

**WEST HAWAII FISHERY COUNCIL**  
**<http://westhawaiifisherycouncil.org>**  
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*MISSION STATEMENT OF THE WEST HAWAII FISHERY COUNCIL*

*“To effectively manage fishery activities to ensure sustainability; enhance nearshore resources; develop and implement management plans for minimizing resource depletion and conflicts of use; per legislative mandate to the Department of Land and Natural Resources to provide for substantive involvement of the community in resource management decisions; and encourage scientific research and monitoring of the nearshore resources and environment from Upolu Point to Ka Lae.”*

**Minutes for Thursday, June 18, 2015**

West Hawaii Civic Center Community Hale  
(Farthest Makai building, next to the Pavilion)  
Presiding: Tina Owens

**Call to Order:** 6:50pm by Tina Owens

Reading and Interpretation of WHFC Mission Statement by Charlie Young

- I keep coming back to the substantive involvement section

Reiteration by the Chair of the meeting protocols from WHFC Policies and Operational Guidelines.

\*All questions from Council members must be recognized by the Chair

\*All questions/statements will be limited to topic oriented statements. Note that a short time has been added after each agenda item to discuss that item.

\*Proxies: Each person asking someone to represent them by proxy will have to notify the administrator before the meeting as to who is going to represent them.

There will be no call for proxies from the floor at the meeting.

Introductions of Visitors

- Scott (DOCARE) and Lydia (Fishery Technician)

Approval of Agenda

- Chad Wiggins made a motion for approval of agenda, 2<sup>nd</sup> by Dale Sarver. Motion carried.

Approval of Minutes

- Approval as amended with corrections to Linda Preskitt and Scott Shiroma spelling of their name. Motion made by Charlie Young, motion carried and approved.

**Business:**

Charlie Young, WHFC council member and representative for the south Kona fishing communities, will repeat the PowerPoint presentation he gave at the May 2015 meeting in Kealia. This repeat presentation is for those Council members who were not able to attend that May meeting.

- Charlie Young (made a few statements)

- Thanks to the Fishery Council for coming out at the last meeting, and the support.
- We look at this as the precursor for chapter 91; I hope to get feedback as I do this presentation. We need to reach as much people as we can to get feedback. From ocean recreation perspective it would be good to get feedback from mix users.
- Presentation Notes:
  - We started with a vision – the widespread practice of traditional farming, hunting, gathering and fishing what has sustained our families for generations is rejuvenated, which enables families to pass on the traditions that preserve our cultural identity and values.
    - Meant to be inclusive not exclusive and meant for everyone not just for Hawaiians
  - Goals:
    - Community-Based Subsistence Fishing Area
  - Objectives:
    - To maintain coral reef ecosystem
    - Increase biomass of native fish
    - Increase community engagement
    - Perpetuate Hawaiian culture and traditional resource management practices
      - Feedback from council
        - Tina and JR asking for clarification and defining what is traditional fishing methods for Ho’okena.
  - Article XII Section 7 Traditional Customary Rights – customarily and traditionally exercised (1978)
  - 188-22.6 (1992) Designation of community based subsistence fishing areas; Adopted from chapter 91 from administrative rules
    - Questions:
      - Dale Sarver - What is the difference between a subsistence fishing area vs a regulated fishing area?
        - Charlie – difference is that the traditional customary practices
      - Pat Cunningham – define Hawaiian for me
        - Charlie – trace lineage from 1778
    - There is a number of criteria in order to qualify for this designation
  - Aha Moku Resolution – 2006
    - Scott – I would be very mindful and your group needs to commit to be a witness in court based on their ability to testify as a witness in court. Example - Milolii was the first makai watch in the state; the individual cannot do the enforcement but can be a valuable witness in court for violations.
      - Charlie – many of the community says that they call DOCARE and they don’t show up; if this is going to work the community will need to do it, I’m saying that the community is in support but it all depends on how long this

- process will take.
  - Tina Owens – although not able to enforce the law but educating them is a good idea to do this in a non-threatening way; getting a photo of a violation will be helpful.
  - JR Rosario – some don't want to be witnesses because they may know the violators and might be there family.
- Organization (Kama'aina United to Protect the Aina)
  - Community Based Non Profit incorporated in 1998
  - Members include residents, families and fishermen of South Kona
  - Boundaries
    - Loa point (Kealia 2 to Alika Ahupua'a) - 12 miles of coastline. Based on oral history which was shared with Kepa Maly.
    - Pat Cunningham -What does this mean to me as a recreational fishing?
      - Charlie – it's mostly to protect the akule fish; we have historical fishing records of the opelu fishing documented by families from this community
    - JR – How deep is the outside boundary?
      - Charlie – not sure might be 600 fathoms
      - Tina – it might be deeper than 600 feet
    - Chadd – would be good to clip it to depth especially if it fluctuates
  - Justification
    - There are no laws or rules that protect Hawaiian gathering rights at least not in our area.
    - Depletion of ocean resources - overfishing and tourism
      - JR – tourism they don't eat the fish?
        - Charlie – disturbance of fishes; indirect activities that impact fish behavior
  - Management plan mindset
    - Respect the people and place
    - Aloha and Kapu
      - It's an exchange but it's not Free!
    - Conservation and sustainability
    - Malama
  - Collaborative Management
    - Establish a Ho'okena Regional Council that collaborates with the DLNR regarding any revisions, additions, or repeals of rules or permitting within Hookena community
- Subzones
  - Limited-take zone Activities (five years but may be flexible with this time table) – after close period it shall be opened again.
    - JR - Huki huki is when you are dragging line behind the boat to catch menpachi at night

