



Kīpahulu 'Ohana

PO Box 454, Hāna, Maui, Hawai'i 96713

(808) 248-8974

ohana@kipahulu.org

www.kipahulu.org

April 26, 2016

Division of Aquatic Resources

c/o Erin Zanre, Community-Based Subsistence Fishing Area Planner

1151 Punchbowl St. Room 330

Honolulu, Hawai'i 96813

Re: Kīpahulu 'Ohana CBSFA Designation Letter of Inquiry

Dear Ms. Zanre,

Kīpahulu 'Ohana invites the State Division of Aquatic Resources (DAR) to designate Kīpahulu moku's nearshore waters as a Community-Based Subsistence Fishing Area (CBSFA). As a remote and rural community, the people of Kīpahulu depend on natural resources for the preservation and continuation of a subsistence lifestyle. Over time, Kīpahulu has witnessed an increase in visitors and resource users and a decrease in resources. In order to perpetuate fishing traditions in unity and harmony with the land, there is a need for harvest to be better managed.

The moku (district) of Kīpahulu is about 12,000 acres, located on the southeast side of Maui, south of Hāna and east of Kaupō. The moku extends from 8,000 feet elevation on mount Haleakalā to the depths of the sea. The proposed marine management area within Kīpahulu moku extends from the high water mark on shore to 60 meters in depth. The area spans 4.5 miles of coastline from Kalepa Gulch to Pua'alu'u Gulch, encompassing about 1,670 acres of rocky beach and patch coral reefs.

In 1995, a small group of Native Hawaiians came together to revive, restore, and share the practices of traditional Native Hawaiian culture with others in Kīpahulu. From this effort, Kīpahulu 'Ohana ('Ohana) was formed and incorporated, and in 1997 was granted nonprofit status. The 'Ohana's mission is dedicated to the cultural sustainability of the Kīpahulu moku through educational programs, teaching residents and visitors about Hawaiian traditions through cultural demonstrations, restoration projects, self-sufficiency programs, biological diversity projects, and hands-on activities. These activities incorporate local, national, and international partnerships and projects. Using the wisdom and spiritual guidance of kūpuna (elders), the 'Ohana seeks to re-establish a Hawaiian lifestyle in Kīpahulu, envisioning families working in harmony together to preserve and enhance the traditional cultural practices of the Hawaiian people.

Kīpahulu 'Ohana brings to the table 20 years of participatory, community-based ahupua'a management involving a gamut of stakeholders from long-time local residents to government agencies. Since 1995, the 'Ohana has had a formal agreement with Haleakalā National Park to manage Kapahu Living Farm, a traditional wetland taro farm. The 'Ohana also has a history of working with the Department of Land and Natural Resources (DLNR) through forestry conservation projects, and with the Department of Health (DOH), developing the Kalena Center and Kīpahulu Kitchen. The Kalena Center is a facility on state

leased land that includes the Kīpahulu Kitchen, a certified commercial shared-use kitchen for agricultural and value-added processing that support local farmers, fishermen and entrepreneurs. This facility also served as the base of operations for the Federal Emergency Management Agency (FEMA) and Civil Defense after a 2006 earthquake resulted in the closure of roads into Kīpahulu for a year. The ‘Ohana also manages a 9-acre parcel of state leased land in pasture and orchard.

For the past six years, the ‘Ohana has helped develop protocol for Hawai‘i’s ‘Opihi Partnership, working with marine scientist Dr. Chris Bird to conduct regular intertidal monitoring. Additionally, in partnership with The Nature Conservancy (TNC), DAR, and the Division of Conservation and Resources Enforcement (DOCARE), the ‘Ohana has helped to establish a 3-year voluntary ‘opihi “rest area” adjacent to Haleakalā National Park – an especially vulnerable area for harvest since it contains prime habitat that is easily accessible. It is notable and exciting that Kīpahulu ‘Ohana is a leader in pioneering experimental ‘opihi rest sites to better understand the recovery of ‘opihi in the region when one area is not harvested. Progress towards future management and state collaboration on such projects would not be possible without this long-term and significant commitment on behalf of Kīpahulu ‘Ohana.

From 2010 to 2012, the ‘Ohana developed a Community Action Plan (Mālama I Ke Kai) completing stakeholder outreach by engaging many different community members, fishermen, farmers, scientists, Haleakalā National Park, and the Kīpahulu Community Association. The proposal to designate Kīpahulu moku as a CBSFA was one of the priority actions identified in this inclusive planning process. Over 600 East Maui residents have been contacted about the proposed Kīpahulu CBSFA, most notably the people whose traditional and customary practices would be supported and protected by this designation. There is no other organization in Kīpahulu that fulfills a similar role, has such longstanding efforts, or broader stakeholder engagement.

Kīpahulu ‘Ohana has identified the unsustainable harvest of fish, limu, and ‘opihi as the most pressing issues contributing to the degradation of the marine environment within the proposed CBSFA designation area. The unsustainable harvest of marine resources leads to decreased productivity and diversity. Harvesting species out of season, harvesting undersized or reproductive individuals, or harvesting too many individuals contributes to the decline of target species. The ‘Ohana believes that addressing these issues will reduce or eliminate unsustainable harvest by changing fishing behavior, allowing fish populations to stabilize or possibly recover. This would enable future generations to access marine resources for subsistence use and customary practice.

The ‘Ohana is supported by TNC’s Maui Marine Program, who facilitated the Community Action Plan process (2010-2012), as well as fishermen meetings and the rule-making procedure. TNC has also supported ‘opihi monitoring events and ‘opihi rest area establishment. The Maui Nui Makai Network, encompassing TNC, the Maui Nui Marine Resource Council, and six Maui Nui communities including Kīpahulu as a co-founder, is standing by to support this CBSFA designation. DAR has shown support for the intended CBSFA designation through an initial meeting with DOCARE in October, 2013. Additional support comes from KUA, Haleakalā National Park, Conservation International, Kīpahulu Community Association, Nā Mamo O Mū‘olea (which also manages an ‘opihi rest area), Dr. Chris Bird with Texas A&M Corpus Christi, Dr. Alan Friedlander with the University of Hawai‘i Fisheries Ecology Research Lab, Aha Moku Councils, and community members (see Enclosures).

