

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii 96813

January 9, 2026

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Subject: Enforcement Action against Konane Zager for Longline Fishing, in violation of Hawaii Revised Statutes § 189-2.5, on May 7, 2025, offshore the southwest coast of Hawaii island.

Summary: This submittal requests the Board of Land and Natural Resources find that Konane Zager violated Hawaii Revised Statutes § 189-2.5 by engaging in longline fishing in Hawaii territorial waters, on May 7, 2025, and pursuant to the violation, impose the proposed administrative penalty of \$10,051.90 and revoke Konane Zager's Commercial Marine License.

Date of Incident: May 7, 2025

Against: Konane I. Zager

Location of Incident: Approximately seven (7) nautical miles offshore of the southwest coast of Hawaii island, state of Hawaii territorial sea

GPS Coordinates: 19°17.455'N, 156°00.645'W

I. INTRODUCTION

On May 7, 2025, officers from the State of Hawai'i Department of Land and Natural Resources ("DLNR"), Division of Conservation and Resources Enforcement ("DOCARE"), Marine Patrol Unit were conducting patrol operations in the territorial waters of Hawai'i Island, along the Kona Coast, following complaints of suspected illegal longline activity. DOCARE officers observed buoys and other gear in the water that were consistent with longline operations, and the officers determined that a specific vessel, *Wai'aka*, which was captained by Mr. Konane Zager, was the vessel that had deployed the illegal longline gear. Longline fishing is prohibited within the State's territorial waters under Hawaii Revised Statutes ("HRS") §189-2.5, which defines longline fishing as any gear set with a mainline exceeding one (1) nautical mile in length.

II. FACTUAL BACKGROUND

A. Kona Coast, Island of Hawaii

The Kona Coast of Hawaii Island is renowned for its abundant marine life and distinctive environmental features. The region's seafloor exhibits an abrupt and significant decline in depth beginning at the coastline, reaching pelagic ocean depths of thousands of feet within a short distance from land, making it a popular destination for deep-water diving and fishing. Native Hawaiians hold the Kona Coast as a place of great historical and spiritual importance, and the coastline is dotted with numerous sacred sites, ancient fishponds, and heiau (temples). Today, visitors and locals enjoy a wide range of recreational activities along the Kona Coast, including snorkeling, night diving, shore and boat diving, paddling, surfing, and dolphin-watching. The combination of environmental richness, dramatic geologic features, and ongoing cultural significance makes the Kona Coast a distinctive part of the Hawaiian archipelago.

B. The Responsible Parties

Konane I. Zager ("ZAGER"), is the owner of the *Wai'aka* and was captaining the vessel on May 7, 2025. ZAGER resides in Kailua-Kona, Hawai'i island. Noah N. Greenwell ("GREENWELL") was serving as deckhand on the *Wai'aka*.

C. The May 7, 2025 *Wai'aka* Longline Incident

On May 7, 2025, DLNR-DOCARE officers were conducting patrol operations in the territorial waters of Hawai'i, along the Kona Coast of Hawai'i Island, following complaints of suspected illegal longline activity. Longline fishing is prohibited within the State's territorial waters under HRS §189-2.5, which defines longline fishing as any gear set with a mainline¹ exceeding one (1) nautical mile in length. At approximately 08:45AM,

¹ In longline and shortline fishing, the mainline is the long, primary fishing line to which other components, like branchlines, hooks, and buoys, are attached. Its specific legal definition can vary based on the jurisdiction and the type of longline or shortline fishery.

patrol officers observed multiple fishing vessels operating approximately seven miles seaward of Hawai'i Island's Kona Coast. Among them was a vessel identified as *Wai'aka* (HA-8886-H), a 28-foot Radon cabin vessel with a white hull and teal/blue trim.²

At approximately 9:00AM, near the position Latitude 19°17.455'N / Longitude 156°00.645'W, officers spotted orange buoys. Two of the buoys were positioned approximately 5 feet apart, one fitted with a dome-shaped device and vertical antenna consistent with GPS-tracked fishing buoys. Additional floats were later observed to the west, suggesting a deployed fishing set. Weather at the time was calm, with light seas, winds of 4–6 mph, and excellent visibility.³

At approximately 9:05AM, the vessel *Wai'aka* approached the DOCARE patrol vessel. Vessel markings, including the name "Wai'aka" and registration number "HA-8886-H," were confirmed. Two individuals were onboard: a captain/operator identified as Konane I. ZAGER and a crew member identified as Noah N. GREENWELL. Visible equipment included a large longline reel, pulley system, generator power source, and a homemade rectangular crate containing monofilament leaders, hooks, and clips. Based on training and experience, officers immediately recognized this configuration as consistent with longline fishing gear (Report 2 – Fukuyama).

When DOCARE officers came alongside and identified themselves, they inquired about the fishing gear in the nearby water. At this point, ZAGER made several spontaneous admissions:

- He confirmed the buoyed gear belonged to him.
- He claimed to have "about 4.8 miles of line out there."
- He acknowledged he was aware of the one (1) nautical mile state limit and stated that he knew his gear exceeded that limit.
- He explained his computer/GPS device had malfunctioned that morning, causing him to tie multiple line segments together into one continuous set.

Despite ZAGER's statement that measuring was unnecessary, officers informed him that enforcement protocols required physical measurement of line length, and boarding proceeded with his consent.⁴

At approximately 9:17AM, DOCARE officers Esteban and Fukuyama boarded the *Wai'aka* (Report 2 – Fukuyama). DOCARE officers Pila and Stevens provided overwatch from the patrol vessel. ZAGER and GREENWELL began retrieval of the gear, bringing the buoys and line aboard. The mainline was routed through a calibrated NOAA-supplied line counter before being spooled onto the reel.⁵

² See **Exhibit A** - DOCARE Investigation Report – HA-25-00458 (K. ZAGER). Note that the DOCARE Investigation Report contains reports from the Lead Investigator, DOCARE Officer Dustan J.K. Esteban, as well as three additional DOCARE patrol officers, Tyson Fukuyama, Gerard B. Pila, and Micah K.M. Stevens. This submittal will cite from Lead Investigator Esteban's report, unless otherwise indicated in parentheses.

³ *Id.* at 4.

⁴ *Id.* p.5

⁵ *Id.* p.6

GREENWELL unclipped the hooked leaders (also known as “branchlines”) from the mainline and placed them into the gear basket. These leaders/branchlines were approximately 24 feet each in length. He stated that akule (also known as halalu or “bigeye scad”) had been used as live bait. Gear recovery continued until the last buoy was brought aboard at approximately 11:30AM (Report 2 – Fukuyama).

