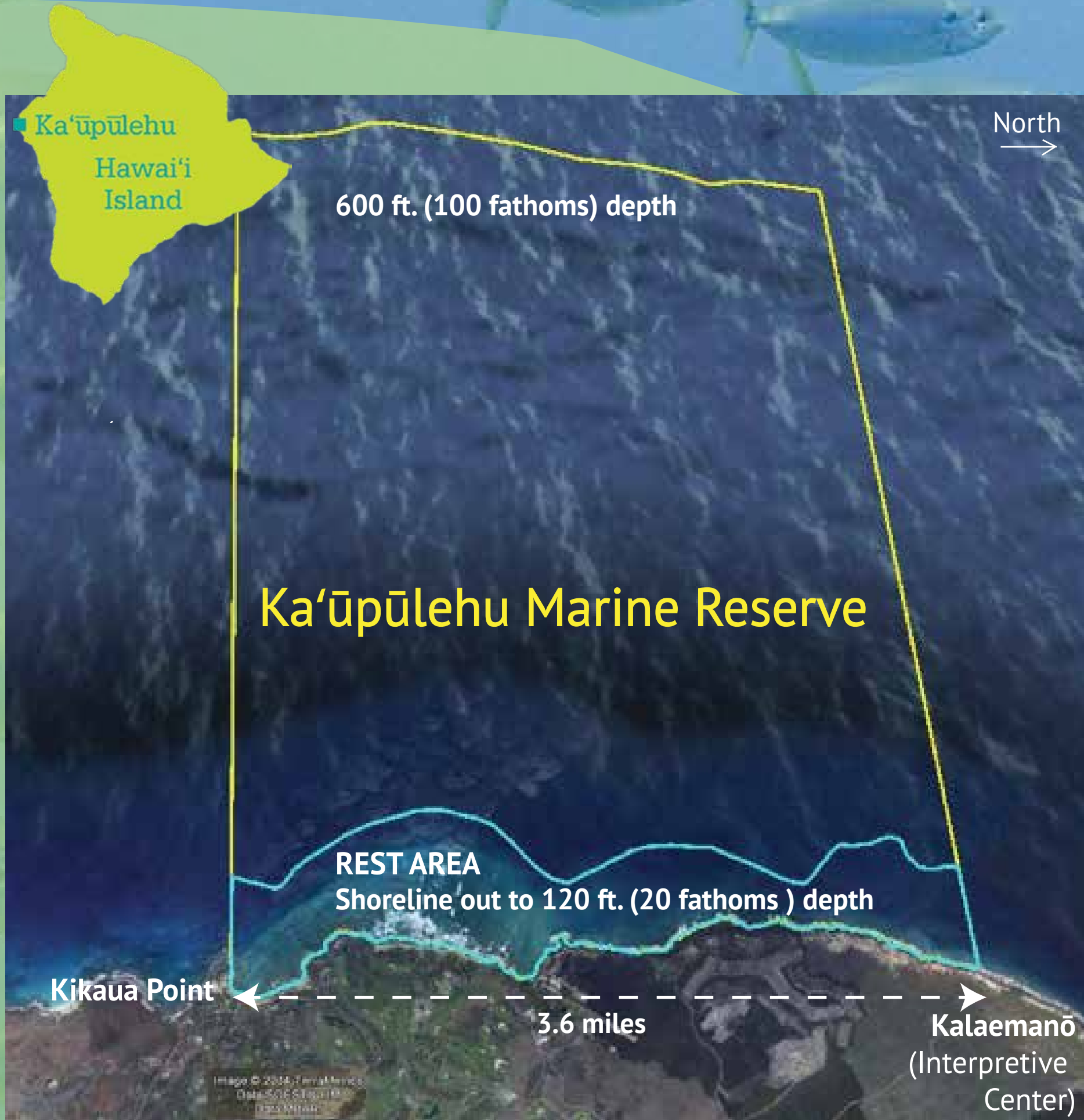




# Ka'ūpūlehu Marine Reserve

2016 - 2026

A community-supported rest area to restore the nearshore fishery for present and future generations



## 10-YEAR RESERVE HARVEST RULES

*Within the Rest Area (shoreline to 120 ft. depth), rules prohibit* taking or attempting to take any marine life (living or dead) including coral, rocks, sand, and shells.

*From a depth of 120 ft. to 600 ft., rules allow* for the use of kona crab nets and hook and-line to catch kona crab, 'ahi, 'aku, a'u, ehū, gindai, hāpu'upu'u, kalekale, lehi, mahimahi, nabeta, onaga, ono, ōpakapaka, roi, ta'ape, tombo, toau, and uku.

*Within the Reserve, rules prohibit* possession of any fishing gear, other than kona crab nets and hook-and-line, and the possession of any marine life (living or dead), other than the species listed above.