For any questions or comments in regards to this Letter of Inquiry, please contact the following primary and alternate points of contact:

Scott Crawford, Executive Director: (808) 281-2021, ohana@kipahulu.org  
Leimamo Lind-Strauss, Program Assistant: (808) 344-1635, mammo@kipahulu.org

Mahalo,



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Scott Crawford, Executive Director  
Kīpahulu 'Ohana



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Michael Minn, President  
Kīpahulu 'Ohana

Enclosures (3)

- 1) Community Group Participation List
- 2) CBSFA Evaluation Tool Checklist
- 3) Public Engagement Documentation

cc: Dr. Bruce Anderson, Administrator,  
Division of Aquatic Resources, O'ahu,  
Dept. of Land and Natural Resources

Suzanne Case, Chairperson,  
Dept. of Land and Natural Resources

Russell Sparks, Aquatic Biologist,  
Division of Aquatic Resources, Maui,  
Dept. of Land and Natural Resources



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Re: Kīpahulu ‘Ohana CBSFA Designation Letter of Inquiry  
Enclosure 1 of 3: Community Group Participation List

### Participant List and Partners

This list includes the names of individuals who are on the staff and board of Kīpahulu ‘Ohana, participants involved in the Community Action Plan and fishing management meetings, and partner organizations that support the Kīpahulu moku CBSFA designation. This list is not exhaustive, and participants are listed under their primary affiliation.

\* Indicates Ancestral Ties/East Maui Resident

#### Staff

Scott Crawford\*  
Greg Lind\*  
John Lind\*  
Kaneholani Lind\*

Keahi Lind\*  
Ka‘uiki Lind\*  
Leimamo Lind-Strauss\*

#### Board

Kaimana Kanekoa\*  
Glenna Ann Lind\*  
Mike Minn\*  
Shawn Redo \*

Stephan Reeve\*  
Angela Tavares\*  
Rich Von Wellsheim\*

#### Additional Participants in Community Action Plan (Mālama I Ke Kai) and Fishing Management Meetings

Luciana Agnitsch*	Linda Domen*	Heather Lee*	Mikala Minn*
Sam Aina*	Hank Eharis*	Alicia Lecker-Tolentino*	Kamalei Pico*
Elery Akoi*	Tim Farmer*	Eunice Lind*	Walter Pu*
Sam Akoi*	Hideaki Goto*	Isaiah Lind*	Rick Rutiz*
Reynold Beck*	Kaniala Hapakuka*	Pekelo Lind*	Jared Santos Bras *
Matt Brown	Matthew “Macky” Kalalau*	Wahineholani Lind*	Paul Strauss*
Ed D’Andrea*	Jonelle Kalalau-Beck*	Wailua Lind*	Ken Yasso*

#### Partners

The Nature Conservancy – Emily Fielding, Roxie Sylva, Manuel Mejia, Karin Osuga, Alana Yurkanin  
Maui Nui Makai Network – Hui Mālama O Mo‘omomi, Kīpahulu ‘Ohana, Nā Mamo O Mū‘olea,  
Maunalei Ahupua‘a CMMA, Wailuku CMMA, Maui Nui Marine Resource Council  
Conservation International – Ricardo Zanre, Kehau Springer, Lida Teneva, Aarin Gross  
Aha Moku Council – Ed Wendt (Ko‘olau), Moki Bergau (Nāhiku), Don Atay, Shane Sinenci, Robert  
Malaiakiki (Hāna), Terry Lind (Kīpahulu), Alohalani Smith (Kaupō), Donna Sterling (Kahikinui)  
Haleakalā National Park – James Herbaugh, Polly Angelakis, Natalie Gates  
Kīpahulu Community Association



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Re: Kīpahulu 'Ohana CBSFA Designation Letter of Inquiry  
Enclosure 2 of 3: CBSFA Evaluation Tool Checklist

### CBSFA Evaluation Tool Checklist

The following checklist was filled out by Scott Crawford of Kīpahulu 'Ohana to confirm the appropriateness of a CBSFA designation for the Kīpahulu moku community and reef area.

#### CBSFA Evaluation Checklist STAGE 1

##### Management Considerations

- Are species and/or habitat important to traditional fishing practices present in the proposed area?  
 YES    NO
- Are human impacts to species or habitats reducing, or pose a substantial risk of reducing, the marine resources important to native Hawaiian subsistence, culture and religion; OR are human activities impeding the exercise of traditional fishing practices?  YES    NO
- Are existing aquatic resource regulations insufficient to address the threats to marine resources important to native Hawaiian subsistence, culture and religion?  YES    NO
- Are the traditional fishing practices that are sought for protection being carried out for the purpose of native Hawaiian subsistence, culture or religion?  YES    NO
- Are the fishing practices sought for protection being conducted in a manner that is compatible with the traditional practices and associated values and protocols that guided fishing five generations ago (prior to November 25, 1892)?  YES    NO
- Are the traditional fishing practices the group would like to propose for protection being conducted in a manner that does not destroy, degrade or substantially reduce the area's marine resources or ecological integrity?  YES    NO
- Is the area desired for designation a reasonable size for meeting community-based subsistence needs?  YES    NO

##### Community Partner Considerations

- Is there broad support for the community group's efforts amongst local traditional subsistence fishers?  YES    NO
- Does the group's membership include individuals with long-time connections to the area and traditional subsistence fishing practitioners?  YES    NO
- Is the proposed designation area in a location where the group's traditional subsistence fishers reside; or in an area where their families have gathered or cultivated marine resources over the last 5 generations?  YES    NO