The DOCARE officers’ inspection revealed the following:

- Total Mainline Length: 6,836 meters / 3.69 nautical miles (continuous, no breaks).
- Total Hooks: 171 baited leaders/branchines.
- Floats Recovered: 9 orange floats, 2 GPS buoys (Report 2 – Fukuyama)
- Catch: Three yellowfin tuna (*Thunnus albacares*). Two of these yellowfin tuna were retained in the fish box (approx. 100 lbs each); one yellowfin tuna (~120 lbs) was released alive per officers’ directive. Additional frozen/cold-storage fish were observed in the brine mixture, identified as tuna and marlin from the prior day’s fishing (Report 2 – Fukuyama).

All three ahi were caught on ZAGER’s longline and were observed on the line by DOCARE officers. Two of the ahi were landed onto the *Wai’aka* and one was released.

At approximately 11:30AM, officers terminated ZAGER’s voyage. Officers Esteban and Pila boarded to escort the *Wai’aka* back to Honokohau Small Boat Harbor while Officer Fukuyama operated the DOCARE patrol vessel. By 12:35PM, both vessels returned to Honokohau Small Boat Harbor.⁶

At the harbor, officers secured the vessel, equipment, and other evidence. Seized property included the *Wai’aka* itself, longline gear, buoys, and related fishing gear. Audio recording of ZAGER’s voluntary statement was also entered as evidence.

D. Interviews with ZAGER and GREENWELL

At approximately 1:14PM, ZAGER was advised of his rights via a formal Advice of Rights form, which he initialed and signed, waiving counsel. His voluntary statement included:

- Admission that he had deployed longline gear on 05/07/2025.⁷
- Confirmation that the gear exceeded legal limits, tied into one unbroken set.
- Acknowledgment of knowing the one (1) nautical mile prohibition.
- Explanation that GPS/computer malfunction led him to over-extend the line.
- Remarks that he “messed up,” should not have done it, and would apologize if in court.

⁶ *Id.* p.7

⁷ Note that the DOCARE Investigation Report states that ZAGER admitted to deploying longline gear on 05/05/25. However, upon reviewing the audio recording of ZAGER’s witness statement, ZAGER deployed “gear” on 05/05/25, but this gear was not longline gear. ZAGER *did* deploy longline gear on 05/07/25.

- Remarks that DOCARE “didn’t achieve anything...by getting me with my 4 or whatever miles [of longline gear].”⁸

At approximately 1:30PM, GREENWELL was interviewed separately. He stated:

- He and ZAGER departed Honokohau on 05/05/2025 at 11:00PM to catch bait.
- On 05/06/2025, they fished with reels, not longline gear.
- Their first longline set occurred on 05/07/2025 between 7:00–9:00AM.
- He acknowledged understanding the difference between shortline (<1 nautical mile) and longline (>1 nautical mile).
- He confirmed that the decision to “lay one consistent line” was due to computer malfunction.
- He estimated the longline spool might hold about “4 miles” of line.
- He noted this was only his second trip with ZAGER and he was “just doing what he was told” in hopes of earning pay.⁹

E. Evidence and Final Disposition

Seized items from ZAGER were documented under Evidence Property Receipts, including:

- One (1) vessel, *Wai’aka*, HA-8886-H (est. value - \$200,000)
- Two (2) orange MP3 GPS transmitting buoys (est. value - \$2,000 total)
- One (1) longline mini spool containing approximately 4.8 miles of 700 lb. test monofilament line (est. value - \$10,000)
- One (1) homemade wooden and mesh box containing approximately 190 hooks, longline clips, and leaders (est. value - \$2,000 total)
- Thirteen (13) marker buoys (est. value - \$390 total)
- Twenty (20) tan drop ropes, approximately 30 feet each in length (est. value - \$500 total)
- One (1) WCABT (ABT) trailer for 28-foot Radon, VIN#1A982470281626246, License Plate# 341-HZD (est. value - \$15,000)¹⁰

All seized items were eventually returned to ZAGER.

On May 8, 2025, DOCARE Officer Esteban visited the Kona Fish Company and confirmed that ZAGER had sold the two *ahi* (yellowfin tuna) from this trip for a total of \$1,283.75.¹¹

Based on the totality of observations, suspect admissions, measured gear, and evidence, officers concluded that ZAGER knowingly violated HRS § 189-2.5 by engaging in longline fishing within Hawai’i territorial waters. Evidence clearly met statutory definitions: one continuous monofilament mainline of 3.69 nautical miles, exceeding the one (1) nautical mile legal threshold. Accordingly, ZAGER was

⁸ DOCARE Investigation Report, Note 2, p.8, *supra*.

⁹ *Id.* at p.20.

¹⁰ See Note 2, p.9, *supra*.

¹¹ Kona Fish Company, Inc. Purchase Order – 05/08/25, included in DOCARE Investigation Report, Note 2, p.37, *supra*.

issued Criminal Citation #3083567LNR at 2:30PM on May 7, 2025, for violation of HRS § 189-2.5. A court date was scheduled for June 19, 2025, State of Hawaii Third Circuit Court, Kona Division. All evidence and statements were logged for forwarding to NOAA Office of Law Enforcement and DAR for review.

On June 19, 2025, ZAGER pled “no contest” to illegal longline fishing at the State of Hawaii Third Circuit Court, Kona Division. The Court accepted his *nolo contendere* plea and fined ZAGER a total of \$250. A copy of the judgment is attached to this submittal as **Exhibit B**.

III. LEGAL AUTHORITY FOR ENFORCEMENT

A. Longline Fishing is Prohibited by Statute.

Under HRS §189-2.5(b), “[i]t is unlawful to engage in longline fishing or to sell or offer for sale, any marine life taken with longline fishing gear within the boundaries of the State’s territorial sea.”

“[L]ongline fishing means fishing conducted with gear consisting of at least one mainline over one nautical mile in length, to which is attached a number of branchlines with baited hooks and which is suspended below the surface of the ocean by floatlines attached to surface floats.” HRS § 189-2.5(a).

The State has authority to enforce the longline fishing prohibition in HRS § 189-2.5 within the State’s marine waters, as defined in HRS § 189-1.5.

“State marine waters” is defined as “extending from the upper reaches of the wash of the waves on shore seaward to the limit of the State’s police power and management authority, including the United States territorial sea, notwithstanding any law to the contrary.” HRS § 189-1.5.

DOCARE officers recovered deployed longline gear belonging to ZAGER that included a “mainline” exceeding one (1) nautical mile on May 7, 2025. This gear was recovered in the State of Hawai‘i’s territorial sea. ZAGER voluntarily admitted to deploying longline gear that exceeded the one (1) nautical mile limit after being advised of his rights. Therefore, ZAGER violated HRS Section 189-2.5.

B. Penalties Authorized for Violations of HRS § 189-2.5

There are criminal, administrative, and civil penalties for a violation of HRS § 189-2.5, which include the mandatory revocation of a commercial marine license upon the finding of a violation. The Board is authorized to impose administrative penalties for a violation of HRS § 189-2.5. The imposition of any criminal penalties by the courts does not preclude the Board to recover additional administrative fines, fees, and costs. HRS § 187A-12.5.