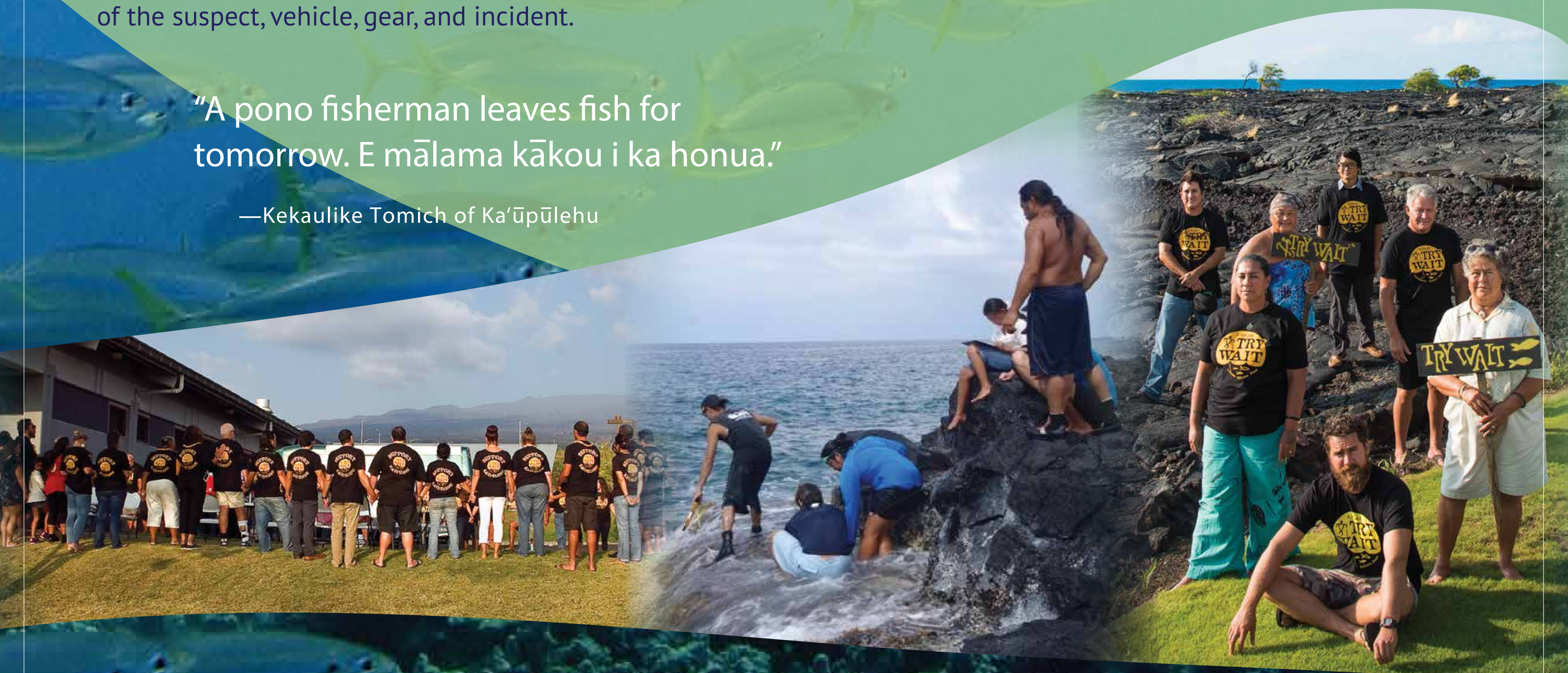
*Contact DLNR to request a special activity permit to harvest for research or cultural purposes.*

**SUPPORT SUSTAINABLE HARVEST.** Learn more about the Reserve: <http://tinyurl.com/kaupulehutrywait>. View the rules: <http://tinyurl.com/whrfma>. Contact Makai Watch ([dlnr@hawaii.gov](mailto:dlnr@hawaii.gov)) to help educate others about the Reserve. Contact the KMLAC ([thekmlac@gmail.com](mailto:thekmlac@gmail.com)) to participate in reef fish assessments and community events and to help develop a plan for sustainable harvest.

**RESPECT THE RULES.** Violations are punishable by fine, community service, forfeiture of gear, and possible imprisonment. Don't confront violators - contact DOCARE at 643-DLNR to report violations. Provide a detailed description of the suspect, vehicle, gear, and incident.

"A pono fisherman leaves fish for tomorrow. E mālama kākou i ka honua."

—Kekaulike Tomich of Ka'ūpūlehu



The Ka'ūpūlehu Marine Life Advisory Committee (KMLAC) includes organizations, kama'aina families, and other individuals working to return abundance to Ka'ūpūlehu's coastal waters.

Join us to mālama 'āina. To learn more, visit: [f /KMLAC](https://www.facebook.com/KMLAC)

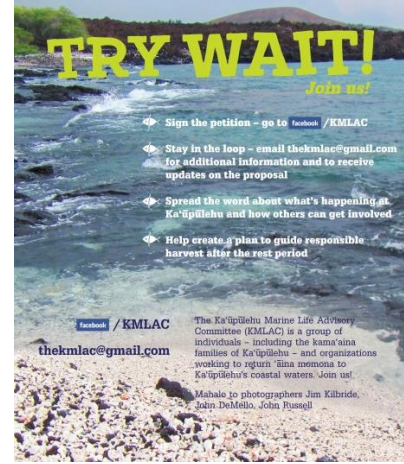
Mahalo to photographers Christine Shepard, Jim Kilbride, Kim Moe (KUA), and TNC



(cover page)



(first inset)



(back page)

**WHY WAIT?**

Resting a reef for 10 years gives fish enough time to grow and make babies, so we can sustainably harvest.

A 27-inch 'ōmilu makes 86 times more eggs as an 'ōmilu about half its size.

**WE'LL WAIT**

**WHAT IS BEING PROPOSED:**

After more than 350 community meetings, exchanges, and outreach efforts and talking with 3,500 people, we propose to rest a 3.6 mile stretch of coastline from Kalaemanō to Kikaua Point, from shore to a depth of 20 fathoms (120 feet) for 10 years. (Less than 1% of the entire coast.)

**WHILE THE REEF IS RESTING, WE WILL:**

- Develop and implement a plan for sustainable harvest
- Continue scientific and community monitoring
- Host education and community outreach programs
- Support cooperative enforcement through Makai Watch

(center page)

