
CORONAVIRUS PANDEMIC

November 10, 2023

State of Hawaii  
Department of Land and Natural Resources  
Division of Aquatic Resources  
1151 Punchbowl Street, Room 330  
Honolulu, HI 96813

Re: Kīpahulu Community-Based Subsistence Fishing Area, Maui

Aloha!

I write in support of the adoption of Hawaii Administrative Rules chapter 13-60.11, "Kīpahulu Community-Based Subsistence Fishing Area, Maui."

This proposal is the result of many years of robust community involvement and outreach, and a collaborative effort to preserve and protect the marine resources, subsistence lifestyles, and customary practices of Kīpahulu – where families often refer to the ocean as their icebox and the mountain as their pantry.

The Kīpahulu Community-Based Subsistence Fishing Area is a critical step to proactively protect abundant stocks of marine life and public trust resources for the future. Importantly, the proposed rules are driven by the Kīpahulu community's desire to address the unsustainable harvesting of marine resources and the environmental impacts to nearshore waters.

In particular, this will support the subsistence needs of the Kīpahulu Moku community, establish common sense management practices that ensure the sustainability and replenishment of nearshore ocean resources and marine life, recognize and protect customary and traditional native Hawaiian practices for cultural, subsistence, and religious purposes, and establish the 'Opihi Rest Area and Kukui Bay Sanctuary to preserve this vital habitat.

This truly demonstrates the value of community involvement in resource management decisions, guided by the wisdom of those who have called Kīpahulu home for generations. Accordingly, within applicable rules and regulations, I would appreciate your full and fair consideration of the proposed rules for the Kīpahulu Community-Based Subsistence Fishing Area.

Sincerely,



Jill N. Tokuda  
United States Representative  
Second District of Hawaii

**Testimony in Support of the Proposed Adoption of a New Chapter as Hawai'i Administrative Rules, Title 13, Chapter 60.11, "Kīpahulu Community-Based Subsistence Fishing Area, Maui" (Kīpahulu CBSFA)**

Public Hearing, Wānanalua Church Hall, Hāna, Maui – Thursday, November 2, 2023

Aloha to each of you, Chairperson Chang and Members of the Board of Land and Natural Resources,

I am Beryl Blaich of Kīlauea, Kaua'i. According to the excellent video presentation, I might be the two hundred sixty FIRST person statewide to be informed about the proposed Kīpahulu Community -Based Subsistence Fishing Area. I definitely strongly support the adoption of these specific rules for the following four reasons:

1. I am a community input process geek. The years and years of Kīpahulu 'Ohana Inc. work to inform and gather input from their community, with meetings, events, surveys and kilo of the resources is exemplary and awesome. I applaud the one and one talks with fishers.
2. The partners, who have joined to develop and refine these rules, are unusual and remarkable: community organizations, spanning East Maui, to the Nature Conservancy to DAR and DoCARE to Maui legislators.
3. The proposed rules are clear, simply stated and address the identified overfishing and invasive species problems.
4. Community members are most affected by these new rules, and, clearly, they are willing to sacrifice - to harvest less, to forego commercial profits - in order to sustain the resources and their subsistence lifestyle for the future.

Deep and heartfelt gratitude to all involved over so many years.  
Please vote in favor of the the proposal.

Respectfully and with aloha,

Beryl Blaich



[EXTERNAL] Personal Support Testimony for Kīpahulu CBSFA

Olan Leimomi Fisher [REDACTED]

Thu 11/2/2023 7:57 PM

To:DLNR.AR.Rulemaking <dar.rulemaking@hawaii.gov>

Cc: [REDACTED]

Aloha mai kākou,

I strongly support the Kīpahulu CBSFA in my personal capacity as a kama'āina & 'ōiwi of Hawai'i. Although I was born & raised on O'ahu, I trace my genealogy on my grandmother's side to Hāna, Maui. Please approve these proposed rules to allow the community of Kīpahulu to be able to best aloha & protect their precious resources. They have worked so hard to get to this point, and approval of the rules is clearly well warranted.

Mahalo nui loa for considering my testimony.

Olan Leimomi Fisher, Pūpūkea, O'ahu

**[EXTERNAL] Written Testimony for Kīpahulu Community-Based Subsistence Fishing Area, Maui. IN SUPPORT of KIPAHULU CBSFA**

Lucille Lecker [REDACTED]

Tue 10/31/2023 11:27 AM

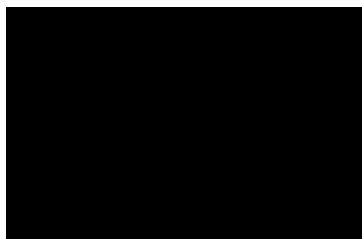
To:DLNR.AR.Rulemaking <dar.rulemaking@hawaii.gov>

Aloha BLNR

On June 23,2023 it was an honor to hear and read the many testimonies that touched the heart and brought tears to our eyes of how Ke Akua created the Hawaiian people to love, protect, respect and care for the people and its natural resources.