The administrative penalties for a violation of HRS § 189-2.5 are outlined in HRS § 187A-12.5(c)¹² as follows:

- (1) For a first violation, a fine of not more than \$1,000;
- (2) For a second violation within five years of a previous violation, a fine of not more than \$2,000; and
- (3) For a third or subsequent violation within five years of the last violation, a fine of not more than \$3,000.

HRS § 187A-12.5(e) provides that “[i]n addition to subsection (c), a fine of up to \$1,000 may be levied for each specimen of all other aquatic life taken, killed, or injured in violation of subtitle 5 of title 12 or any rule adopted thereunder.” The definition of “aquatic life” includes *ahi* (yellowfin tuna). See HRS § 187A-1.

HRS § 189-2.5(e) states, “[t]he commercial marine license of any person convicted of violating this section **shall be revoked** and penalties pursuant to section 199-7, including equipment and gear seizure and forfeiture, shall be assessed. Any person whose license has been revoked shall not be eligible to apply for another license until the expiration of one year from the date of revocation” (emphasis added).

IV. APPLICATION OF LAW AND RECOMMENDED FINE

A. Maximum Administrative Fines Should be Imposed.

As HRS § 187A-12.5(c) authorizes an administrative fine of up to \$1,000 for a first-time unlawful longline violation, as well as an additional \$1,000 per specimen of aquatic life taken, killed, or injured, DAR requests that the Board impose the maximum fine of \$4,000 in this matter.

DAR recommends that the Board impose the maximum administrative fines: \$4,000, which is \$1,000 for ZAGER’s first violation of HRS § 189-2.5 plus \$1,000 per killed or injured *ahi* specimen (\$3,000 total). See HRS § 187A-12.5(c) and (e).

Section 189-2.5(e), HRS, authorizes the Board to revoke the commercial marine license of any person convicted of violating HRS § 189-2.5. ZAGER was convicted of violating HRS § 189-2.5 on June 19, 2025, when ZAGER pled “no contest” to illegal longline fishing at the State of Hawaii Third Circuit Court, Kona Division, and paid a \$250 fine. The Court accepted his *nolo contendere* plea.

Even though ZAGER pled no contest and paid a fine for the DOCARE citation issued, the Board can still recover administrative fines, fees, and costs from him for the same violation. “Any criminal penalty for any violation of [HRS § 189-2.5] shall not be deemed

¹² HRS § 189-4 discusses criminal penalties for violations of HRS Chapter 189, but HRS § 187A-2.5 provides the general administrative penalties for violations of subtitle 5 of title 12, HRS. HRS Chapter 189 is included in subtitle 5 of title 12, HRS. Section 187A-12.5(b), HRS, specifically addresses violations involving threatened or endangered species. Subsection (c) covers “all other violations.”

to preclude the State from recovering additional administrative fines, fees, and costs, including attorney's fees and costs." HRS § 187A-12.5(f).

The \$250 fine that ZAGER paid pursuant to his criminal matter does not go to DLNR—it goes into the State's General Fund. See HRS § 706-643(2). Whereas any administrative fines imposed for commercial fishing violations pursuant to HRS § 187A-12.5 are deposited into the Commercial Fisheries Special Fund (HRS § 189-2.4) and can be used by the DLNR for programs, activities, and projects concerning aquatic life used for commercial purposes.

B. Justification and Factors to be Considered in Assessing Recommended Maximum Fines

The Board has broad discretion in assessing administrative fines for a natural resource violation. Some of the factors that the Board may take into consideration include the value of the resource damaged, costs for the State to investigate and process the violation, level of damages to the public for whom the State holds a public trust of the resource involved, extent of the respondent's cooperation, and voluntary actions taken by the respondent to mitigate or avoid damages.¹³

1. Violations for the Instant Enforcement Action

On May 7, 2025, DOCARE officers documented ZAGER engaged in fishing with gear consisting of one mainline over one nautical mile in length, with a number of branchlines with baited hooks and was suspended below the surface by floatlines attached to surface floats.

DOCARE officers observed three *ahi* were taken with ZAGER's longline fishing gear as it was reeled in.

HRS § 189-2.5(b) prohibits the exact conduct that DOCARE discovered ZAGER engaged in.

DOCARE recovered the receipt of the two *ahi* that ZAGER caught on his longline fishing gear in their presence.

HRS § 189-2.5(b) also prohibits *the sale or even the offer to sell* any marine life taken with longline fishing gear within the State's territorial sea. ZAGER sold two *ahi* that were taken with longline fishing gear.

ZAGER violated HRS § 189-2.5 when he engaged in longline fishing within Hawaii's territorial sea on May 7, 2025.

¹³ See HAW. ADMIN. R. §13-1-70

2. **Costs of the DOCARE's Investigation and DAR's Administrative Enforcement Action**

DAR staff spent a total of 40 hours responding to this incident, assisting DOCARE staff, and preparing the submittal for a total cost of **\$2,226.40**. DOCARE staff spent a total of 106 hours responding to and investigating this incident for a total cost of **\$3,525.50**. DOCARE's operational cost for vessel fuel was **\$300.00**. The total value of this staff time and administrative costs was therefore estimated as **\$6,051.90**, as shown in **Table 1**, below.

Table 1. Staff time and costs for the response and investigation.

	Unit	Rate	Total
DAR Staff	40 hours	\$55.66/hour	\$2,226.40
DOCARE Staff	106 hours	\$33.26/hour ¹⁴	\$3,525.50
DOCARE Vessel Costs	6 hours	\$50.00/hour	\$300.00
TOTAL			\$6,051.90

Accordingly, the total administrative cost incurred by the Department in investigating and processing this incident was **\$6,051.90**.

5. **Respondent's Cooperation and Voluntary Mitigative Actions**

The DLNR is unaware of any voluntary mitigative actions taken by ZAGER related to this incident. DLNR acknowledges that ZAGER cooperated with DOCARE officers' investigation.

C. **Recommended Fines and Costs**

Based on the foregoing considerations, DAR recommends fines of **\$1,000** for the violation of HRS § 189-2.5, **\$3,000** for the value of the resource (\$1,000 per *ahi* taken), and administrative costs in the amount of **\$6,051.90** for a total assessment of **\$10,051.90**, as shown in **Table 2**, below.

¹⁴ This DOCARE staff payrate is an average of the individual officers' payrate and the Supervisor payrate. A detailed accounting of the Officers' and Supervisors' payrate and hours is available upon request.

Table 2. Summary of settlement fines and costs.