# Ka'ūpūlehu Marine Reserve

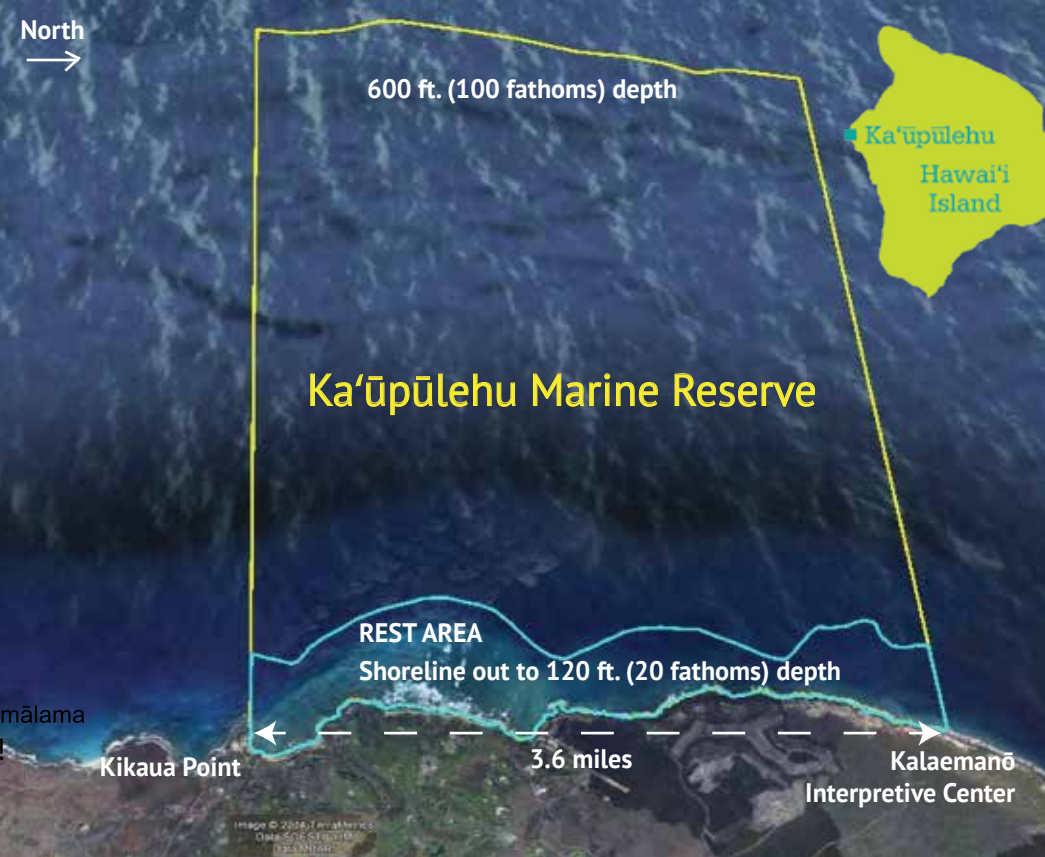
A community supported 10-year rest area  
to restore our nearshore fishery



The Ka'ūpūlehu Marine Life Advisory Committee (KMLAC) includes organizations, kama'aina families, and other individuals working to return abundance to Ka'ūpūlehu's coastal waters. Join us to mālama 'aina. To learn more, visit: [f /KMLAC](https://www.facebook.com/KMLAC)

In July 2016, with strong community support, the State Department of Land and Natural Resources established the Ka'ūpūlehu Marine Reserve to give declining reef fish populations a chance to recover.

Support the Reserve rules while a plan for sustainable harvest is developed. Together, we can mālama 'aina for our community and our decedents.



### SUPPORT SUSTAINABLE HARVEST.

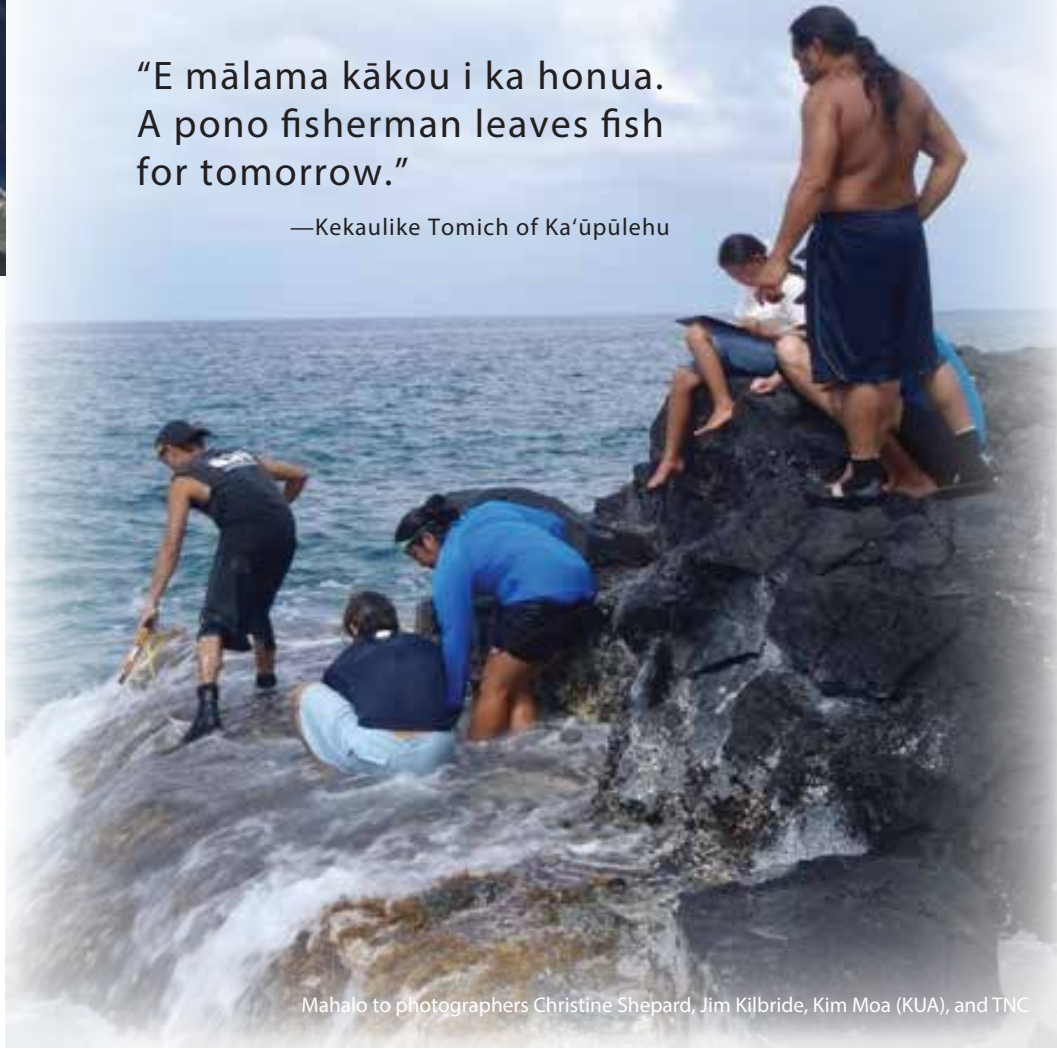
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“E mālama kākou i ka honua.  
A pono fisherman leaves fish  
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—Kekaulike Tomich of Ka'ūpūlehu



## 10-YEAR RESERVE HARVEST RULES

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**Within the Reserve, rules prohibit** possession of any fishing gear, other than kona crab nets and hook-and-line, and the possession of any marine life (living or dead), other than the species listed above.