### CBSFA Evaluation Tool Checklist (cont.)

- Is the group an incorporated organization, or sponsored by an incorporated organization, that is legally permitted to conduct business in the State of Hawai'i (i.e. a nonprofit organization, for-profit corporation, legally registered association, or legally incorporated community based organization)?  YES  NO
- Does the group have an understanding of, and background in, traditional and customary practices and associated values and protocols?  YES  NO
- Does the group have a high likelihood of sustaining the co-management initiative?
  - Does the group have a charter that includes membership and decision-making protocols?  YES  NO
  - Does the group have strong leadership (i.e. multiple or intergenerational leaders)?  YES  NO If not, is group working to build and strengthen its leadership?  YES  NO
  - Has the community organization been organized a long time (i.e. 3+ years)?  YES  NO
  - Has the group demonstrated a commitment to the responsible stewardship of their natural or cultural resources over time (i.e. have a history of conducting stewardship activities, have invested people/time/resources).  YES  NO
  - Is the group partnered with any networks, institutions or organizations that foster learning and capacity building, or provide resources, tools or funding to support its stewardship activities?  YES  NO
- Does the group understand that a CBSFA designation does not confer enforcement authority or exclusive rights of use to the community or group?  YES  NO
- Does the group understand that a CBSFA proposal must be consistent with other local, state, and federal agency rules, regulations, laws and policies?  YES  NO



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Re: Kīpahulu ‘Ohana CBSFA Designation Letter of Inquiry  
Enclosure 3 of 3: Public Engagement Documentation

Kīpahulu ‘Ohana has attended and conducted events and meetings to communicate their conservation efforts and discuss the proposed CBSFA designation with a variety of audiences. This enclosure includes a detailed timeline of the ‘Ohana’s outreach and engagement since January 2013, along with examples of public meeting announcements, notes, and outreach materials. This list is not exhaustive.

### **Timeline of Kīpahulu ‘Ohana’s Recent Outreach and Engagement Activity**

The following timeline details Kīpahulu ‘Ohana’s (‘Ohana’s) activity between September 2013 and May 2016 related to outreach engagement with a range of audiences and stakeholders.

#### 2013

- September to October – CBSFA Community Outreach
  - Greg & Eunice Lind visited residents between Kaupō and Ke‘anae, gathering 600 signatures supporting the ‘Ohana’s efforts in Kīpahulu moku
- October 12 – Kīpahulu Community Association (KCA) Meeting
  - Informed KCA members of the ‘Ohana’s CBSFA efforts in the Kīpahulu Area
  - Sought input from Kīpahulu residents
- October 16 – Hāna School Science Outreach
  - Paolo Burns, on behalf of the the ‘Ohana, presented a PowerPoint to his Hāna School science students explaining management efforts
- November 5 – Hāna Limu Festival, E Wala‘au Kākou Evening Presentation
  - Leimamo Lind-Stauss participated with Maui Nui Makai Network (MNMN) to present a slideshow of the ‘Ohana’s management efforts to an audience of over 100 people

#### 2014

- May 1 – ‘Opihi Intertidal Monitoring Cruise
  - Keahi Lind represented the ‘Ohana on the two-week long Papahānaumokuākea Marine National Monument research trip, along with scientists and agency representatives from the National Oceanic and Atmospheric Administration (NOAA)
- May 20 – Wrote a letter of support to request a public meeting for Hā‘ena CBSFA
- June 11 – Pakini Survey Informational Meeting
  - Conservation International presented on what a creel survey is and how the information can benefit the community
- June 11 – Community Action Plan (Mālama I Ke Kai) Community Informational Meeting
  - Discuss Kīpahulu moku projects and CBSFA proposal at Hāna School

## **Timeline of Kīpahulu ‘Ohana’s Recent Outreach and Engagement Activity (cont.)**

### 2014 (cont.)

- June 13 – Mālama I Ke Kai Kūpuna Informational and Talk Story Session
  - In an intimate talk-story setting at Hale Hulu Mamo, discussed with kūpuna the ‘Ohana’s CBSFA efforts and the size of the ‘opihi rest area
- July 24 to 27 – E Alu Pū Gathering in Kīpahulu
  - Presented on the the ‘Ohana’s Mālama I Ke Kai Plan
  - KUA facilitated a CBSFA support discussion where the network and communities agreed to provide letters of support for the CBSFA designation of Kīpahulu moku
- August 23 – Aha Moku Meeting
  - The ‘Ohana shared information on the CBSFA process
- September 4 to 7 – Limu gathering sponsored by KUA to preserve traditional cultural knowledge
- September 11 – TNC Reception for U.S. Coral Reef Task Force
  - Participants visited 6 tables representing the 6 communities of MNMN where the ‘Ohana shared the work being done in Kīpahulu
- September 14 – ‘Opihi Community Outreach
  - Informed community participants about what the ‘Ohana is doing in ‘opihi rest areas
- October 6 – Kīpahulu ‘Opihi Rest Area Outreach Meeting
  - Met with TNC and the Haleakalā National Park staff to discuss the ‘opihi rest area and the outreach the ‘Ohana would like to do in the area

### 2015

- January 20 – ‘Opihi Outreach
  - Spoke with individual community members to explain and generate support around ‘opihi rest area
- February 14 – Kona Coast Community Meeting
  - Discussed the purpose and formation of MNMN
- February 18 – KUA Legislative Sessions with Community Representatives
  - Visited different legislative representatives to educate them on the ‘Ohana’s community resource management efforts
- February 28 to March 1 – Maui Nui Makai Network Semi-Annual Meeting
  - Participated in and presented at the semi-annual MNMN gathering in Hāna hosted by 2015 Network chair Nā Mamo O Mū‘olea
- March 15 – Creel Framing Survey
  - Created and approved a "Kīpahulu Style" survey method that was accepted and approved by Hal Koike of University of Hawai‘i, Mānoa to be used in the year-long creel survey
- March 15 – ‘Opihi Outreach
  - Spoke with individual community members to explain and generate support around ‘opihi rest areas
- March 27 to 29 – E Alu Pū Papalimu Retreat
- April – Hānaside News Article
  - In their spring issue, Hānaside News featured an article "Mauka to Makai" written by Gina Lind supporting the ‘Ohana’s efforts in Kīpahulu moku
- April 15 – Creel Survey
  - The ‘Ohana began a year-long creel survey to collect data on fishing activity within Kīpahulu moku