Category of Fines and Costs	Amount Recommended
Violations	\$1,000.00
Resource Value	\$3,000.00
Administrative Costs	\$6,051.90
TOTAL	\$10,051.90

V. FINDINGS

Based on the foregoing information and the attachments hereto, DAR concludes and requests the Board find the following:

1. That on May 7, 2025, KONANE I. ZAGER engaged in fishing on the vessel *Wai'aka* in the State of Hawai'i's territorial sea with a mainline longer than one (1) nautical mile, which had attached a number of branchlines with baited hooks and which was suspended below the surface of the ocean by floatlines attached to surface floats ("unlawful longline"), thereby violating HRS § 189-2.5(b);
2. That on May 7, 2025, KONANE I. ZAGER took three *ahi* (yellowfin tuna) on the unlawful longline, thereby violating HRS § 189-2.5(b); and
3. That on May 8, 2025, KONANE I. ZAGER sold two of the three *ahi* he caught on the unlawful longline, using his Commercial Marine License, to Kona Fish Co., Inc, thereby violating HRS § 189-2.5(b); and
4. That DOCARE staff expended \$3,825.50¹⁵ in administrative costs in responding to the above-described violations and DAR staff expended \$2,226.40 in administrative costs in administratively enforcing the above-described violation, for a total of \$6,051.90 in DLNR administrative costs.

¹⁵ DOCARE staff costs at \$3,525.50 + \$300 in vessel fuel.

AS SUCH, STAFF MAKES THE FOLLOWING RECOMMENDATIONS:

That the Board adopt the findings and conclusions set forth above and order the following:

- A. KONANE I. ZAGER is fined a total of \$10,051.90 in administrative fees and costs:
 - i. Pursuant to HRS § 187A-12.5(c)(1), KONANE I. ZAGER is fined \$1,000 for violating the provisions of HRS § 189-2.5(b) on May 7, 2025;
 - ii. Pursuant to HRS § 187A-12.5(e), KONANE I. ZAGER is fined \$3,000 (\$1,000 per *ahi* taken on May 7, 2025) while violating the provisions of HRS § 189-2.5(b); and
 - iii. Pursuant to HRS § 187A-12.5(a), \$6,051.90 in administrative costs is imposed against KONANE I. ZAGER;
- B. KONANE I. ZAGER shall pay all imposed administrative fees and costs within sixty (60) days of this submittal;
- C. Pursuant to HRS § 189-2.5(e), KONANE I. ZAGER's Commercial Marine License is revoked for one (1) year;
- D. Pursuant to HRS § 189-2.5(e), KONANE I. ZAGER shall not be eligible to apply for a new Commercial Marine License until the one (1) year revocation period passes; and
- E. In the event KONANE I. ZAGER fails to comply with any order herein, this matter shall be turned over to the Department of the Attorney General for disposition, including all administrative costs and attorney's fees incurred in such an effort.

Respectfully Submitted,

Edward Kekoa Jr.

Edward Kekoa, Administrator
(Acting) Division of Aquatic
Resources

APPROVED FOR SUBMITTAL:



Dawn N.S. Chang, Chairperson
Department of Land and Natural
Resources

Attachments:

Exhibit A - DOCARE Investigation Report – HA-25-00458 (K.
ZAGER) Exhibit B – Judgment and Notice

**EXHIBIT A –
DOCARE INVESTIGATION REPORT**



State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

Log Number HA-25-00458	District SOUTH KONA (HAWAII)	Lead Investigator ESTEBAN J.K. DUSTAN - ESTADJ
Date/Time Reported 05/07/2025	Location STATE TERRITORIAL SEA	Incident Type Prohibited Fishing Gear
Status CIT CITATION ISSUED	Activity Code Fisheries Enforcement Unit - Water	

Investigation Report

Fishing Hunting Boating Drug Rel. Forestry NOAA JEA Land - OCCL CWRM Historic State Parks KAIC Other

BASIC	
Classification 189-2.5(b) UNLAWFUL TO ENGAGE IN LONGLINE FISHING/SELL MARINE LIFE TA	Source ONBEAT ON BEAT

Location of Incident / Intersecting Street 0 APPROX. 7MI. OFF SOUTH KONA	Island HAWAII	Branch HAWAII
X-Street:	Date / Time Occurred From 5/7/2025 0800	Date / Time Occurred to 5/7/2025 1730

Category OTHER AREAS	Weather CLEAR
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WEAPONS USED:

INVOLVED VEHICLES

Type	Vessel/Boat	Year	Make	Model	Color	License / HA Number	Length	Involvement	SUSPV
Unknown/Code Not Desc	2013				TEA	HA 8886H HI	28	SUSPECT VEHICLE	

Person/Vehicle Involvement	
OWN ZAGER, KONANE	OWN HA 8886H

INVOLVED VESSELS / BOATS

U.S.C.G. Number	Vessel Name	Use	Length	Beam	Weight	Involvement Code
HA 8886 H	WAI'AKA	PL	28			SUSPV
Propulsion	Engine Type	Number of Engines	Hull Type	Draft	Registration Number	State
OB	CA	2X 200	FI	Forward	HA 8886H	HI

PERSONS

Name (Last, First, Middle)	Juvenile	Sex	Race	Age	Date of Birth
ZAGER, KONANE ISLAU	<input type="checkbox"/>	MALE			

Address

Category SUSPECT	CODE: SUSP	Home Phone	Other Phone
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Name
STATE TERRITORIAL SEA

Category	Business Address
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Phone 1	Phone 2	Phone 3
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Written By: **ESTEBAN J.K. DUSTAN**
06/06/2025

Esteban J.K. Dustan #2144

Approved By:

[Signature]



State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

Log Number HA-25-00458	District SOUTH KONA (HAWAII)	Lead Investigator ESTEBAN J.K. DUSTAN - ESTADJ
Date/Time Reported 05/07/2025	Location STATE TERRITORIAL SEA	Incident Type Prohibited Fishing Gear
Status CIT CITATION ISSUED	Activity Code Fisheries Enforcement Unit - Water	

SYNOPSIS

Narrative Created By / Created On ESTEBAN J.K. DUSTAN	Approved By / On 05/09/2025
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05/07/2025: approx. 0600 hours: DLNR/DOCARE Officers assigned to the Marine Patrol Unit received information and complaints regarding a vessel engaged in prohibited longline fishing activity within the Hawai'i State Territorial Sea (12 nautical mile limit). The vessel was identified as the *Wai'aka*, bearing Hawai'i registration number HA-8886-H.

Officers launched from Honokōhau Small Boat Harbor (SBH) and conducted a southbound patrol along the Kona Coast near the 1400-fathom depth line. At approximately 0900 hours, a blue and white vessel matching the description was observed traveling northbound. Officers confirmed the vessel's name and registration number as *Wai'aka (HA-8886-H)*, clearly displayed on the forward cabin and wheelhouse.

Approximately 100 yards astern of the *Wai'aka*, officers observed several GPS buoys at or near **Latitude 19°17.455'N / Longitude 156°00.645'W**, indicative of longline fishing gear.

Upon observing officers near the buoyed gear, the *Wai'aka* abruptly changed course and approached the patrol vessel. Contact was made, and we identified ourselves as DLNR/DOCARE law enforcement personnel. The vessel's captain, later identified as Konane ZAGER (M-52), spontaneously admitted that the buoys and line were his and stated he had "approximately 4.8 miles of line" deployed in the water.