Contact DLNR (587-0400) to request a special activity permit to harvest for research or cultural purposes.



# TRY WAIT

## PROPOSAL TO REST KA'ŪPŪLEHU'S REEF AND RESTORE ABUNDANCE FREQUENTLY ASKED QUESTIONS

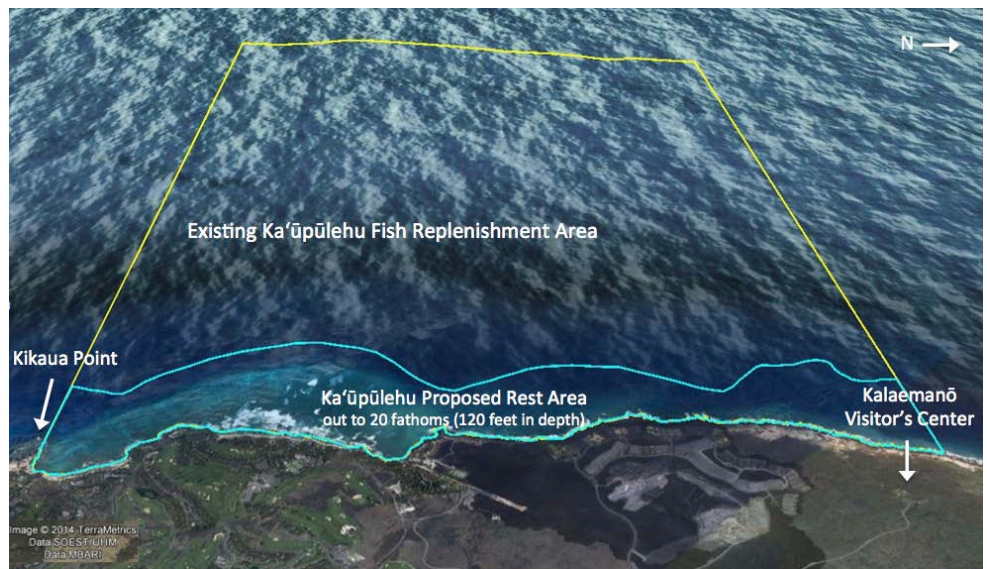
[www.facebook.com/KMLAC](http://www.facebook.com/KMLAC)  
[thekmlac@gmail.com](mailto:thekmlac@gmail.com)

*OUR VISION: Ka'ūpūlehu – ancestral home to some and lands cherished by all – will be a place where the sea is cared for, productive, and welcoming.*

### 1. What is being proposed?

This is a community-based plan to restore marine resources and ensure that traditional, subsistence, and cultural fishing practices are sustained within the ahupua'a of Ka'ūpūlehu for our future generations. We are asking everyone to join us as we let the reef recover by resting part of it for ten years, while we develop a subsistence fishing plan based on Hawaiian tradition, values and modern science.

Let's 'try wait' by resting a 3.6 mile stretch of coastline from Kalaemanō to Kikaua Point, from shore to 20 fathoms (120 feet), within the existing Ka'ūpūlehu Fish Replenishment Area (FRA). We can still fish and crab within over 90% of the FRA for specific species<sup>1</sup> in waters deeper than 20 fathoms. With your help, we will bring back 'āina momona (abundance) to our reef.



### 2. Who is behind Ka'ūpūlehu's proposal?

This is a collaborative effort between the 'ohana (families) who have lived in this area for generations, kūpuna, local fishermen, and other interested West Hawai'i community members. Led by the kūpuna who have been raised in Ka'ūpūlehu, the Ka'ūpūlehu Marine Life Advisory Committee (KMLAC) decided to take action to try and reverse the declines they were observing and preserve their subsistence fishing practices.

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<sup>1</sup> You can catch the following species past the 20 fathom (120ft) depth contour: *Pristipomoides filamentosus* ('ōpaka/paka),

The KMLAC includes the kūpuna of Ka'ūpūlehu, Kamehameha Schools, Kona Hawaiian Civic Club, Office of Hawaiian Affairs (OHA), State agency officials, fee owners and lessees of Ka'ūpūlehu ahupua'a, natural resource managers, educators, scientists, and fishermen.

The KMLAC has been working for 17 years to take care of Ka'ūpūlehu's ocean and coastline. Initially, we created educational materials to try and establish a voluntary code of conduct based on seasons and bag limits, which was unfortunately unsuccessful. We considered dozens of ideas ranging from permanent reef protection, to bag limits, to no action at all. Every idea was respectfully discussed based on feasibility, enforceability, probability of success, and cultural alignment with knowledgeable local experts and professionals in these fields. After years of discussion, debate, research, consultation, and consideration, the Ka'ūpūlehu community and KMLAC are proposing a 10-year rest period to give fish time to grow and make babies, so we can sustainably harvest.