## **Timeline of Kīpahulu ‘Ohana’s Recent Outreach and Engagement Activity (cont.)**

### 2015 (cont.)

- April 25 – Hāna Taro Festival
  - Engaged and informed community members and festival participants about the ‘Ohana’s management efforts and passed out explanatory brochures
- May 4 – NOAA Vulnerability of Hawai‘i Fishing Communities
  - NOAA explained their research on the role of fishing in communities throughout Hawai‘i
- May 21 – West Hawai‘i Fisheries Council Meeting at Kealia, Kona
  - Learned about Ho‘okena community’s old CBSFA proposal and provided input to update their plan moving forward
- June 5 to 6 – ‘Opihi Monitoring
  - ‘Ohana members along with community volunteers, Texas A&M researcher Chris Bird, and TNC conducted transects within a sample area of about 4.5 miles of coastline that includes a one-mile rest area and 4 peripheral sites
- June 12 – CBSFA Discussion
  - the ‘Ohana facilitated a meeting with East Maui community members to answer questions about CBSFA designation and go over the new DLNR CBSFA Designation Procedure Guide with Erin Zanre
- June 25 to 28 – E Alu Pū Gathering
  - Represented the ‘Ohana at annual gathering of communities on Hawai‘i Island
- June 24 to July 7 – ‘Opihi Cruise to Papahānaumokuākea Marine National Monument
  - Pekelo Lind represented the ‘Ohana on the two-week long Papahānaumokuākea Marine National Monument research trip, along with scientists and agency representatives from NOAA
- July 21 – Hā‘ena Letter of Support
  - Sent a letter of support to Governor Ige’s office supporting the Hā‘ena CBSFA
- August 4 to 6 – Hawai‘i Conservation Conference
  - As part of the MNMN Workshop, shared the ‘Ohana’s efforts with conference attendees in small break-out groups
- August 27 – ‘Opihi Outreach
  - Spoke with individual community members to explain and generate support around ‘opihi rest area
- September 18 to 20 – Maui Nui Makai Network Semi-Annual Meeting
  - Participated in and presented at the semi-annual MNMN gathering in Hāna Town, hosted by 2015 Network chair Nā Mamo O Mū‘olea
- October 3 – Hāna Aloha Week
  - Hosted a booth at the Aloha Week Parade Day, gathering 19 signatures from residents in support of CBSFA designation. Discussed Kīpahulu’s Mālama I Ke Kai Plan and various ongoing projects, such as ‘opihi and creel surveys
- October 8 to 9 – ‘Opihi Monitoring
  - ‘Ohana members along with community volunteers, Texas A&M researcher Chris Bird, and TNC conducted transects within a sample area of about 4.5 miles of coastline that includes a one-mile rest area and 4 peripheral sites
- October 15 – Mālama Wao Akua 2015 Presentation Series
  - Spoke about the ‘Ohana’s overall Mālama I Ke Kai program, including CBSFA designation and application

## **Timeline of Kīpahulu ‘Ohana’s Recent Outreach and Engagement Activity (cont.)**

### 2015 (cont.)

- November 21 – Hāna Limu Festival
  - Engaged festival participants in the ‘Ohana’s overall Mālama I Ke Kai program, including CBSFA designation and application
  - Printed and sold new t-shirts which include the five priorities in our Community Action Plan for Kīpahulu moku
- December 4 – Public Informational Meeting in Hāna
  - Hosted a public information meeting regarding the ‘Ohana’s CBSFA plans, engaging attendees in discussions about the current proposed rules and designation procedure
- December 5 – Hale Hulu Mamo Christmas Fair
  - Sold Kīpahulu t-shirts and spoke with participants about CBSFA plans

### 2016

- February 12 to 13 – E Alu Pū Retreat: Council Meeting
- February 16 – Ka‘ūpulehu DLNR Public Informational Hearing
  - Attended as representatives for Kīpahulu ‘Ohana and E Alu Pū Council
- April 1 to 3 – Maui Nui Makai Network Semi-Annual Meeting
  - Participated in the semi-annual MNMN gathering in Makawao, hosted by 2015 Network chair Wailuku CMMA
- April 9 to 10 – ‘Opihi Monitoring
  - ‘Ohana members along with community volunteers, Texas A&M researcher Chris Bird and students, and TNC conducted transects within a sample area of about 4.5 miles of coastline that includes a one-mile rest area and 4 peripheral sites
- May 1 – ‘Opihi Intertidal Monitoring Cruise
  - Kaneholani Lind represented the ‘Ohana on the two-week long Papahānaumokuākea Marine National Monument research trip, along with scientists and agency representatives from NOAA

### Example Meeting Announcement

The following announcement showcases the public CBSFA meeting hosted on December 4, 2015. Kīpahulu 'Ohana typically shares announcements through the 'Ohana's Facebook page, Instagram account, e-mail list, and hand-delivery.

**SAVE THE DATE**



**COMMUNITY-BASED SUBSISTENCE FISHING AREA  
COMMUNITY MEETING**

**Friday  
December 4, 2015  
5:00 - 7:30 PM  
Helene Hall, Hāna  
Hosted by Kīpahulu 'Ohana**

Please join us for a community discussion about the proposed  
Kīpahulu Community-Based Subsistence Fishing Area.  
We need your mana'o.