Pursuant to HRS §189-2.5 [Longline fishing; description; prohibition], such activity is prohibited within state waters. Based on ZAGER's admission and visible evidence, officers boarded the *Wai'aka* to conduct a full inspection and initiate further investigation into the potential violation.

INV. CONTINUING

ARREST / CITATION / WARNING INFORMATION

Arrest Date 05/07/2025	Person Arrested (Last Name, First, Middle) ZAGER	KONANE	ISLAU	Juvenile
Ticket / Complaint Number 3083567LNR	Tracking Number	Arrest Disposition	Type CITATION	Bail
Primary Charge 189-2.5(b)	UNLAWFUL TO ENGAGE IN LONGLINE FISHING/SELL MARINE LIFE TAK			Count(s) 1
Arresting Officer 1 ESTADJ	ESTEBAN J.K. DUSTAN	Arresting Officer 2 FUKUTK	FUKUYAMA K. TYSON	Blood / Alcohol <input type="checkbox"/>
				Arrest <input type="checkbox"/>
				Summons <input type="checkbox"/>

Secondary Charge(s)

RESPONDING / INVOLVED UNITS, OFFICERS, AND TIMES

Division HAWA	Supervisor Elvenia, Daniel L	ELVED
Unit Number 6-5422	Officer / ID (Ofcr 1 / Ofcr 2) ESTEBAN J.K. DUSTAN FUKUYAMA K. TYSON	Officer / ID (Ofcr 3 / Ofcr 4) ESTADJ FUKUTK STEVENS K.M. MICAH PILA B. GERARD
		STEV MK PILAGB

Written By: ESTEBAN J.K. DUSTAN 06/06/2025	<i>[Signature]</i> #214	Approved By: <i>[Signature]</i>	PAGE 2
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State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

Log Number HA-25-00458	District SOUTH KONA (HAWAII)	Lead Investigator ESTEBAN J.K. DUSTAN - ESTADJ
Date/Time Reported 05/07/2025	Location STATE TERRITORIAL SEA	Incident Type Prohibited Fishing Gear
Status CIT CITATION ISSUED	Activity Code Fisheries Enforcement Unit - Water	

Written By: **ESTEBAN J.K. DUSTAN**
06/06/2025

[Handwritten Signature] #214 16

Approved By:

[Handwritten Signature]


State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

Log Number HA-25-00458	District SOUTH KONA (HAWAII)	Lead Investigator ESTEBAN J.K. DUSTAN - ESTADJ
Date/Time Reported 05/07/2025	Location STATE TERRITORIAL SEA	Incident Type Prohibited Fishing Gear
Status CIT CITATION ISSUED	Activity Code Fisheries Enforcement Unit - Water	

INVESTIGATION

Narrative Created By / Created On ESTEBAN J.K. DUSTAN	Approved By / On 05/09/2025
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ASSIGNMENT / ARRIVAL:

05/07/2025: approx. 0845 hours: While conducting maritime patrol within the **Hawai'i State Territorial Sea** along the 1400-fathom contour line, I observed two orange buoys floating on the ocean's surface—one significantly larger than the other. The larger buoy had a white, dome-shaped device mounted on top, equipped with a black antenna, consistent with a GPS tracking system.

Upon scanning the surrounding area, I observed an additional orange buoy approximately one-quarter mile to the west. Based on the proximity, positioning, and configuration of the buoys, I assigned myself to investigate further. I arrived on scene at 0905 hours.

SCENE:

The scene was located approximately **7 nautical miles offshore** along the southwest coast of Hawai'i Island, within the 12-nautical-mile boundary of the **Hawai'i State Territorial Sea**. The first GPS buoy and location of vessel contact were marked via the patrol vessel's GPS system:

- **Latitude:** 19°17.455'N
- **Longitude:** 156°00.645'W

Weather conditions at the time included mostly sunny skies with intermittent scattered showers. Air temperature was approximately **83°F**, with light winds out of the west at 4-6 MPH. The ocean surface was calm and glassy, with swells estimated at 1-2 feet and excellent visibility in all directions.

INFORMATION - JURISDICTIONAL CONTEXT:

Under the **1982 United Nations Convention on the Law of the Sea**, a nation's **territorial sea** extends up to **12 nautical miles** from its coastal baseline. This zone is considered the sovereign territory of the coastal state, granting full legal authority over surface, subsurface, and airspace. Foreign vessels are permitted innocent passage, but all fishing and resource-related activity is subject to regulation and enforcement.

OFFICER OBSERVATIONS:

At approximately **0905 hours**, I approached the buoys and confirmed that the larger buoy contained a mounted transmitting device consistent with GPS-tracked fishing gear. While assessing the buoys, I observed a vessel approaching from the north.

The vessel had a light teal-colored hull with a white cabin. As it came closer, I observed the name

Written By: **ESTEBAN J.K. DUSTAN**
06/06/2025

[Signature] #2147

Approved By:

[Signature] #26



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Wai'aka in large teal lettering on the front cabin and the vessel registration number **HA-8886-H** displayed above in large black characters.

The vessel came alongside at a safe distance. I observed two adult males on board:

- The operator, later identified as **ZAGER, Konane I. (M-52)**, was approximately 5'09", medium complexion, and wearing a dark trucker hat, blue shirt, dark shorts, and brown rubber boots.
- The deckhand, later identified as **GREENWELL, Noah N. (M-41)**, was approximately 6'0", fair complexion, and wearing a gray trucker hat, gray long-sleeved hoodie, orange waders, and brown rubber boots.

I also observed the following gear and configuration aboard the *Wai'aka*:

- A large **fish box** integrated into the deck.
- A **longline reel** mounted on the stern (no line present at the time of observation).
- A **pulley system** mounted to the roof of the vessel's cabin.
- A home-built rectangular basket (wood and metal frame, green mesh) containing **hooks, leader lines, and longline clips**, placed beside the reel.
- A small **generator** located on the port side within the vessel's cabin.

The presence and configuration of this equipment are consistent with longline fishing operations.

SPONTANEOUS UTTERANCE:

At approximately **0910 hours**, upon informing ZAGER that his fishing gear would be inspected, he spontaneously stated:

"I have about **4.8 miles** of line out there."

ZAGER further admitted awareness that his gear exceeded the 1-nautical-mile state limit. He explained that his computer had malfunctioned that morning, which resulted in him tying all the gear together into one continuous set.

OFFICERS ACTION:

Following ZAGER's spontaneous admission and the visual confirmation of longline-related gear aboard the *Wai'aka*, this officer and Officer **T. FUKUYAMA** informed ZAGER that we would be boarding his vessel to conduct a gear inspection and measure the deployed fishing line.

ZAGER initially protested, stating that boarding was unnecessary as he already knew the line was "approximately 4.8 miles." Officers advised him that a physical inspection and measurement were still required in accordance with DLNR/DOCARE enforcement protocols and applicable regulations.