*Ka'ūpūlehu families and KMLAC members*

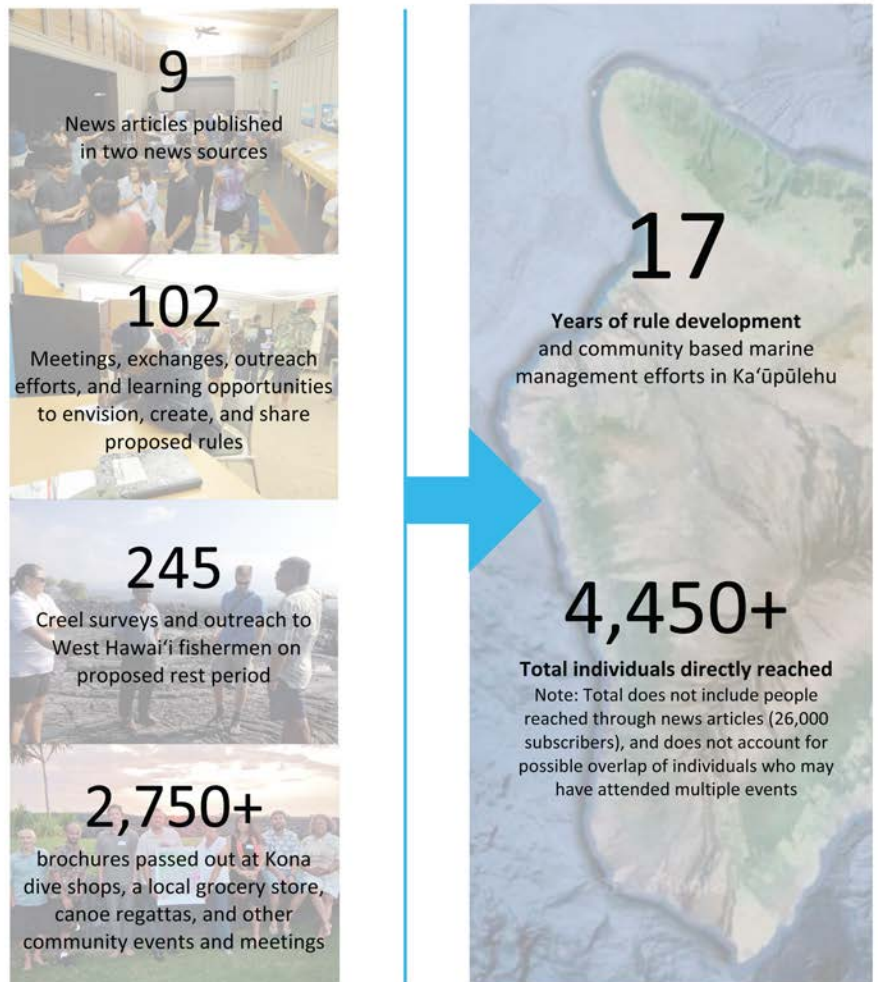
### 3. Who has been involved in this process?

The 'ohana of Ka'ūpūlehu, members of the KMLAC, and more than 375 community members who live and work in West Hawai'i have been involved in the process of vetting Ka'ūpūlehu's proposal.

The Ka'ūpūlehu community invited the State Division of Aquatic Resources (DAR), University of Hawai'i, and The Nature Conservancy to kōkua and help collect and share scientific information. The State Division of Conservation and Resources Enforcement (DOCARE) also contributed invaluable input related to enforcement and management.

Many stakeholders, through more than 350 community meetings, exchanges, and outreach efforts, informed changes to Ka'ūpūlehu's proposal. This input helped refine the proposal in ways that continue to meet our goals, while reducing conflict and improving clarity of the community's proposal.

## KA'ŪPŪLEHU'S OUTREACH EFFORT



We continue to attend 'Aha Moku council meetings to share and learn, and continue to share Ka'ūpūlehu's proposal at community meetings in North Kohala and South Kona and through talk story conversations with friends and family throughout Hawai'i. We also have met with several individuals who expressed passionate opposition in an effort to find common ground and establish respectful communication.

#### **4. Where are we in the rule-making process?**

As required in West Hawai'i, we delivered our proposal to the West Hawai'i Fisheries Council (WHFC) in November 2011. During 11 months of regular public meetings in Kailua-Kona, the WHFC standardized the proposal language based on Hawai'i Administrative Rules, and debated aspects of what was requested. In Summer 2012 we held public information sessions in Ka'ūpūlehu, Waimea, Kailua-Kona, and Kealahou to ensure people in West Hawai'i were aware of the proposal and to collect comments. After further consultation, the draft proposal was amended based on comments received, and in August 2012 the WHFC submitted it to the State Division of Aquatic Resources (DAR).

In October 2014, the Board of Land and Natural Resources approved Ka'ūpūlehu's request for public hearing. DAR has scheduled the public hearing for February 11, 2016.

#### **5. What information and/or science is the 10-year rest period based on?**

This proposal has been shaped by the observation, understanding, and wisdom of kūpuna of Ka'ūpūlehu fishermen, families, and community. We invited scientists and researchers to help us understand and confirm our observations, and independent research projects from the University of Hawai'i at Hilo and The Nature Conservancy documented the declines we saw.

Permanent restrictions on fishing were out of the question for those of us who rely upon fish for our sustenance, health, culture, and livelihood. We examined existing managed areas in Hawai'i, such as the Waikiki Fisheries Management Area (FMA), and confirmed that early suggestions to rest Ka'ūpūlehu's reef for one to two years were unlikely to result in more fish.

We combed scientific literature for successful examples of reef recovery globally and for life history information for Hawaiian reef fish. Science demonstrates that resting areas allows coral reef fish to recover naturally. Where this has been done in Hawai'i there are more fish, and studies from Pūpūkea in O'ahu show us that these fish travel beyond protected areas to benefit fishermen as well. The example of Apo Island in the Philippines – where the community, in collaboration with scientists and local government, closed a portion of their coastline to fishing – showed us that fishermen and the community are better off after protecting their place than they were before, and that, although this reef is still growing more fish forty years after it was protected, real benefits to both fish and fishermen were documented by year ten.

Surgeonfishes like manini and maiko are important food fish for us, and science shows that they live longer and often take longer to recover than other fish. For example, the surgeonfish lau 'ipala (*Zebrafish flavescens*) or Yellow Tang, has been protected since late 1999, and it did not begin to demonstrate any population recovery for four years and reached a peak at seven years. Many of the food fish we eat don't begin reproducing at productive levels until about 5-8 years. We need to enable at least one generation of fish at Ka'ūpūlehu to be able to truly replenish the reef before sustainable fishing begins again.

#### **6. How do my rights to traditional and customary practice play into the proposed rest area?**

Pono fishing practices are based on Native Hawaiian traditions and customs, which are guided by a system and foundation of values. Thus, our Native Hawaiian rights of gathering and access are coupled with our kūleana (responsibility) to mālama (care for) our resources. This is what Ka'ūpūlehu's proposal seeks to do. It is our kūleana to respect all life and fish and manage in ways that will ensure abundance for future generations. We believe that discipline is a Hawaiian tradition and a customary practice. By establishing a period



of rest, we are working to bring back ‘āina momona – an abundant, productive ecosystem that supports community well-being – and protect traditional Hawaiian practices.