Today we come together to ask for your support to approve the adoption of Kipahulu CBSFA rules chapter 13-60.11. MAHALO board members for hearing the hearts of the people.

To the community of Eastmaui/Kipahulu, MAHALO for standing strong in unity as we continue to pass down the practice of our cultural values from our kupuna to the next generation.



Ku'uilei Rodgers Ph.D  
Hawai'i Institute of Marine Biology  
46-007 Lilipuna Road  
Kāne'ohe, Hawai' 96744  
03 November 2023

Hawai'i Board of Land and Natural Resources  
Chapter HR 13-60.11  
For Proposed Adoption of Hawai'i Administrative Rules  
Kipahulu Community-Based Subsistence Fishing Area, Maui

Re: The Board of Land and Natural Resources (BLNR) Public Hearings on the proposed adoption of a new chapter under the Hawaii Administrative Rules to establish the Kipahulu Community-Based Subsistence Fishing Area (CBSFA) to manage and protect fish stocks and to reaffirm traditional and customary native Hawaiian subsistence fishing practices.

I, Dr. Ku'uilei Rodgers, am submitting written testimony in support of Chapter 13-60.11, Kipahulu Community-Based Subsistence Fishing Area, Maui. I have been a marine biologist for the past 32 years at the UH HIMB Coral Reef Ecology Laboratory.

In collaboration with the Division of Aquatic Resources (DAR), the Coral Reef Ecology laboratory at the Hawai'i Institute of Marine Biology has conducted over 650 surveys over the years since the Hā'ena Community-based Subsistence Fishing Area (CBSFA) inception in 2016, to determine the efficacy of the first State CBSFA. Surveys conducted prior to the opening of the CBSFA in 2013/14 were used as a baseline for comparison (Friedlander 2014). The first two years showed statistically higher abundance and biomass of fishes, increasing since the initial opening. In addition, fishes within three families (Goatfishes, Jacks, and Parrotfishes) show a significant increase inside the CBSFA boundaries as compared to outside the boundaries. Five species of food fishes are found to have a strong reserve effect. A larger portion of these species are reaching reproductive maturity after the CBSFA designation was in place. A sudden drop in fishes occurred in 2018 following the massive freshwater flood event. This did not allow separation of the effects of the management regulation from the environmental impact. However, the trend continues in 2019, where fish communities remain on an upward trend with an increase of fishes inside the CBSFA. These few years of data show a definite upward trend and provide supporting evidence of the effectiveness of this CBSFA. Further patterns should emerge in successive years to fully validate these findings.

The community support and collaboration has been overwhelming. The Hā'ena community is dedicated to the management of their resources and in working with outside agencies and groups to strengthen their monitoring and outreach programs.

I fully support the provision to prohibited SCUBA spearfishing as it provides an imbalanced advantage that has been shown in other regions of the Pacific to rapidly deplete fish populations (Page 1998). Technological advances that increase fishing efficiency including SCUBA have the potential to place added pressure on an already vulnerable resource. The refuges that fish previously had, such as deeper waters and the shelter of darkness, have been virtually eliminated and with it, the ability for populations to recover from fishing pressure. Thus, this prohibition of SCUBA spearfishing within the proposed CBSFA will support the maintenance of reproductive

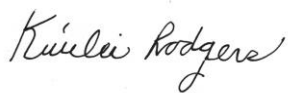
stocks. Marine protected areas can act as the refuges of the past. Research undeniably shows an increase in the number and size of fishes within reserves (Friedlander 2001, Friedlander et al. 2019). In addition, fishing adjacent to the reserves increases, since fishes moving in and out of the area “spill-over” into nearby regions (Johnson et al. 1999). I believe that these regulations will strengthen the CBSFA, rebuild fish stocks and benefit all resource users.

Although a much smaller proportion of the population presently fishes or consumes local fish products relative to ancient times, marine resources have steadily declined over time. Unlike fishing communities of the past, we are currently out of sync with many of the natural cycles. The Kipahulu community relies on fishing for their survival and best understands the fisheries. If we are to maintain a viable fish population for all stakeholders, for future generations, regulations that allow adaptive community management such as these bring us a step closer to sustainability.

The Western system that gradually replaced the traditional system is centralized and overly complicated. It can not address all the differences that are present in each community. It is now clear that some of the limitations and inefficiencies of the Western management system stem from the absence of the linkages found in the traditional system. Western managers are responsible for large areas and cannot be expected to have intimate contact with the resource in all regions except through data supplied by occasional surveys, catch statistics, environmental impact statements etc. Those using the resource in common are seldom given any responsibility for stewardship and are often only concerned with exploiting the resource to their private advantage.