With acknowledgment and cooperation from ZAGER, both Officer **T. FUKUYAMA** and I boarded the


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Wai'aka to begin the gear inspection.

GEAR INSPECTION:

05/07/2025: approx. 0925 hours: ZAGER was instructed to begin retrieving the deployed fishing gear. He first recovered the initial GPS buoy and detached it from the monofilament mainline. The buoy was secured onboard. The mainline was then routed through a pulley mounted to the roof of his cab on the starboard side and passed through a line counter, provided by the NOAA Office of Law Enforcement (OLE) for longline gear inspections. The line counter was operated by this officer.

From the counter, the mainline continued through a secondary pulley system rigged to the roof of the vessel using a fixed rope and was ultimately fed into the vessel's longline reel. ZAGER then activated a portable generator to provide power to the reel and began the gear recovery process.

Inspection Findings:

- Total Mainline Length: **6,836 meters (3.69 nautical miles)**
- Total Hooks Counted: **171**
- Line Configuration: **One continuous, unbroken monofilament line**
- Vessel: *Wai'aka* (HA-8886-H)

GPS Coordinates - Gear Set:

- Start Position: **19°17.455'N / 156°00.645'W**
- End Position: **19°16.442'N / 156°04.037'W**

These findings confirm that the fishing gear deployed by the *Wai'aka* was in violation of **HRS §189-2.5, which prohibits longline fishing within Hawai'i State waters.**

Please refer to attachment #1 attached to this report for full location information.

CATCH INSPECTION

05/07/2025: During the retrieval of the longline gear, a **catch inspection** was conducted concurrently with the gear measurement process.

Several of the hooks were observed to be baited with **live Halalu/Akule**, consistent with local pelagic fishing practices.

Inspection Results:

- **Total Catch: Three (3) Yellowfin Tuna (Ahi)**
- **Retention: Two (2) Ahi** were marked (Clip Fin) and placed into the vessel's fish box for commercial retention.
- **Release: One (1) Ahi** was returned to the ocean alive and unharmed.

No additional protected or undersized species were observed during the inspection. All observed catch and bait were consistent with commercial pelagic fishing activity.

SUSPECT VESSEL ESCORTED



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05/05/2025: approx. 1130 hours: Due to the confirmed violation (gear length exceeding 1 nautical mile), I informed ZAGER that his fishing voyage was to be terminated. Officers remained onboard the *Wai'aka* and escorted the vessel back to Honokōhau SBH, arriving at approximately 1235 hours.

CAPTAIN IDENTIFIED / CONTACTED

05/07/2025: approx. 1250 hours: while at the Honokōhau Small Boat Harbor (SBH), I contacted the captain of the *Wai'aka*, who was identified by his valid U.S. Coast Guard Merchant Mariner Credential as:

NAME: Konane I. ZAGER, [REDACTED]



ZAGER was escorted to my patrol vehicle, where his personal information was recorded. As ZAGER was observed actively fishing onboard the *Wai'aka* within the 12-nautical-mile territorial boundary of the State of Hawai'i, he was advised of his rights prior to any questioning. The following Advice of Rights and voluntary statement were documented.

ADVICE OF RIGHTS

05/07/2025: 1314 hours: while at the Honokōhau SBH, I read Konane I. ZAGER his constitutional rights using the State of Hawai'i Department of Land and Natural Resources Division of Conservation and Resources Enforcement Advice of Rights (AOR) form, verbatim. ZAGER responded to each question as indicated below by placing his initials next to each answer:

- 0) Do you understand the rights that I have just read to you? To which he initialed **YES**.
- 0) Do you want a lawyer now? To which he initialed **NO**.
- 0) Are you willing to answer questions and make a statement? To which he initialed **YES**.
- 0) Do you want a lawyer during this interview? To which he initialed **NO**.

The AOR form was signed and acknowledged by ZAGER in my presence on 05/07/2025 at


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approximately 1315 hours. As a lawyer was not requested, the interview proceeded. (Refer to attached DOCARE AOR Form for documentation.)

SUSPECT STATEMENT - KONANE ZAGER:

05/05/2025: approx. 1320 hours: While at Honokōhau SBH, Officer T. FUKUYAMA and I obtained a voluntary verbal statement from Konane I. ZAGER (M-52) regarding the observed fishing activity and longline gear. The following is a summary of that statement:

- ZAGER stated he launched the *Wai'aka* from Honokōhau SBH on 05/05/2025.
- When asked if he deployed longline gear that day, ZAGER confirmed, "I did."
- ZAGER admitted he knew at the time that his gear exceeded the 1 nautical mile (nm) limit.
- He acknowledged that he had tied multiple line segments together to create a single continuous set exceeding 1 nm.
- When asked if he was aware of the legal limit, he replied, "Of course."
- He explained that his computer had broken that morning, preventing him from accurately tracking the line, which led to the gear being combined into one long set.
- ZAGER stated that if taken to court, he would present his computer and apologize, saying, "I messed up" and "I should've never done that."
- He remarked that DOCARE "didn't achieve anything by getting me with "my 4 or whatever miles."
- When asked how he typically tracks line distance, ZAGER stated, "Just on the GPS," but added he was unsure how accurate that method was.

Note: This statement was audio-recorded and entered into evidence. Refer to **EPR# HA-001119, Item #8** (1 Sandisk 16GB USB drive, serial# BL190857141B) for the full recording.

VESSEL INFORMATION:

On 05/07/2025: The vessel in this case was identified using the Division of Boating and Ocean Recreation (DOBOR), State of Hawaii, online vessel services search database. The vessel is identified as follows:

- **Owner:** ZAGER, Konane I.
- **HIN:** HAZ8886HA314
- **Vessel #:** HA-8886-H
- **Make/Model:** Radon 28'
- **Year:** 2013
- **Horsepower:** Twin 200 HP Outboards
- **Use:** Pleasure
- **Type:** Cabin (CAB)

EVIDENCE RECOVERY:

Date/Time: 05/07/2025 at approximately 1345 hours

Written By: **ESTEBAN J.K. DUSTAN**
06/06/2025

[Signature] #214

Approved By:

[Signature]



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Location: Honokōhau Small Boat Harbor (SBH)

The following evidence items were recovered in connection with this investigation and were formally documented under the corresponding **DOCARE Evidence Property Receipt (EPR)** numbers. Each item was tagged, secured, and entered into the property chain of custody for evidentiary processing:

- **Item #1:** (1) 28-foot Radon vessel, *Wai'aka*, HA-8886-H, HIN# HAZ8886HA314
(EPR# HA-001112)
- **Item #2:** (2) Orange MP3 GPS/transmitting buoys
(EPR# HA-001113)
- **Item #3:** (1) Longline mini spool containing approximately 4.8 miles of 700 lb. test monofilament line
(EPR# HA-001114)
- **Item #4:** (1) Homemade wooden and mesh box containing approximately 190 hooks, longline clips, and leaders
(EPR# HA-001115)
- **Item #5:** (13) Marker buoys
(EPR# HA-001116)
- **Item #6:** (20) Tan drop ropes, approximately 30 feet each in length
(EPR# HA-001117)
- **Item #7:** (1) WCABT (ABT) trailer for 28-foot Radon, VIN#1A9B24702B1626246, License Plate # 341-HZD
(EPR# HA-001118)
- **Item #8:** (1) Sandisk 16GB USB flash drive, Serial# BL190857141B (containing audio recording of K. ZAGER'S statement)
(EPR# HA-001119)

Please refer to the attached **DOCARE Property Receipt forms** for complete inventory details, serial numbers, and chain-of-custody documentation.