Hoā‘āina (tenants) of a place are afforded the protection of rights to mālama and gather from that place. We are exercising our right to mālama our place and manage ocean resources to ensure ‘āina momona and the perpetuation of our cultural practices for future generations, because we believe the existence of a healthy resource is foundational to our ability to perpetuate our culture and that the right to practice without a resource to support that practice, serves none of us in the end.

### **7. What will happen during and after the 10-year rest period?**

Our goal is to work with our community members and partners to develop and implement a sound subsistence fisheries management plan based on Hawaiian tradition and modern science. We will conduct scientific and community monitoring to observe the health and recovery of reef fish, shoreline species, and corals. We will host education and community outreach programs to teach our families and friends about our ocean and to perpetuate our culture, traditional practices, and our legacy of stewardship.

We have programs in place at the community level to monitor ‘opihi, he‘e, reef fish, and spawning activities and research partnerships to gather data on coral, water quality, and all coral reef fish in Ka‘ūpūlehu to inform our planning. We will work with partners including fishermen, cultural practitioners, and scientists to develop a comprehensive management plan to guide subsistence fishing, supported by cultural research, volunteer activities, and biological data gathered biannually within the rest area. The data collected – most importantly how key food fish species respond to the rest period – will inform the development of this plan, which will be submitted to the State DLNR for approval by year seven of the 10-year rest period. This should provide enough time for its passage through the administrative rule making process before the ten years is up.

### **8. Will access to the coastline/water be affected if this proposal is passed?**

Our proposal will not affect access in any way. Anyone can drive to the public coastline access, walk along the beach, and swim in the water in the same way that they do now. And more access is scheduled to open in the near future at Kalaemanō.

### **9. How will the rest area be enforced?**

We plan to support cooperative efforts of the volunteer Makai Watch program in partnership with DLNR-DOCARE. Compliance with the proposed rules will also be encouraged through community monitoring – to observe the health and recovery of reef fish and corals – and education and outreach programs.

# SHARE YOUR MANA`O



**Support fish  
replenishment for  
sustainable  
harvest.**

## TESTIFY IN PERSON

**Thursday, February 11, 6-9 PM**

Public Hearing at  
Kealakehe High School Cafeteria  
74-5000 Puohulihuli Street, Kailua-Kona

## SUBMIT TESTIMONY

by February 26 to  
[DLNR.aquatics@hawaii.gov](mailto:DLNR.aquatics@hawaii.gov) or  
1151 Punchbowl Street, Room 330  
Honolulu, HI 96813

## SIGN ONLINE PETITION

at <http://bit.ly/trywait>

# TESTIFY. BE HEARD.

(front)

# TRY WAIT

- 1975-2000: Community observes decline in fish and creates Fish Replenishment Area
- 2000-2012: Ka'ūpūlehu Marine Life Advisory Committee (KMLAC) develops and adapts proposal based on extensive community input
- 2011: KMLAC submits proposal to West Hawai'i Fisheries Council (WHFC)
- 2012: WHFC submits proposal to State Division of Aquatic Resources (DAR)
- 2014: Board of Land and Natural Resources (BLNR) approves public hearing
- 2009-2016: Continual outreach efforts reaching over 4,500 people statewide
- ➔ **2016: FEBRUARY 11 PUBLIC HEARING AT KEALAKEHE HIGH SCHOOL CAFETERIA**
- *TBD*: BLNR meeting to review outcomes from public hearing, hear additional input and vote
- *TBD*: If passed by BLNR, final review by Attorney General and Small Business Regulatory Review Board
- *TBD*: Governor final review

# REST. RESTORE. HARVEST.

(back)

# TRY WAIT!

## SUMMARY OF KA'ŪPŪLEHU'S PROPOSAL



- Sets forth a 10-year rest period<sup>2</sup> for Ka'ūpūlehu's reefs with the following *allowed activities*:
  - Past the 20 fathoms (120 ft) depth contour, you can use hook-and-line to catch the following:<sup>3</sup>
    - Bottom fish: 'ōpakapaka, kalekale, lehi, gindai, onaga, ehu, hāpu'upu'u, uku, nabeta
    - Invasive fish: ta'ape, roi, to'au
    - Pelagic fish: aku, ahi and tombo, a'u, ono, mahimahi
  - Past the 20 fathoms (120 ft) depth contour, you can use Kona crab nets (mesh net no more than 3ft in length) to catch Kona crabs.<sup>4</sup>
  - DLNR may issue permits to take non-native or invasive fish or invasive algae for educational, scientific, management, or propagation purposes.<sup>5</sup>
- To allow reef fish stocks to achieve the abundance necessary for a sustainable subsistence fishery, the following is *prohibited* within the Ka'ūpūlehu Marine Reserve:<sup>6</sup>
  - Possession of any marine life other than those listed above.
  - Possession or use of fishing gear, other than hook-and-line and/or Kona crab nets.
  - Deployment of fishing gear (including hook-and-line and/or Kona crab nets) from the shore to the 20 fathoms (120 ft) depth contour.
- The Department of Land and Natural Resources (DLNR) will work with the Ka'ūpūlehu community and other interested parties to develop a comprehensive fisheries management plan in the time being.<sup>7</sup>
- Other:
  - Changes the name of the existing Ka'ūpūlehu Fish Replenishment Area to the Ka'ūpūlehu Marine Reserve.<sup>8</sup>
  - Adds several definitions to the West Hawai'i Rules:<sup>9</sup> deploy, fishing gear, hook-and-line, Kona crab net, and marine reserve.
  - NOTE: The West Hawai'i Regional Fishery Management Area rule chapter currently has an umbrella provision recognizing and protecting Native Hawaiian traditional and customary rights for subsistence, cultural, and religious purposes; this provision would apply to Ka'ūpūlehu's proposal as well.<sup>10</sup>

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<sup>2</sup> See page 8 of the proposed rules: Section 13-60.4-5(f).

<sup>3</sup> See page 6 of the proposed rules: Section 13-60.4-5(d)(1).