A CBSFA allows the Division of Aquatic Resources (DAR) to receive input from the community and be responsive to social and environmental change. A major strength of the traditional management system is the ability to be place-specific and sensitive to local issues. It utilizes the local knowledge passed down through generations. A major strength of DAR is its ability to adapt to changing social, political, and economic conditions, and to respond to local threats presented by pollutants, shoreline construction, invasive species, nutrients etc. They also have the potential to adapt regulations to deal with the major advances in fishing technology (high power boats, GPS, sonar fish finders, power winches, inexpensive monofilament gill nets, SCUBA, etc.) that have eliminated many of the controls that prevented overexploitation in ancient times. A CBSFA provides a collaboration of both these systems to better protect the marine resources for all involved.


Past studies have shown the effectiveness of community management elsewhere in the Pacific. The current Hā'ena CBSFA is following a similar pattern of increased fisheries under local management regimes. I provide written testimony here to show my full support of the proposed Kipahulu CBSFA. Feel free to contact me with any questions or comments.



Ku'ulei Rodgers Ph.D.: UH Hawai'i Institute of Marine Biology Research Faculty  
Principal Investigator of the Coral Reef Ecology Lab and Coral Reef Assessment and Monitoring



Ron Vave, Ph.D.  
Department of Coastal Studies,  
East Carolina University,  
NC 27858, USA.



November 6<sup>th</sup>, 2023

Dr. Brian Neilson,  
Administrator,  
Division of Aquatic Resources,  
Honolulu, Hawai'i.

Dear Sir and Members of the Board,

I **strongly support** adoption of the Hawai'i Administrative Rules (HAR) chapter 13-60.11 for the Kipahulu Community-Based Subsistence Fishing Area (CBSFA) on Maui.

My name is Ron Vave. I am an indigenous Fijian interdisciplinary marine social scientist with over 20 years of experience as a practitioner and researcher. Currently, I am a Postdoctoral Fellow with the Department of Coastal Studies at East Carolina University. Prior to this, I was a PhD student in Marine biology at the University of Hawai'i at Mānoa between 2014 and 2021 – during which I was honored to attend, listen to, and learn from Hawaiian communities around the State regarding aspirations and challenges in natural resource management.

Between 2000 and 2014, I have worked as the Learning Coordinator for the Locally Managed Marine Area (LMMA) network for seven countries within the Indo-Pacific region ([www.LMMAnetwork.org](http://www.LMMAnetwork.org)). The LMMA network seeks to empower local communities in natural resource management and decision making, and connects communities, NGOs, governments, and country networks in sharing lessons learnt in terms of successes, challenges, and opportunities. The success of LMMA initiatives has led the Fiji government to create and fund a conservation officer position for each of the 14 provinces who help communities in environmental advice in addition to proposal writing to help communities implement their resource management plans. The Pohnpei LMMA network has expanded and now connects with regional initiatives such as the Micronesia Conservation Trust.

Reasons for success in community-based resource management is that these communities, like Hawaiians, have lived in the same place for generations and have an intimate knowledge of the environment, often relying on the natural resources around them for food, culture, income and mental wellbeing (to name a few). As such, it is in the communities' best interest to ensure a healthy and thriving environment that can meet current and future needs. Communities should therefore be empowered to take lead in natural resource management and to be supported by government and NGOs through collaborative or co-management. After all, governments change over time, and are often based in a distant locale with insufficient resources to visit, ensure sustainable use, and enforce rules.

For the above mentioned reasons, it would be in the best interest of the State to work with and support Kipahulu community based subsistence fishing area (CBSFA) initiative.

Sincerely,  
Ron Vave

[EXTERNAL] In Strong Support for the adoption of the rules for the Kīpahulu Community-Based Subsistence Fishing Area, Maui

Dawn Webster <dmoraiswebster@gmail.com>

Wed 11/1/2023 10:33 PM

To:DLNR.AR.Rulemaking <dar.rulemaking@hawaii.gov>

I write in strong support of the adoption of the rules for the **Kīpahulu Community-Based Subsistence Fishing Area (CBSFA)**.

I have been impressed and moved by the effort that went into the organization of numerous scoping meetings, community presentations, publications, social media outreach, volunteer days, and school visits. The community has been unstinting in their investment of time and energy towards ensuring that this CBSFA is created with the utmost care and attention to detail.

They have worked for over a decade to create the proposed rules and management plan to sustainably support their subsistence needs through culturally-rooted, community-based stewardship. I have witnessed how extensively they have consulted and collaborated with various Maui and Hawai'i-wide residents, Department of Land and Natural Resources staff, and legislators.

I am an independent provider of communications counsel, especially to nonprofits working on social and economic justice issues in Hawai'i. It has been an honor and privilege to work with Kīpahulu 'Ohana Inc on this very important community-sustaining endeavor.

Kīpahulu 'Ohana Inc is an example to others and exactly the kind of grassroots initiative that deserves the state's strong support. It's only right that they receive DLNR's support for their labor of love that will deliver for generations to come.

Mahalo nui.