VIOLATION:

Based on the totality of the investigation conducted on 05/07/2025, the vessel *Wai'aka* (HA-8886-H), operated by Konane I. ZAGER (M-52), was found to be in violation of Hawai'i Revised Statutes §189-2.5:

HRS §189-2.5 - Longline fishing; description; prohibition:

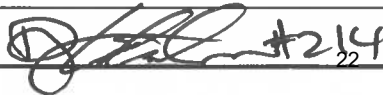
"No person shall engage in longline fishing within the waters of the State. For the purposes of this section, longline fishing means the method of fishing in which a mainline is deployed in the water and gear is attached to the mainline over a distance exceeding one nautical mile."

During the inspection, officers confirmed the presence of one continuous monofilament mainline measuring approximately 6,836 meters (3.69 nautical miles), with a total of 171 baited hooks deployed. This gear configuration met the legal definition of prohibited longline fishing within state waters.

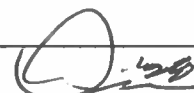
Key Findings Supporting Violation:

- The observed gear was deployed approximately 7 NM offshore, within the 12-nautical-mile boundary of the Hawai'i State Territorial Sea.
- No breaks were present in the mainline, indicating one continuous line set.

Written By: **ESTEBAN J.K. DUSTAN**
06/06/2025

 #214

Approved By:





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- The gear was physically measured using a line counter during retrieval.
- Konane ZAGER admitted, in a recorded statement and voluntary interview, that he knew the gear exceeded the 1 NM limit.
- ZAGER further stated that his vessel's computer malfunctioned, leading him to "tie all the lines together."
- A full audio recording of ZAGER's statement was entered into evidence (EPR# HA-001119).

CITATION ISSUED:

On 05/07/2025: at approx. 1430: While at Honokōhau SBH, Konane I. ZAGER (M-52) was issued Criminal Citation number 3083567LNR, for the violation of: Hawai'i Revised Statutes §189-2.5

Konane I. ZAGER is summoned to appear in Kona District Court on June 19th, 2025, at 0800 hours. ZAGER signed the citation acknowledging his court date and was provided a copy of the citation.

FOLLOW-UP - FISH SALE VERIFICATION:

Date/Time: 05/08/2025 at approximately 0600 hours

Location: Kona Fish Company Inc., 73-4776 Kanalani St. #8, Kailua-Kona, HI 96740

As part of the follow-up investigation, I met with staff at Kona Fish Co. and verified the commercial sale of two (2) yellowfin tuna (Ahi) previously retained aboard the *Wai'aka* during the gear and catch inspection.

The purchase order for this sale has been obtained and attached to this report. (Refer to **Attachment # 2.**)

DISPOSITION:

In view of the above information and being that there is no further investigation to be conducted in this case, and being that a citation was issued, I recommend this case be closed; citation issued.

In view of the above information, it is also recommended that a copy of this report be forwarded to NOAA Office of Law Enforcement (OLE) Federal Agent Michael ANDREWS for his review and final disposition.

In view of the above information, it is also recommended that a copy of this report be forwarded to Division of Aquatic Resources (DAR) for their final review and disposition.

In view of the above information, it is also recommended that a copy of this report be forwarded to Division of Boating and Ocean Recreation (DOBOR) for their final review and disposition.


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PLEASE ROUTE A COPY OF THIS REPORT TO THE KONA PROSECUTORS OFFICE

ROUTE COPY OF THIS REPORT TO NOAA OLE FEDERAL AGENT *ATTN: MICHAEL ANDREWS*** michael.j.andrews@noaa.gov**

ROUTE A COPY OF THIS REPORT TO DAR *ATTN: DAVID SAKODA*** david.sakoda@hawaii.gov**

ROUTE A COPY OF THIS REPORT TO DOBOR *ATTN: DAVID LEDUC*** david.p.leduc@hawaii.gov**

CLOSED: CITATION ISSUED.


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SUPPLEMENTAL

 Narrative Created By / Created On
FUKUYAMA K. TYSON
05/27/2025

Approved By / On

OFFICER OBSERVATIONS

On 05/07/2025, at approximately 0845 HRS, while conducting marine patrols, along the 1400 fathom contour line, I observed multiple fishing vessels operating in the open ocean. As we approached the vessels, I observed one vessel, which I have had a previous contact with, traveling in a northbound direction. This vessel that was previously contacted, was a white vessel, with blue trim, bearing HA 8886 H, and the name Wai'aka, on the cabin of the vessel. As we approached closer to vessel Wai'aka, I observed 2 round orange buoys, with what appeared to be an antenna sticking upward from one of them, approximately 5 feet apart from each other, at **Latitude 19° 17.455'N / Longitude 156°00.645'W**.

On 05/07/2025, at approximately 0905 HRS, the DOCARE patrol vessel parked next to the 2 orange floats that was observed. At this point, using binoculars, I observed 2 more orange floats, outward to sea. The first float was approximately 100 yards away while the second approximately 200 yards away. At this time, I also observed vessel HA 8886 H, change its course, and start to head toward the DOCARE patrol vessel.

On 05/07/2025, at approximately 0909 HRS, vessel Wai'aka approached the DOCARE patrol vessel, on the starboard side, stopping approximately 20 feet away. As vessel Wai'aka stopped, I observed 2 males, on board of vessel Wai'aka. The vessel operator was identified at this time, from a previous contact, as Konane ZAGER (M-52). The other male, on vessel Wai'aka, later identified as Noah GREENWELL, was wearing bright orange and gray clothing, and on the port side of the vessel. At this time, I observed a large, gray, empty fishing spool, on the stern of the vessel. I also observed a wooden rectangular crate holding leaders and hooks.

From previous training and experience, as a Pelagic Longline Observer, for the National Oceanic and Atmospheric Administration (NOAA), the gear observed, which included floats, the large fishing spool, and basket of hooks and leader, was synonymous with longline or shortline fishing. Longline fishing is defined as fishing with one main line longer than one nautical mile. Anything shorter than one nautical mile is considered shortline fishing.