5:00	Intro and overview
5:20	Small group talk story
6:00	Pupus
6:15	Small group share-back
6:45	Big group discussion
7:30	Pau

**OUR MOKU. OUR KULEANA.**

### Example Meeting Notes

The following meeting notes are from Kīpahulu ‘Ohana’s public CBSFA meeting hosted on December 4, 2015 in Hāna Town.

## **KĪPAHULU MOKU. OUR MOKU. OUR KULEANA.**

*A community discussion about the proposed  
Kīpahulu Community-Based Subsistence Fishing Area  
Friday, December 4, 2015, 5:00 - 7:30 PM, Helene Hall in Hāna*

### **MEETING NOTES**

#### AGENDA:

- 5:00 Intro and overview
- 5:20 Small group talk story
- 6:00 Pupus
- 6:15 Small group share-back
- 6:45 Big group discussion
- 7:30 Pau

#### ATTENDEES: (26 people)

<u>East Maui:</u>	Sam Aina Sr.	<u>Wailuku:</u>	Jay Carpio
	Moke Bergau	<u>Lānai:</u>	Sol Kaho‘ohalahala
	Linda (Ha‘i) Clark	<u>Other:</u>	Laura Campbell
	Linda Doman		Chenin Connole
	Crichton Lind	<u>TNC:</u>	Emily Fielding (note taker)
	Eunice Lind		Chris Gillies
	Kaimalia Lind		Karin Osuga (note taker)
	Kamanu Lind		Alana Yurkanin (note taker)
	Kepa Lind	<u>Staff:</u>	Scott Crawford
	Mikayla Lind		Greg Lind Sr.
	Zakaiah Lind		Keahi Lind
	Mike Minn		Leimamo Lind-Strauss
	Alohalani Smith		Maya Ross

#### PROCEEDINGS:

##### 5:40pm Summary of Opening and Introductions (Scott and Leimamo, notes: Alana)

##### History of Kīpahulu ‘Ohana and their main projects

- Founded 20 years ago, initial project to restore the lo‘i as part of an ahupua‘a vision
- Added Kīpahulu kitchen, 9 acres of agricultural projects, ungulate control project
- 5 years ago started working makai side
  - Conversations with fishermen about resource decline, impact of fishing types, people coming in from outside
  - What can we do about this? How can we add shoreline management to part of our overall efforts?
- Invited TNC Maui Marine program to support and structure the process
- 2010 - 2012 held series of meetings with fishermen and kūpuna involved
  - Identified priorities, concerns, threats, solutions
- Developed the Community Action Plan, Mālama I Ke Kai

### Example Meeting Notes (cont.)

- Guideline for going forward so people can see project and to guide future strategies
- Limu, 'opihi, fish, forest, freshwater, each with a strategy/priority/action to take

#### Seeking CBSFA designation

- Designate Kīpahulu as a local management area under DLNR rules
  - Long process, get approval and sign by governor. This designation has several important aspects, including a cultural component to protect customary practices
  - The only way to protect a practice is to protect a resource
  - The only designation that involves the community in the process
  - New rules can't be less restrictive than state rule
  - CBSFA allows you to make rules for a specific area that may be appropriate for a local spawning cycle for example
  - Not exclusive; applies to everyone the same. If you're going to fish here, you need to follow the guidelines/pono practices.
- Where we're at in the designation process
  - Mapped out the process: initially thought would take 1-2 years. Hā'ena took 20-25 years! With the plan, we will adjust as needed with community input about designation.
  - For a year we've been doing outreach, it's getting to the point where we have a proposal, rules we want to apply, and a couple important points

#### Instructions

- Share your mana'o, whether you think we want to hear it or not. That is part of the process. Can either verbalize or write on post it and put it on the board.

#### 6:00pm Small group talk story

Notes from GROUP 1 (facilitated by Scott, notes: Karin)

#### Enforcement

- How can you enforce within the rest area?
  - More community enforcement
- Never seen any enforcement
- State doesn't have resources to enforce
- States rule makers are not fishermen
- DOCARE and DLNR are the enforcers
  - There is potential issue when different CBSFAs have different rules
  - Are we making enforcement easier or harder?
  - Think about practical, achievable rules (e.g. no commercial take of 'opihi)
  - Can some of the goals be accommodated in a different way?
- Maybe community could consider contracting labor to supplement DOCARE enforcement
- What are the consequences of breaking these rules?
- People that don't live here don't care, they take as much as they want

#### Specific Species

- 'Opihi
  - No more big 'opihi
  - No diving for 'opihi
  - Any thought about preventing commercial 'opihi harvest/sale?
  - 1 gallon/day 'opihi is a lot
  - Hā'ena limits to 20 'opihi

### Example Meeting Notes (cont.)

- Clarify ‘opihi is with shell on
- Size of ‘opihi is important
- Add Kona crab
- Akule
  - Gill net is best for akule; no bag, no halalu

#### Spawning

- Warmer water is making spawning season later/throwing it off
- Make closed seasons flexible to change as spawning seasons shift
  - Not creating burden on state

#### Other

- Educate people about all the fish species in the ocean

#### Notes from GROUP 2 (facilitated by Leimamo, notes: Alana)

##### Enforcement

- How do rules get enforced?
  - DLNR doesn’t support CBSFA
  - Kīpahulu ‘Ohana sat down with DLNR and got their approval
  - Simplify and unify rules, otherwise hard to enforce
  - Think about expanding partnerships to have regulations changed statewide
- What about fishermen who approach from the water on boards?
  - How to manage?
  - Who polices what they take?