*Dawn Morais Webster Ph.D.*

*Communications & Issue Advocacy*

[www.dawnmorais.com](http://www.dawnmorais.com)

## Item F-2, Exhibit 3

### DEPARTMENT OF LAND AND NATURAL RESOURCES

#### Adoption of Chapter 13-60.11 Hawaii Administrative Rules

(Date of adoption)

1. Chapter 13-60.11, Hawaii Administrative Rules, entitled "Kīpahulu Community-Based Subsistence Fishing Area, Maui" is adopted to read as follows:

#### "HAWAII ADMINISTRATIVE RULES

#### TITLE 13

### DEPARTMENT OF LAND AND NATURAL RESOURCES

#### SUBTITLE 4 FISHERIES

#### PART II MARINE FISHERIES MANAGEMENT AREAS

#### CHAPTER 60.11

#### KĪPAHULU COMMUNITY-BASED SUBSISTENCE FISHING AREA, MAUI

|             |                                     |
|-------------|-------------------------------------|
| §13-60.11-1 | Purpose                             |
| §13-60.11-2 | Definitions                         |
| §13-60.11-3 | Boundaries                          |
| §13-60.11-4 | Permitted and prohibited activities |

§13-60.11-5 Transit through the Kīpahulu Community-  
Based Subsistence Fishing Area with  
restricted gear and species  
§13-60.11-6 Penalty  
§13-60.11-7 Asset Forfeiture  
§13-60.11-8 Severability

**§13-60.11-1 Purpose.** The purposes for this chapter regarding the Kīpahulu Community-Based Subsistence Fishing Area are to:

- (1) Sustainably support the subsistence needs of the Kīpahulu Moku community on the island of Maui through culturally-rooted, community-based management;
- (2) Ensure the sustainability of nearshore ocean resources in the area through effective management practices, including the establishment of limits on the harvest of marine life;
- (3) Recognize and protect customary and traditional native Hawaiian fishing practices that are exercised for subsistence, cultural, and religious purposes in the area;
- (4) Facilitate the substantive involvement of the community in resource management decisions for the area through dialogue with community residents and resource users;
- (5) Establish the 'Opihi Rest Area to ensure stock health and to allow replenishment of this important food resource; and
- (6) Establish the Kukui Bay Sanctuary for the preservation and protection of critical nursery habitat for numerous marine species, including species traditionally relied upon for subsistence. [Eff ]  
(Auth: HRS §§188-22.6, 188-53, 190-3) (Imp: HRS §§188-22.6, 188-53, 190-3, Haw. Const. art. XI, §6)

**§13-60.11-2 Definitions.** As used in this chapter, unless otherwise provided:

"Akule" means any fish known as *Selar crumenophthalmus* or other recognized synonyms. Akule are also known as pā'ā'ā, halalū, hahalalū, goggle-eyed scad, or big-eyed scad.

"Area" means the Kīpahulu Community-Based Subsistence Fishing Area, Maui (Kīpahulu CBSFA) as encompassed within the boundaries described in section 13-60.11-3(a).

"Aquatic life" means 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.

"Bag net" means a type of fishing net made into the shape of a pocket or pouch with an open end held open in the water with the aid of a net float line that supports the top edge of the net up towards the ocean surface and parallel to a net lead line that keeps the lower edge of the net down on the ocean bottom. The bag net is usually made of heavy gauge line to make the net visible and made of small mesh to prevent the fish from passing through the mesh.

"Department" means the Department of Land and Natural Resources.

"Community" means a *hoa'āina* relationship to place as demonstrably indicated through genealogy, practice, or residency.

"Diving" means any activity conducted in the water involving the use of an underwater breathing apparatus or a mask, goggles, or any other device that assists a person to see underwater while the person's face is submerged. Diving includes both extractive and non-extractive activities, such as SCUBA diving, free diving, and snorkeling.

"Double hook" means a hook having two points on a common shank.



"Finfish" means any of the various species of marine life that uses fins to swim, not including invertebrates, marine mammals, or sea turtles.

"Fish" means any species of marine life with a backbone, gills, and with limbs that are fins, if any.

"Fishing" or "to fish" means catching, taking, or harvesting, or attempting to catch, take, or harvest, aquatic life. The use of a pole, line, hook, net, trap, spear, or other gear which is designed to catch, take, or harvest aquatic life, by any person who is in the water, or in a vessel on the water, or on or about the shore where aquatic life can be caught, taken, or harvested, shall be deemed to be fishing.

"Fishing gear" means any net, spear, rod, reel, hook-and-line, slurp gun, or any other equipment or gear adapted, designed, or commonly used to take or capture aquatic life.

"Fishing lure" means any device, including a fishing fly, which is designed to attract fish and which incorporates a fishing hook.

"Gill net" means a panel or curtain of net made of various materials, that is suspended vertically in the water with the aid of a net float line that supports the top edge of the net up towards the ocean surface and parallel to a net lead line that keeps the lower edge of the net down towards the ocean bottom. The gill net is usually made of transparent or semi-transparent materials to make the net seem invisible underwater, with mesh openings generally large enough to permit the heads of fish to pass through, ensnaring them around the gills, fins, spines, or mid-section when they attempt to escape.

