Mr. W.Y. Thompson  
Department of Land and Natural Resources  
1151 Punchbowl Street  
Honolulu, Hawaii 96813  

Dear Mr. Thompson:

Proposed Regulation 51,  
Concerning the Establishment, Protection and Conservation  
of the Lapakahi Marine Life Conservation District  
Island of Hawaii of the Division of Fish and Game  

The Environmental Center review of the proposed regulation 51 has been prepared with the assistance of Ray Tabata, Sea Grant; E. Alison Kay, General Science; and Jacquelin Miller, Environmental Center.

Although we generally are in strong support of marine conservation districts and we note that the selection of Koaie Cove is in accordance with the recommendations of the Marine Conservation District study by (W. Kimmerer and Woodrow Durbin, Jr., 1975), we have certain reservations about the limitations of the regulations as presently worded. In particular, Part II Section 1 lists the activities to be prohibited and includes the following:

a) Fishing and taking of Marine life

With regard to non-edible marine life including coral we find the proposed prohibition quite appropriate. We question however if the prohibition of fishing for personal, recreational, non-commercial use is appropriate or necessary. In earlier correspondence of August 16, 1978 from Kenji Ego, Division of Fish and Game, we note that the proposed Lapakahi MLCD is immediately offshore from the ancient Hawaiian fishing village of Koaie Hamlet. Will the proposed regulations significantly affect the subsistence or traditional fishing activities of the local residents? We suggest that the final regulations take subsistence fishing needs into consideration to achieve a balance between conservation needs and local social needs.

b) Altering geological features

The prohibition for altering geological features or the taking of coral, sand, rock or specimens seems quite appropriate.
c) Possessing of fishing or other gear

The limitations on types of fishing gear should be evaluated and established in accordance with the comments cited under item (a) above.

One following thought is offered for your consideration. It would seem highly desirable to examine the overall Marine Life Conservation District-Beach Park needs of the state in cooperation with state, county and federal regulatory agencies. MLCD goals relative to the Natural Area Reserves, fisheries management area (Kapuku program) and Marine Parks, appear to need clearer definition. At the present, it appears that Marine Conservation Districts are being proposed and established in isolated small sections of shoreline throughout the state without coordination with other management plans. It is not clear whether any overall evaluation of the coastal waters has been conducted to establish a general plan to delineate: 1) those specific areas subject to over fishing or degradation due to man's activities; 2) the extent of control or conservation regulations needed; 3) the need for total control in the case of endangered or threatened species; 4) the coordination of adjacent land use, and its compatibility with shoreline needs; 5) the subsistence and recreational needs of the local residents; 7) the areal extent of the area in need of regulation; and finally the enforcement capabilities for any regulations established pursuant to this general plan.

We appreciate your consideration of our comments and look forward to the establishment of the Lapakahi Marine Life Conservation District.

Yours truly,

[Signature]

Doak C. Cox
Director

DCC: def

cc: Ray Tabata
    E. Alison Kay
    Jacquelin Miller