##### Specific Species

- Ulua
  - No pole fishing at Lelekea
  - Ulua fishing controversial
  - Many variables about why ulua may not be around
  - Make this easier to regulate (e.g. have a specific area for no-pole fishing)
- ‘Opihi
  - Can DOCARE regulate 1 gallon ‘opihi harvest?
  - Will this amount help restore ‘opihi?
- Akule
  - Use akule net only

#### Other

- Clarify that these rules apply per person
- No-take vs. voluntary no-take
  - How big to make these areas?
- Aha Moku Management Act 212
  - Coordinate regulations across 12 moku
  - Island-based vs community based management
  - Maui has the most moku of any Hawaiian island
- Regulation process needs to start somewhere... need a foothold
  - Why wait for resources to be used before acting?

6:40pm Pupus

## Example Meeting Notes (cont.)

7:00pm Small group share-back/Big Group discussion (facilitated by Scott and Leimamo, notes: Emily)

Questions?:

- Can we work with casting clubs for guidance on reducing their impacts?
- Trespassing/access restrictions
- Can we work with landowners instead of creating an unpopular rule?
- How long will the state take to process the CBSFA application while the resources are being depleted?

What do you like?

The idea of an 'opihi no-take area

What are your concerns?

Enforcement

- How do rules get enforced
- Little DOCARE enforcement
- What about restricting certain boat types like jet skis?
  - You can have no fishing from jet-skis, thrill craft rule, but might have to include the canoe
- CBSFA is more than a general use community. If you're going to do a closure, do a closure that's easy to enforce
- Can community representatives employ non-official contractors (use airport model)?

Rules

- When making rules focus arguments on the resource (e.g. 'opihi), not arguments aimed at a resource user (e.g. commercial fishermen)
- Need statewide laws and local specific rules too
- Select some rules/issues that can be taken on at the state level

Species Specific

- Ulua
  - For regulations to be effective, need to discuss with casting club
  - Need to clearly state why ulua fishing is harmful at current levels

Tradition

- Hard to go to customary methods across the board

What would you change?

Enforcement

- Effective enforcement, when you want to get specific to your own CBSFA area, community can employ their own enforcement that is specifically designed to their area. Have people give citations and infractions, and then the next process can be handled properly. We lose a lot because we can never have an enforcement officer here to cite someone. Lose cases because we never have enough info to take someone to trial. Mimic state model at the airport and apply to Kīpahulu's ocean resources. Enforcement is ineffective. A cycle of nothing happening. We want to put in place an enforcement mechanism. Not employing a state employee (at the cost of the state), but a contractor. Can we find a way to find effective enforcement so it's no longer an excuse for DOCARE or funding to get the job done?
  - How to do this? Community can get creative in how you raise money. Depends on state to pass funding in the budget

## Example Meeting Notes (cont.)

### Species specific

- Ulua
  - Address ulua fishing tournaments
    - Are number of lines employed at a time a current rule?
    - Can we work with casting clubs for guidance on reducing their impacts?
  - Trespassing/access restrictions?
  - Another idea is to have an area where no-pole fishing enforced. Easier to enforce. Seasonal? This will require a BIG discussion
- ‘Opihi
  - Add “shell on” to ‘opihī
  - Thoughts about preventing commercial harvest/sale of ‘opihī? Statewide?
    - Is one-gallon bag limit too large?

### Rules

- Add per person per day
- No-take for non-east Maui residents
- If you are a non-resident, an East Maui resident must be present while gathering
- Create rules/pono fishing practices specific to Kīpahulu community
- Could there be a no-take area for an entire section of coast and reef – no species to benefit surrounding area with spill over
- What about poles with no mechanical advantage (as is traditional)?
- No tournament fishing
- Tournament for invasive species is good
- If we’re going to try to have laws according to our ahupua‘a, it needs to be coordinated with the state – make a law but make it easier for the process to get approved. Important to have another set of laws for that district so it’s easy to be enforced by a government official. Important to have rules, but more important to have rules that get past the state
- Have a pono fishing rule of conduct that isn’t necessarily legal, but is enforced and encouraged by the community

### Tradition

- Using traditional methods would limit fishing and would force people to relearn traditional ways

### 8:00pm Pau

### Main takeaways

- Main species of concern in terms of harvesting/controversy are ‘opihī and ulua
  - Ulua – great potential in working with casting clubs to understand ulua fishermen’s perspective, to see existing codes of conduct. There might be other non-rule making engagement within casting clubs that may minimize controversy with ulua fishermen. Too many lines out at one time, there’s trash at the fishing site, fishermen take tidepool animals as bait, monofilament/lead left behind and wrapped around coral and rocks in the water
  - ‘Opihī – is one-gallon bag limit too big? Big concern with commercial gathering, is a statewide rule warranted, and concern that even the rule as the proposed rule isn’t enough to restore ‘opihī. Clarify whether the current voluntary rest area would become a permanent rest area
- Enforcement is a major concern



**Example Meeting Notes (cont.)**

- Simpler rules are easier to enforce and are more likely to get passed in the CBSFA process
- Easy changes to rules:
  - Clarify that rules apply *per person*
  - Clarify that ‘opihi weight is with *shell on*
- Create a Kīpahulu community guideline of pono fishing practices that are not enforced by law but are supported and understood by everyone
- When making rules, focus arguments on the resource (e.g. ‘opihi), not arguments aimed at a resource user (e.g. commercial fishermen)
- Need feedback on bag limits – not talked about at meeting

**Example Outreach Material**

The following outreach material is a two-page handout for the December 4, 2015 public CBSFA meeting.

**KIPAHULU MOKU. OUR MOKU. OUR KULEANA.**

*A community discussion about the proposed  
 Kīpahulu Community-Based Subsistence Fishing Area*

Friday, December 4, 2015, 5:00 - 7:30 PM, Helene Hall in Hāna  
 Hosted by Kīpahulu ‘Ohana

**WHAT IS THE DILEMMA**



The people of Kīpahulu depend on natural resources for the preservation and continuation of a subsistence lifestyle. Over time, Kīpahulu has witnessed an increase in visitors and resource users and a decrease in resources. In order to keep alive their traditions of fishing, hunting, and farming in unity and harmony with the land, there is a need for harvest to be managed. This meeting focuses on the unsustainable harvest of marine resources that leads to decreased productivity and diversity. Harvesting species out of season, harvesting undersized or reproductive individuals, or harvesting too many individuals contributes to the decline of target species.