"Hoa`āina" means ahupua`a tenant.

"Holdfast" means a stalked organ by which limu is attached to a substrate.

"Introduced species" means any species that did not occur naturally in Hawai`i prior to introduction caused by human activity. Introduced species are also referred to as non-native species, alien species, or exotic species.

"Invasive species" means an introduced species of marine life that causes or is likely to cause economic or environmental harm or harm to human health.

"Kala" means any fish known as *Naso unicornis*, *Naso brevirostris*, *Naso annulatus*, or any recognized synonym. Kala are also known as bluespine unicornfish, short-nosed unicornfish, spotted unicornfish, or whitemargin unicornfish.

"Kō'ele" means any limpet known as *Cellana talcosa* or any recognized synonym. Kō'ele are also known as giant 'opihi, talc limpet, or turtle limpet.

"Kole" means any fish known as *Ctenochaetus strigosus* or any recognized synonym. Kole are also known as kole tang, spotted surgeonfish, goldring surgeonfish, or yellow-eyed tang.

"Limu" means any marine alga, including algae in the intertidal zone.

"Makaiauli" means any limpet known as *Cellana exarata* or any recognized synonym. Makaiāuli are also known as blackfoot 'opihi or Hawaiian blackfoot.

"Marine life" means any type or species of saltwater fish, shellfish, mollusks, crustaceans, coral, algae, or other marine animals, including any part, product, egg, or offspring thereof; or any type or species of seaweeds or other marine plants or algae, including any part, product, seed, holdfast, or root thereof.

"Moi" means any fish known as *Polydactylus sexfilis* or any recognized synonym. Moi are also known as six-fingered threadfin or yellowthread threadfin.

"Native species" means a species that occurs naturally in Hawai'i. Native species include both endemic species and indigenous species.

"Native limu" means any limu that occurs naturally in Hawai'i, including but not limited to all species of limu, or any recognized synonyms, listed in Exhibit A entitled "Common Native Limu Species of Hawai'i", dated 4/20/23, located at the end of this chapter.

"'Ōmilu" means any fish known as *Caranx melampygus* or any recognized synonym. 'Ōmilu are also

known as bluefin trevally, blue ulua, bluefin jack, bluefin kingfish, bluefinned crevalle, and spotted trevally.

"'Opihi" means any mollusk of the genus *Cellana* or any recognized synonym. 'Opihi are also known as kō'ele, 'ālinalina, makaiauli, or limpets.

"SCUBA gear" means any equipment adapted, designed, or commonly used to enable a diver to breathe while underwater, including but not limited to SCUBA regulators, high pressure cylinders, rebreathers, SNUBA, and hookah rigs.

"Spotted reef crab" means any crab known as *Carpilius maculatus* or any recognized synonym. Spotted reef crabs are also known as seven-eleven crab, dark-finger coral crab, and large spotted crab.

"State" means the state of Hawai'i.

"Subsistence" means the customary and traditional native Hawaiian uses of renewable ocean resources for direct personal or family consumption or sharing.

"Take" means to fish for, catch, injure, kill, remove, capture, confine, or harvest, or to attempt to fish for, catch, injure, kill, remove, capture, confine, or harvest.

"Surround net fishing" means a technique of fishing where a person or persons engage in the act of or attempt to engage in the act of deploying a gill net in the water in such a manner as to completely encircle the aquatic life. The gill net primarily entangles aquatic life within the mesh of the net as the aquatic life swim or move into the gill net. The main characteristics of surround net fishing are the closed net configuration, the moving net, person or persons chase the aquatic life into the net, and only the aquatic life that entangles in the net mesh are captured.

"Stretched mesh" means 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.

"Ta'ape" means any fish known as *Lutjanus kasmira* or any recognized synonym. Ta'ape are also known as bluestripe snapper.

"Treble hook" means a hook having three points on a common shank.

"Throw net" means a circular net with a weighted outer perimeter designed to be deployed by manually casting or throwing the net over fish or other aquatic life. This gear is also known as a cast net.

"Ula" means any spiny lobster of the genus *Panulirus*. Ula are also known as lobster, Hawaiian spiny lobster, spiny lobster, red lobster, or green lobster.