<sup>4</sup> See page 6 of the proposed rules: Section 13-60.4-5(d)(1).

<sup>5</sup> See page 8 of the proposed rules: Section 13-60.4-5(e).

<sup>6</sup> See page 8 of the proposed rules: Section 13-60.4-5(d)(2)-(4).

<sup>7</sup> See page 8 of the proposed rules: Section 13-60.4-5(f).

<sup>8</sup> See page 1 of the proposed rules: Section 13-60.4-2(b)(1)

<sup>9</sup> See page 5-6 of the proposed rules: Section 13-60.4-3.

<sup>10</sup> Hawaii Administrative Rules §13-60.4-1(b).

# Our Journey: Kaupulehu's Try Wait Proposal 1999 to 2016

**Goal: Increase fish populations  
enough to sustainably harvest**

To return abundance to Kaupulehu, the Kaupulehu Marine Life Advisory Committee (KMLAC) debated between a one-year and a permanent marine closure. This graphic represents some of the key compromises - based on input from Kona fishers, the West Hawaii Fishery Council (WHFC), and the State - made during more than 350 community meetings and outreach efforts. The result is a compromise to rest the area for 10 years - enough time for most species to spawn at least once, but not so long that our people lose their connection to these waters.

May  
**2016**  
**Try Wait**

"Try Wait" proposal goes before the BLNR for their vote May 27.



Feb.  
**2016**

**>170 people**  
...attended the "Try Wait" DAR- hosted public hearing: 70 people shared oral testimony - 63 in full support, only 5 opposed.

Oct. **2014**  
BLNR unanimously approves "Try Wait" proposal for public hearing.

DAR: "No need. This language is already in WHFRMA."

Aug. Cultural exemption language changed by DAR.

May Cultural exemption language defined by KMLAC.

**2013**

**>350 Outreach Efforts**



Four WHFC & KMLAC publicly noticed meetings were held June - Aug. 2012. In addition to more than 350 meetings and outreach efforts 2009 - 2016.

May Penalties removed by WHFC. Special permits also removed.

March  
**2012**

West Hawaii fishers said that they wanted to troll as shallow as 20 fathoms (120 ft.), so the depth for the no take area was reduced to 120 feet. Uku was also added to the exemption list. 10-year rest period decided.



Kona fishers: "That close to the reef, we may accidentally catch uku!"

**2011**

Nov. Draft proposal submitted to WHFC.  
Aug. Zones eliminated.

June **2010**

Species exemptions were created starting with all major pelagic trolling and the deep 7 bottomfish species caught w/ pole and line deeper than 150 feet. Exempted species included: poo nui, kawakawa, au lepe, striped marlin, and shortnose spearfish. See page 30 of admin record for details.

DAR: "No zones within the FMA please."

Feb.  
**2010**



To focus on protecting reef fish and reduce impacts to commercial trollers and bottom fishers, the depth boundary was reduced to 150 ft. Also: 2 zones created, specific fines & penalties proposed, and hook & line exempted.

Kona fishers: "We'll help you decide on exemptions. Also let's add nabeta and Kona Crab to the exemption list"

**2009**  
KMLAC proposes to make the entire Kaupulehu FMA a marine reserve.

**1999-2009**


**Prompted by declines...**

...in fish populations, the KMLAC explores and discusses management options starting with voluntary fisheries management guidelines.

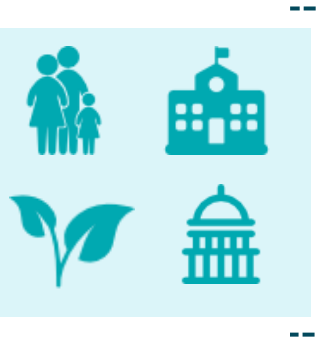


# KA 'ŪPŪLEHU

## CONSERVATION ACTION PLAN 2015

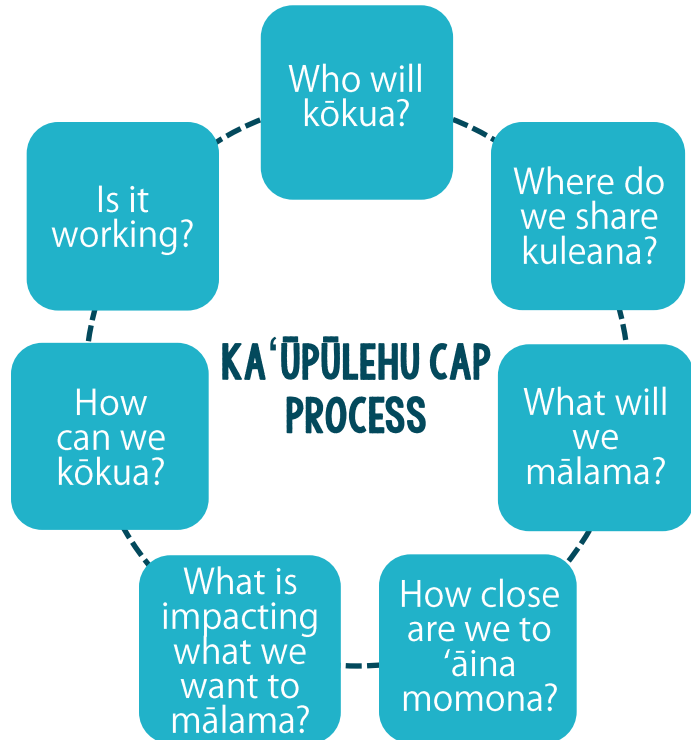
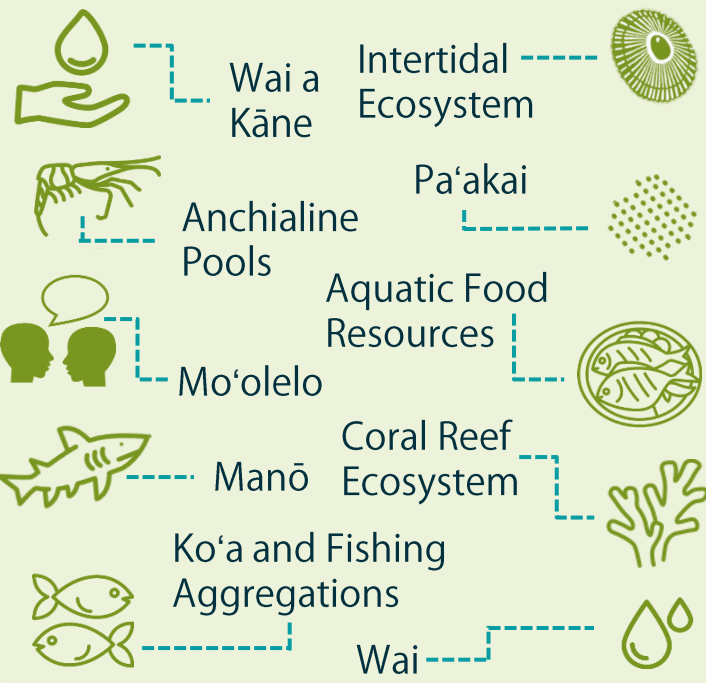
 Ka'ūpūlehu and Kūki'o, ancestral home to some and lands cherished by all, will be a place where the sea is cared for, productive and welcoming.