**WHAT SPECIES DO WE CARE ABOUT**



Certain species are especially vulnerable or culturally significant and require our extra kōkua:

Targets	Nested Targets	Current Status	Desired Status
Reef and shoreline fish	Ulua Trevally (aukea Giant, lā’uli Black, ‘ōmilu Bluefin)	Fair	Good
	Kole Goldring surgeonfish	Fair	Good
	Uhu Parrotfish – all species	Fair	Good
	‘Āholehole Flagtail – both species; Moi Pacific threadfin; Kūmū Whitesaddle goatfish, Moano Manybar goatfish, Munu Doublebar goatfish	Fair	Good
	‘Ū’ū (all species) Soldierfish	Fair	Good
Akule	Bigeye scad – all life stages	Fair	Good
Near shore invertebrates	He’e maui Day octopus; Ula Banded spiny lobster	Fair	Good
Limu	Kohu, Kala, Lipoa	Good	Very Good
Intertidal invertebrates	‘Opihi Limpet – all species; ‘A’ama Thin-shelled rock crab; ‘Ōpae ‘ula Red pond shrimp	Fair	Good

**WHAT IS A SOLUTION**

Designating the shoreline and near shore reefs of Kīpahulu as a state Community-Based Subsistence Fishing Area (CBSFA) to prevent future declines through formal adoption of pono harvesting guidelines as state rules.

**Example Outreach Material (cont.)**

**HOW DOES A COMMUNITY-BASED SUBSISTENCE FISHING AREA WORK**

Being designated as a CBSFA formally recognizes local communities as valued partners in protecting natural resources, and reaffirms and protects traditional and customary practices for subsistence and culture. CBSFAs are not meant to keep people out. Everyone is welcome to fish within the area, but they are required to fish according to the regulations.

**HOW IS COMMUNITY INVOLVED IN CREATING A CBSFA**

- 1) Input from kupuna, fishermen, and fish surveys show that resources have declined. → 2) Community group identifies solutions and meets with the community to discuss recommended rules. → 3) Recommended rules are submitted to the state. If rules approved, the state and community co-manage this area. State enforces while the community does outreach and “neighborhood-watch.”

<p><b>RECOMMENDED KĪPAHULU RULES</b></p> <p><b>BAG LIMITS:</b></p> <ul style="list-style-type: none"> <li>• Finfish: 10 per day (except for akule, roi, ta’ape, to’au)</li> <li>• Moano: 2 per day</li> <li>• Ulua/pāpio: 1 per day</li> <li>• ‘Opihi: 1 gallon per day</li> </ul> <p><b>SEASONS:</b></p> <ul style="list-style-type: none"> <li>• Kūmū, moano, uhu, moi: Closed season June-September</li> </ul> <p><b>SPECIES GEAR RESTRICTIONS:</b></p> <ul style="list-style-type: none"> <li>• Akule: Minimum 2 3/4” mesh for nets, no spotter planes</li> <li>• Moi: No take using surround net fishing method</li> </ul> <p><b>GENERAL GEAR RESTRICTIONS:</b></p> <ul style="list-style-type: none"> <li>• Thrownet: Minimum mesh size 2 3/4”</li> <li>• Hook-and-line: Max 2 lines deployed at a time</li> <li>• SCUBA/underwater breathing apparatus: No take/possession of marine life while using gear</li> </ul> <p><b>OTHER:</b></p> <ul style="list-style-type: none"> <li>• Akule: Take for non-commercial purposes only</li> <li>• Opihi: No take within a rest area</li> </ul>	<p><b>NEW STATE RULES</b> (as of 11/1/14)</p> <p><b>BAG LIMIT:</b></p> <ul style="list-style-type: none"> <li>• Kūmū: 1 per day</li> <li>• Moano kea: 2 per day</li> <li>• Munu: 2 per day</li> <li>• Uhu: 2 per day</li> <li>• Oama (less than 5”): 50 per day (pole and line only)</li> <li>• No take of blue male fish (uhu ‘uli ‘uli, uhu ‘ele‘ele)</li> </ul> <p><b>SIZE LIMIT:</b></p> <ul style="list-style-type: none"> <li>• Large goatfish: 12” minimum</li> <li>• Small goatfish: 8” minimum</li> <li>• Large uhu: 14” minimum</li> <li>• Small uhu: 10” minimum</li> </ul>
	<p><b>OTHER STATE RULES</b> THAT APPLY</p> <p><b>SEASON:</b></p> <ul style="list-style-type: none"> <li>• Kūmū, moano, uhu: No closed season</li> <li>• Moi: Closed season June-August</li> </ul> <p><b>GENERAL GEAR RESTRICTIONS:</b></p> <ul style="list-style-type: none"> <li>• Thrownet: Minimum mesh size 2”</li> </ul>

**Example Outreach Material (cont.)**

The following outreach material is a public announcement for ‘opihi monitoring on April 9 and 10, 2016.



The poster features a central photograph of a group of about ten people, some wearing blue t-shirts, posing in front of a dark SUV in a wooded area. Above the photo, the title 'Rapid 'Opihi Surveys' is written in a large, stylized font, followed by the dates 'April 8 Mū'olea' and 'April 9-10 Kīpahulu'. To the left of the title is a small illustration of a 'opihi shell, and to the right is a circular inset showing a close-up of a 'opihi. Below the photo are four logos: Kīpahulu 'Ohana, Haleakalā National Park, The Nature Conservancy, and Nā Mamo O Mūolea. To the right of the photo, text provides the survey times (8am-4pm), locations (Friday: Gate @ Papahawahawa Bridge; Sat-Sun: Haleakalā National Park campground), the purpose (\*count and size 'opihi makaiauli), and a list of items to bring (lunch, water, tabbies, gloves, hat, sunscreen, towel, and backpack). At the bottom, contact information for Roxie Sylva is provided.