"Ula pāpapa" means any crustacean of the species *Scyllarides squammosus* or *Scyllarides haanii*, or any recognized synonym. Ula pāpapa are also known as ula 'āpapapa, slipper lobster, ridgeback slipper lobster, or shovel-nosed lobster. [Eff ] (Auth: HRS §§187A-5, 188-22.6, 188-53, 190-3) (Imp: HRS §§187A-5, 188-22.6, 188-53, 190-3)

**§13-60.11-3 Boundaries.** (a) The Kīpahulu CBSFA includes that portion of the southeast coast of the island of Maui consisting of all state waters and submerged lands from Kālepa Gulch in the west to Pua'alu'u Gulch in the east, from the shoreline out to approximately 60 meters in depth. The boundaries of the Kīpahulu CBSFA are described by western and eastern boundary lines, landward and seaward boundary lines, and five reference points (A, G, H, I, and J) identified by their latitude and longitude coordinates as follows:

- (1) Point A is the westernmost point of the Kīpahulu CBSFA along the shoreline, located at 20.646167°, -156.086300.
- (2) Point G is the easternmost point of the Kīpahulu CBSFA along the shoreline, located at 20.667318°, -156.040689°.
- (3) The landward boundary of the Kīpahulu CBSFA is an imaginary line drawn along the shoreline from Point A to Point G.
- (4) The western boundary of the Kīpahulu CBSFA is an imaginary straight line drawn

perpendicular to the shore at Point A out to Point H, located on the 60-meter depth contour at 20.637752°, -156.080016°.

- (5) The seaward boundary of the Kīpahulu CBSFA consists three points along the 60-meter depth contour connected by imaginary straight lines beginning at Point H; then to Point I, located at 20.639762°, -156.049777°; then to Point J, located at 20.658495°, -156.028482°.
- (6) The eastern boundary of the Kīpahulu CBSFA consists of an imaginary straight line drawn perpendicular to the shore at Point G to Point J.

The foregoing boundaries and reference points are shown on Exhibit B entitled "Map of the Kīpahulu Community-Based Subsistence Fishing Area, Maui", dated 4/20/23, located at the end of this chapter.

(b) The following sub-zones are established within the Kīpahulu CBSFA:

- (1) The Kukui Bay Sanctuary, which includes all state waters and submerged lands bounded by the shoreline boundary of the Kīpahulu CBSFA from Puhilele Point in the west at 20.654171°, -156.045763° (Point B) to a point on the inside of Kukui Bay at 20.658259°, -156.045675° (Point D), a straight line from Point D to Submarine Point in the west at 20.656429°, -156.046071° (Point C), and a straight line from Submarine Point at Point C to Puhilele Point at Point B; as shown on Exhibit C entitled "Map of the Kukui Bay Sanctuary and 'Ōpihi Rest Area", dated 4/20/23, located at the end of this chapter.
- (2) The 'Ōpihi Rest Area, which includes all state waters and submerged lands within 300 feet from the shoreline between an imaginary line that extends seaward, perpendicular from the shoreline at Point E to 20.658366°, -156.043053° (Point EE) and an imaginary line that extends seaward, perpendicular

from the shoreline at Point F to 20.661982°, -156.039876° (Point FF); as shown on Exhibit C entitled "Map of Kīpahulu CBSFA Kukui Bay Sanctuary and 'Ōpihi Rest Area", dated 4/20/23, located at the end of this chapter.

(c) For the purposes of this chapter, the shoreline shall be determined by the upper reaches of the wash of the waves on shore, as indicated by the vegetation line. Should there be a stream or river flowing into the ocean, the shoreline shall be determined by an imaginary straight line drawn between the upper reaches of the wash of the waves on either side of the stream or river. [Eff

] (Auth: HRS §§188-22.6, 188-53, 190-

3) (Imp: HRS §§187A-1.5, 188-22.6, 190-3)

#### **§13-60.11-4 Permitted and prohibited activities.**

(a) Nothing in this chapter shall be construed as abridging traditional and customary native Hawaiian rights or as allowing within the Kīpahulu CBSFA any activity or fishing gear otherwise prohibited by law or rules adopted by the Department of Land and Natural Resources or any other department of the State.

(b) The following restrictions apply within the Kīpahulu CBSFA:

- (1) It is unlawful to take or possess more than ten finfish per person per day; provided that akule and introduced or invasive fish species do not count towards the ten finfish bag limit.
- (2) It is unlawful to take any akule for commercial purposes.
- (3) It is unlawful to take or possess more than one 'ōmilu per person per day.
- (4) It is unlawful to take or possess more than two kala per person per day.
- (5) It is unlawful to take or possess any kole less than five inches in length.
- (6) It is unlawful to take or possess any moi:
  - (A) From May through September;

- (B) Less than eleven inches in length; or
- (C) Greater than eighteen inches in length.
- (7) It is unlawful to take or possess:
  - (A) More than forty 'opihi of any species per person per day;
  - (B) Any 'opihi with a shell diameter of less than one and one-fourth inches or greater than two inches;
  - (C) Any 'opihi within the 'Opihi Rest Area; or
  - (D) Any 'opihi while diving.
- (8) It is unlawful to take or possess:
  - (A) Any ula or ula pāpapa from May through September; or
  - (B) A combined total of more than two ula or ula pāpapa per person per day.
- (9) It is unlawful to take or possess more than two spotted reef crabs per person per day.
- (10) It is unlawful to take or possess any native limu species with a holdfast or roots attached.
- (11) It is unlawful to engage in surround net fishing using a gill net with a stretched mesh of less than two and three-fourths inches.
- (12) It is unlawful to engage in surround net fishing to take any marine life, except akule and ta'ape.
- (13) It is unlawful to take any marine life using a bag net.
- (14) It is unlawful for any person who is in the water or on or about the shore where fish can be taken to have in the person's possession a throw net with a stretched mesh of less than three inches.
- (15) It is unlawful for any person to use more than two fishing poles, provided that each fishing pole may have only one line, and each line may have no more than two hooks, with each hook having only one point, while at or near the shoreline, except that double