- Tina – a limited take zone is not really worth anything if there is not really any biological symbolic.
  - Charlie – it was selected mainly because it's away from the village; we did not really have any biological basis for this determination of site
  - Tina – may want to consider taking out
  - Bill Walsh – its next to a fishing camp, easy access, and low enforcement.
  - Chadd – if you have a reasonable reason for protecting it might be better
  - Bill Walsh – if you had an area that was highly protected it will affect the neighboring areas in a good way;
  - Tina - how do we put one of these close to the village that will help with overflow of fish; need to maybe close it longer since it takes 7 years before fish become mature in order to be reproductive.
- Ōpelu Ko'a Zone Activities
  - Use traditional and customary practices when feeding
  - Local fisher men want to fish for bate too
  - During closure time will not be able to have nets with you on the boat.
  - Pat Cunningham – will there be bag limits?
  - Chad – fishing canoe is there a potential for unlimited access for certain people
    - Charlie – may be too limiting because people will probably want to fish for profit too.
    - Bill Walsh - Simpler way – if it's no vessel just having gear may be a little disadvantages
    - Tina – maybe all year make non-motor boats?
    - Charlie – there is only 12 people fishing opelu in this community.
- Dolphin Resting Zone Activities
  - NOAA is helping with establishing rules for the protection of dolphins
    - Scott – the state cannot enforce rules with protection of marine mammals; example – Ho'okipa Bay has designated zones that limit recreational use also Kua Bay – undesignated ORMA (ocean recreational management area); we can enforce federal laws but on the judiciary side to do anything about it is the challenge.
    - Tina – need to define areas so recreational areas are clear to users, buoys?
    - Dale – what are you trying to accomplish?
      - Charlie – affecting the dolphins health and

well-being and has gone rampant impacts there hunting behaviors when they are not able to rest.

- Dale – you see this affecting the dolphins?
  - Charlie – Stein did a study specifically on dolphins in this bay and determined that they are negatively being impacted.
- Bill – do you think there are a lot of commercial activities? Might need to address it from the commercial side?
  - Donna – from Stein’s paper restrict access during primary resting time 10a-3p.
- JR - Can you close off all boat use at that time?
- Pat Cunningham – I spend a lot of time in the water and I see a lot of people jumping in the water and trying to catch the dolphins – I think the problem is the enforcement part, I don’t think we can move forward with this until we address the enforcement.
  - Scott – generally if with this kind of case we collect information and we send it to NOAA so they can discuss with the federal prosecutor – the way the rules are written they haven’t really been able to address.
  - Bill – whales is distance – dolphins don’t have that kind of protection.
  - Tina – no boating in the bay except for transit purposes;
  - Chad – I think that providing a dolphin resting zone and restricting access.
- Permitted Activities
  - Bag limits (2) a day per person for lobsters, he’e, a’ama, wana and opihi (very specific to species)
    - JR – need to pass a law on open container
      - Tina – right now the state is not allowing this
    - Bill – good biological basis for size limit of actual opihi
- Prohibited Activities
  - Tina – maybe change it to “Allowed and Prohibited Activities”, people may be confused and think the lists are not accepted when it is accepted or allowed in the this zone.
  - No permit shall be issued by the department for open ocean aquaculture in the community based subsistence fishing area
    - Dale – the people that I represent would gag on this;

there is a many year process to get a permit, seeing it like this I can't accept this. Given studies and science that have been done here shows that it won't be harmful.

- Bill – the state will get antsy about this – 3 miles off shore
- Perceived threats to ocean resources and cultural traditions in the Ho'okena community-based subsistence fishing area
- 1972 called S. Kona Plan: a Paradise – County was going to condemn KS lands to develop a plan for more recreational activities.
  - Disconnected all the Hawaiian families by forcing them off of the lands and condemned by the County, and they have done nothing.
- Closing remarks
  - Seasons existed because during closed opelu fishing season they would farm taro in the uplands
  - Head fisherman would determine feeding time and no one fished
  - Not good to troll same time as feeding it would disturb the fish too much.

Following the presentation, the Council will have an internal discussion on the proposed Community-Based Subsistence Fishing Area (CBSFA) for Ho'okena. After the Council finishes its discussions, any members of the public who would like to submit questions or comments may do so as long as time permits.

**Announcements:** Next meeting site will be at West Hawaii Civic Center Community Hale at 6:30 on July 16, 2015.

**Adjourn at 8:40pm** motion to adjourn Chad and second by Tina, motion carried and meeting adjourned.