## Rapid 'Opihi Surveys

April 8 Mū'olea  
April 9-10 Kīpahulu

**8am-4pm**  
Friday: Gate @  
Papahawahawa Bridge

Sat-Sun: Haleakalā  
National Park campground

\*count and size 'opihi  
makaiauli

Bring lunch, water, tabbies,  
gloves, hat, sunscreen,  
towel, and backpack

For more info, contact Roxie Sylva at [rsylva@tnc.org](mailto:rsylva@tnc.org)

**Example Outreach Material (cont.)**

The following outreach material is a tri-fold brochure created for distribution to the general public, area users, and anyone interested in learning more about or participating with Kīpahulu ‘Ohana.

**Revive tradition.  
 Restore abundance.  
 Support Kīpahulu CBSFA.**

**KĪPAHULU  
 OUR MOKU.  
 OUR KULEANA.**

We are the **KĪPAHULU ‘OHANA**—families and community members working together to return abundance to our moku.

We **revive and promote traditional Hawaiian ahupua‘a management** through cultural demonstrations, restoration projects, self-sufficiency programs, and educational events. In collaboration with the Kīpahulu community, we restored acres of lo‘i kalo, spearheaded the native forest restoration at Cable Ridge, and created **Mālama I Ke Kai Community Action Plan** with input from more than 50 community members, fishermen, scientists, managers, and teachers.

Now, we need your help to designate the shoreline and near shore reefs of Kīpahulu as a state **Community-Based Subsistence Fishing Area (CBSFA)** to prevent future declines through formal adoption of pono fishing and harvesting guidelines as State rules.

- Review the **Mālama I Ke Kai Community Action Plan** at Kīpahulu.org or Kalena Kitchen
- Stay in the loop – call 248-8673 or email ohana@kipahulu.org to receive notifications of meetings and hearings
- Join us at **community meetings and public hearings** and share your support by providing verbal and written testimony to DLNR
- Help monitor ‘opihī and learn about the ‘opihī rest area

**Contact Information**  
 Leimamo Lind-Strauss  
 mamol@kipahulu.org  
 Scott Crawford  
 ohana@kipahulu.org  
 Kīpahulu Kitchen 248-4411  
 Kīpahulu Office 248-8673  
 www.facebook.com/kipahuluohana  
 www.kipahulu.org

**OUR MOKU.  
 OUR KULEANA.**

Hawai‘i’s CBSFA designation **formally recognizes** local communities as valued partners in protecting natural resources, and reaffirms and protects **traditional and customary practices** for subsistence and culture.

Acquiring the CBSFA designation is a community-driven process, and with extensive public input and support over the last five years, we developed culturally-based regulatory recommendations as part of the Mālama I Ke Kai Community Action Plan. The regulations and plan are available for continued review and input at kipahulu.org and Kalena Kitchen.

Once the recommendations are submitted to DLNR, DAR will lead the CBSFA rules process through the final steps outlined below, ensuring adherence to Federal, State, and County law.

**E komo mai. Support CBSFA designation—attend a community meeting and share your mana‘o.**

**Mahalo to the hundreds of community members working to restore health and abundance to Kīpahulu moku.**

1995	2001	2009	2010	2012	2013	2014	2015*	2016*	2017*
Kīpahulu ‘Ohana (KO) established	Lo‘i kalo restoration begins	Forest restoration begins	‘Opihī monitoring begins	CBSFA community engagement and Mālama I Ke Kai planning begins	KO meetings with fishermen	One-on-one outreach to 600 East Maui residents	Community meetings	DLNR information meeting	Public hearing (30-day notice)
KO partners with Haleakalā National Park				Coral and fish surveys begin				DLNR asks BLNR for approval to go to public hearing	BLNR meeting to review public testimony and vote
		Mauka activities Makai activities DLNR/DAR-driven activities						DLNR develops Rule Package	DLNR asks BLNR for approval to go to public hearing
								State reviews Rules Package and assesses for impacts to small business	Final review by Attorney General and Small Business Board
									Governor final review

DLNR/Department of Land and Natural Resources    BLNR/Board of DLNR    DAR/Division of Aquatic Resources    DOCARE/Division of Conservation and Resource Enforcement    \*Estimated timeline

**Example Outreach Material (cont.)**

The following outreach material is an activity sheet specially created for Kīpahulu 'Ohana outreach by 'Oahu-based artist, Tammy Yee.

# KĪPAHULU. OUR MOKU. OUR KULEANA.

<b>REEF AND SHORELINE FISH:</b>	<b>NEAR SHORE INVERTEBRATES:</b>	<b>SEAWEED:</b>
1 ĀHOLEHOLE (HAWAIIAN FLAGTAIL)	10 HE'E MAULI (DAY OCTOPUS)	15 LIMU KALA
2 KOLE (GOLDRING SURGEONFISH)	11 ULA (BANDED SPINY LOBSTER)	16 LIMU LIPOA
3 MOI (PACIFIC THREADFIN)		17 LIMU KOHU
4 'ŌMILU (BLUEFIN TREVALLY)	<b>INTERTIDAL INVERTEBRATES:</b>	
5 AKULE (BIGEYE SCAD)	12 'OPIHI (LIMPET)	
6 'Ū'Ū (SOLDIERFISH)	13 HĀ'UE'UE (HELMET URCHIN)	
7 KŪMŪ (WHITESADDLE GOATFISH)	14 'A'AMA (ROCK CRAB)	
8 MOANO (MANYBAR GOATFISH)		
9 UHU (PARROTFISH)		

*Mālama i ke kai!*

KĪPAHULU OHANA

Tammy Yee