- (16) Except as provided in subsection (c) of this section, it is unlawful for any person to:
  - (A) Take any marine life while using SCUBA gear;
  - (B) Possess both SCUBA gear and marine life at the same time; or
  - (C) Possess both SCUBA gear and fishing gear at the same time.
- (17) During the time period beginning thirty minutes after sunset until thirty minutes before sunrise, it is unlawful to:
  - (A) Take or possess any marine life while diving; or
  - (B) Possess any fishing gear while diving.
- (18) It is unlawful to take or possess any marine life within the Kukui Bay Sanctuary.

(1) Taking akule while surround net fishing; or  
(2) Taking introduced or invasive species of marine life. [Eff \_\_\_\_\_] (Auth: HRS §§187A-5, 188-22.6, 188-53, 190-3) (Imp: HRS §§187A-5, 188-22.6, 188-53, 190-3)

60.11-11

**§13-60.11-6 Penalty.** (a) Any person who violates any provision of this chapter or the terms and conditions of any permit issued as provided by this chapter, shall be subject to:

- (1) Administrative penalties as provided by section 187A-12.5, HRS;
- (2) Criminal penalties as provided by section 188-70, HRS; and
- (3) Any other penalty as provided by law.

(b) Unless otherwise expressly provided, the remedies or penalties provided by this chapter are cumulative to each other and to the remedies or penalties available under all other laws of this State. [Eff \_\_\_\_\_] (Auth: HRS §§187A-5, 188-22.6, 188-53, 190-3) (Imp: HRS §§187A-5, 187A-12.5, 188-22.6, 188-70, 190-5)

**§13-60.11-7 Asset forfeiture.** Any equipment, article, instrument, aircraft, vehicle, vessel, business record, or natural resource used or taken in violation of this chapter, may be seized and subject to forfeiture as provided by section 199-7 and chapter 712A, HRS. [Eff \_\_\_\_\_] (Auth: HRS §190-3) (Imp: HRS §199-7, ch. 712A)

**§13-60.11-8 Severability.** If any provision of this chapter, or the application thereof, to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable." [Eff \_\_\_\_\_] (Auth: HRS §§187A-5, 188-22.6, 188-53, 190-3) (Imp: HRS §§1-23, 187A-5, 188-22.6, 188-53, 190-3)

2. The adoption of chapter 13-60.11, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on \_\_\_\_\_ and filed with the Office of the Lieutenant Governor.

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DAWN N.S. CHANG  
Chairperson  
Board of Land and Natural  
Resources

APPROVED AS TO FORM:



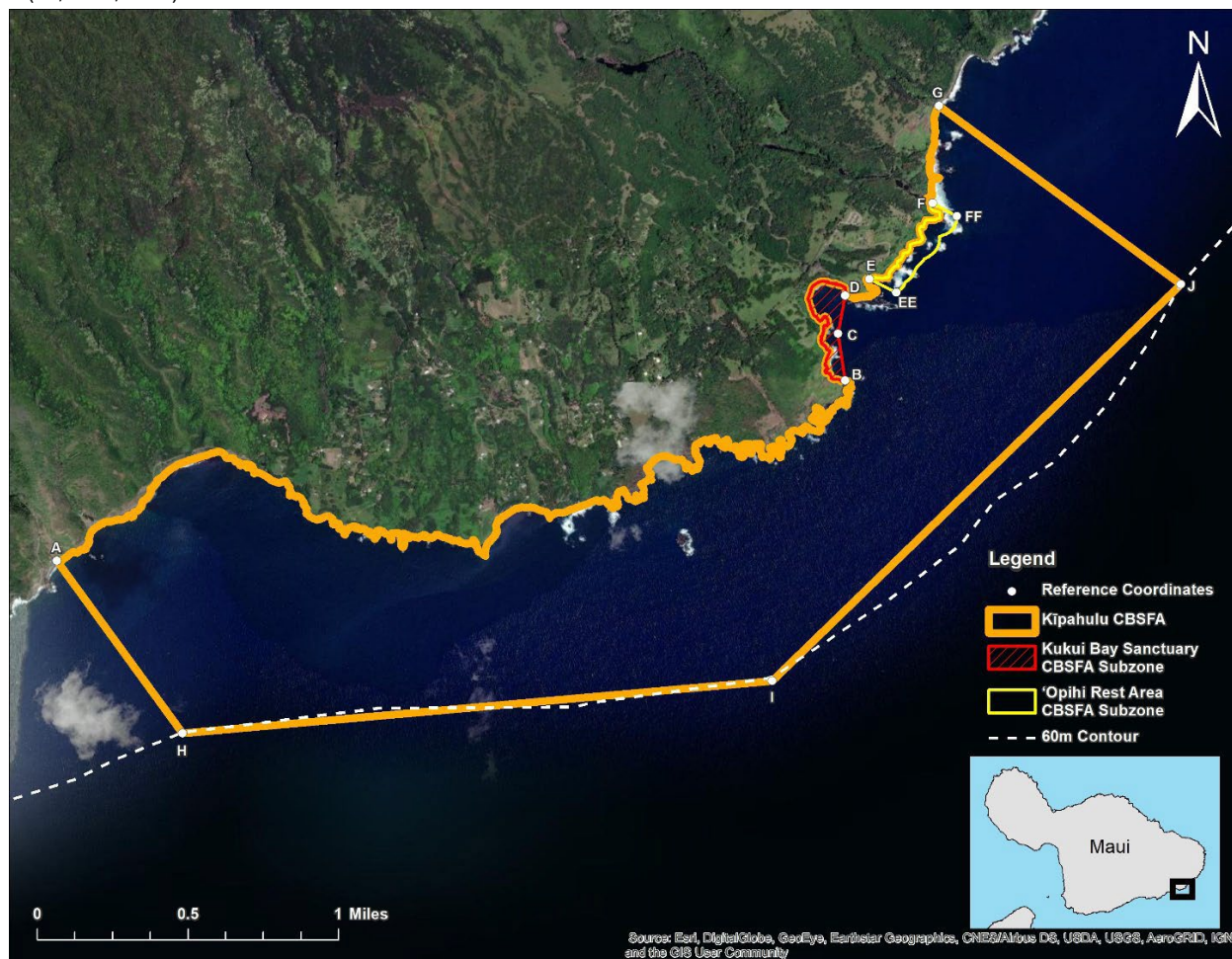
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Deputy Attorney General

**EXHIBIT A:** "COMMON NATIVE LIMU SPECIES OF HAWAI'I" (4/20/23)

| Phylum                              | Species  | Hawaiian/Common Name  |
|-------------------------------------|--|---|
| Rhodophyta                          | <i>Ahnfeltiopsis flabelliformis</i>  | Nei, kō'ele'ele, kō'ele   |
| Rhodophyta                          | <i>Ahnfeltiopsis concinna</i>  | 'Aki'aki, 'eleau (Maui)   |
| Rhodophyta                          | <i>Asparagopsis taxiformis</i>   | Kohu, līpehe, līpehu, līpa'akai   |
| Rhodophyta                          | <i>Gracilaria coronopifolia</i>  | Manauaea, short ogo (Japanese)  |
| Rhodophyta                          | <i>Gracilaria parvispora</i>   | Manauaea loloa, long ogo (Japanese)   |
| Rhodophyta                          | <i>Grateloupia filicina</i>  | Huluhuluwaena, pakeleawa'a  |
| Rhodophyta                          | <i>Halymenia hawaiiiana</i>  | Lepe-o-Hina, lehelehe'īlio, lepelepe-o-Hina, limu-pepe-o-Hina, pā'ū-o-Hi'iaka |
| Rhodophyta                          | <i>Laurencia dotyi</i>   | Līpe'epe'e, līpēpē  |
| Rhodophyta                          | <i>Laurencia nidifica</i>  | Māne'one'o  |
| Rhodophyta                          | <i>Laurencia succisa</i>   | Līpe'epe'e, līpēpē  |
| Rhodophyta                          | <i>Pyropia vietnamensis</i>  | Pāhe'ehe'e, līpahe'e, līpahe'ehe'e, līpāhoe, pahe'e                           |
| Chlorophyta                         | <i>Codium edule</i>  | Wāwae'iole  |
| Chlorophyta                         | <i>Codium reediae</i>  | 'A'ala'ula  |
| Chlorophyta                         | <i>Ulva lactuca</i>  | Pālahalaha  |
| Chlorophyta                         | <i>Ulva prolifera</i>  | 'Ele'ele  |
| Ochrophyta<br>(Class: Phaeophyceae) | <i>Dictyopteris australis</i>  | Līpoa   |
| Ochrophyta<br>(Class: Phaeophyceae) | <i>Dictyopteris plagiogramma</i>   | Līpoa   |
| Ochrophyta<br>(Class: Phaeophyceae) | <i>Sargassum aquifolium</i>  | Kala  |
| Unknown                             | Unknown (Description: Looks like limu kohu, except it flattens when taken out of the water; doesn't have a strong smell like limu kohu and tastes spicy) | Pehu  |

**Exhibit B:** "Map of the Kipahulu Community-Based Subsistence Fishing Area, Maui"  
(4/20/23)



**Exhibit C:** "Map of the Kukui Bay Sanctuary and the 'Opihi Rest Area" (4/20/23)