Located within Kekaha, North Kona, Hawai'i is the ahupua'a of Ka'ūpūlehu. The kaha lands run from Pu'uānāhulu in the north, through Honokauiki in the south and are comprised of a mosaic of Hualālai and Mauna Loa lavas. These lands are scarce in water resources, and thus limited in land-based food support. The coast and sea played a vital role in sustaining the people of Ka'ūpūlehu.

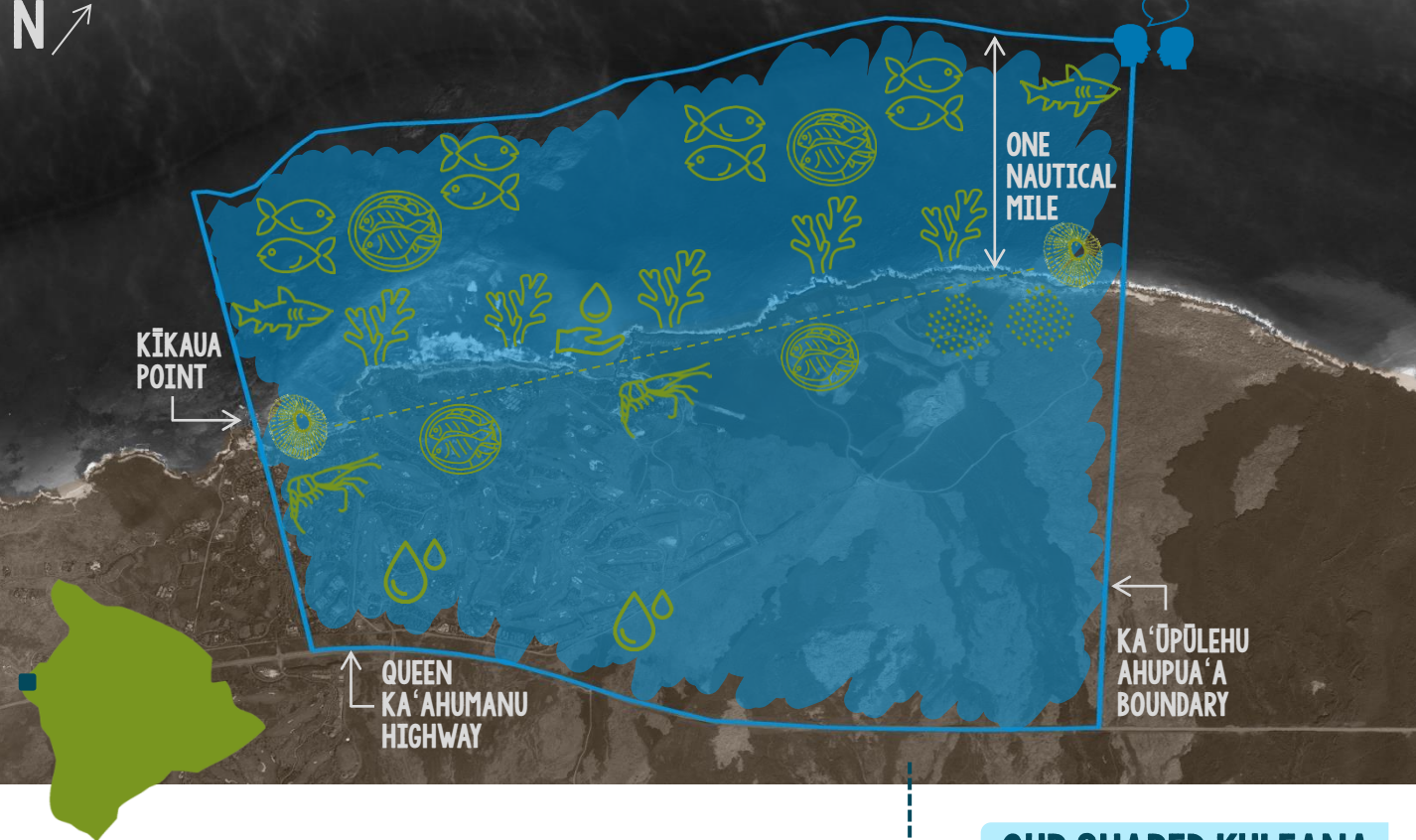


**15** people with connections to Ka'ūpūlehu through ancestry, activity, business, governance, research and education participated in 6 days of workshops at Kalaemanō.

### WHAT WE WANT TO MĀLAMA



kōkua: help • kuleana: responsibility • mālama: care for • 'āina momona: abundant land & sea



## OUR SHARED KULEANA

### HOW CAN WE KŌKUA?

#### OVER THE NEXT 10 YEARS

- Create, restore, perpetuate, maintain, share and protect pa'akai, mo'olelo, manō, 'ōpelu ko'a and wai
- Ensure socially and ecologically sustainable fishery at Ka'upulehu
- Create and strengthen partnerships to ensure compliance with rules and regulations, reduce current and future impacts and build relationships
- Reduce impact of sea level rise on conservation targets

### IMPACTS ON WHAT WE WANT TO MĀLAMA