SUSPECT CONTACT

On 05/07/2025, at approximately 0910 HRS, contact was made with the vessel operator of Wai'aka, who was identified as Konane ZAGER. The DOCARE vessels police blue lights were activated, and the officers onboard were identified as DLNR Conservation Officers to the 2 males aboard vessel Wai'aka. At this time, DOCARE Officer Micah STEVENS, stated if there were any weapons onboard and the 2 males stated "no". As I was unaware of who the fishing gear in the water belonged to, I stated, to the 2 males, that the gear deployed in the water, that we were parked next to, looks like longline fishing gear. At this time, ZAGER spontaneously stated that this gear in the water belonged to him and that he had 4.8 miles of line deployed out. ZAGER also spontaneously stated that he knows it is illegal to have more than 1 nautical mile of line out, but he lost all his

 Written By: **ESTEBAN J.K. DUSTAN**
06/06/2025

Approved By:


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other GPS buoys and his GPS wasn't working correctly so he tied all his lines together, making 1 longline. He stated multiple times that he knows he has 4.8 miles of line out. I stated to ZAGER, that since he admitted his line was longer than 1 nautical mile, we would be boarding his vessel to measure the line as he collected it back on his boat to verify the length, using a line counter. ZAGER stated, "there is no need to measure the line, I'm telling you its 4.8 miles long". I stated to ZAGER that we would be boarding his vessel to measure the line anyway, even if you're saying its 4.8 miles long, so we can verify the total length of line out, pursuant to DLNR enforcement protocol. Since ZAGER informed us of the amount of line he had out (4.8 miles), and he was aware of it being illegal, I informed ZAGER that he would need to retrieve his line out of the water now while we measure it. ZAGER agreed to let us on board and measure the total amount of line he had out, using a calibrated line counter.

VESSEL BOARDING

On 05/07/2025, at approximately 0917 HRS, myself, along with Officer D. ESTEBAN, boarded vessel Wai'aka (HA 8886 H) to conduct an inspection of the fishing gear deployed by ZAGER.

ADDITIONAL OBSERVATIONS

On 05/07/2025, at approximately 0918 HRS, ZAGER and GREENWELL retrieved the GPS buoy, that we were parked next to, and connected the main line through 2 pulleys and back onto the large gray empty spool, located on the stern of the vessel. The mainline deployed in the water was a clear/white monofilament fishing line. At this time, ESTEBAN attached a line counter onto the main monofilament line, so we could get a measurement of the total line deployed, while I stood on the port side of the vessel to observe.

The large gray spool was attached to what appeared to generator or power source to spin it. I observed controls at the helm of the vessel, that ZAGER used, to spin the spool, to retrieve the monofilament fishing line. As ZAGER drove the vessel, toward the line deployed, and operated the spool, GREENWELL stood on the starboard side of the vessel and unclipped any leader lines coming up the main monofilament line. The wooden crate was set on top of the fishbox and GREENWELL would unclip the leaders, clip them into the crate, and wind up the leader in it. The leaders consisted of a thinner diameter monofilament line, approximately 24 feet long, with a clip on one end, and a hook on the other end, which the live bait was attached to. GREENWELL stated that they used live Akule as the bait on their hooks that they caught the night before. After approximately 650 meters of line was collected, there was an orange float attached to the mainline. A total of **9 orange floats and 2 GPS floats** were observed on the entire line deployed.

During the retrieval of line, 2 Yellowfin Tuna was observed to be caught on the leaders attached to the mainline. At 1023 HRS and 1039 HRS, the two tuna were brought onto vessel Wai'aka and killed. The tuna weighed approximately 100 pounds each. GREENWELL removed the gills and guts from the fish and placed them into the vessels fishbox. When GREENWELL opened the fishbox, I observed more yellowfin tuna, albacore tuna, and blue marlin mixed into a saltwater and ice brine. GREENWELL stated that they caught those fish the day before. At 1101 HRS, a third yellowfin tuna was caught on the line. Since this fish came up alive, it was stated to ZAGER,

Written By: **ESTEBAN J.K. DUSTAN**
06/06/2025

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Approved By:

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that he would need to cut the line as close to the fish as he could, and let it swim away alive. The third tuna, that was released, was estimated at 120 pounds.

On 05/07/2025, at approximately 1130 HRS, we approached the terminal end of the line, which was another GPS buoy, with antenna, attached to an orange float. This was the same setup as the start of the longline. ZAGER and GREENWELL pulled in the last of the line in the water and the line was measured until the terminal end.

On 05/07/2025, at approximately 1132 HRS, all the gear was retrieved out of the water, and the final reading on the line counter was **6836 Meters or 3.69 Nautical Miles, at Latitude 19°16.442'N / Longitude 156° 04.037'W.**

During the observation of the fishing gear deployed, there was no breaks in the line, meaning that there was one continuous section of mainline in the water **measuring 6836 Meters or 3.69 Nautical miles** of line. A total of **171 hooks** were deployed on the 3.69 Nautical Mile longline, from vessel Wai'aka.

On 05/07/2025, at approximately 1145 HRS, I returned onto the DOCARE vessel, while Officer G. PILA boarded Wai'aka joining Officer D. ESTEBAN. At this time, we informed ZAGER to head back into home port of Honokohau Harbor while I operated the DOCARE vessel, following them back in. At approximately 1230 HRS, the DOCARE vessel along with Wai'aka arrived back at Honokohau Harbor.

DISPOSITION

INV: CONTINUING

Written By: **ESTEBAN J.K. DUSTAN**
06/06/2025

[Signature] #2 12/1

Approved By:

[Signature]



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SUPPLEMENTAL

Narrative Created By / Created On PILA B. GERARD	Approved By / On 05/30/2025
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OFFICER OBSERVATIONS

On 05/07/2025, at approximately 0845 HRS, while conducting marine patrols, along the 1400 fathom contour line, Myself, Officer G. PILA, observed multiple fishing vessels operating in the open ocean. As we approached the vessels, I observed a white vessel, with blue trim, bearing HA 8886 H, and the name Wai'aka, on the cabin of the vessel. As we approached closer to vessel Wai'aka, I observed 2 round orange buoys, with what appeared to be an antenna sticking upward from one of them, approximately 5 feet apart from each other, at **Latitude 19°17.455'N / Longitude 156°00.645'W**.

On 05/07/2025, at approximately 0905 HRS, the DOCARE patrol vessel parked next to the 2 orange floats that was observed. At this point, using binoculars, I observed 2 more orange floats, outward to sea. The first float was approximately 100 yards away while the second approximately 200 yards away. At this time, I also observed vessel HA 8886 H, change its course, and start to head toward the DOCARE patrol vessel.

On 05/07/2025, at approximately 0909 HRS, vessel Wai'aka approached the DOCARE patrol vessel, on the starboard side, stopping approximately 20 feet away. As vessel Wai'aka stopped, I observed 2 males, on board of vessel Wai'aka. The vessel operator was identified at this time as Konane ZAGER (M-52). The other male, on vessel Wai'aka, later identified as Noah GREENWELL, was wearing bright orange and gray clothing, and on the port side of the vessel. At this time, I observed a large, gray, empty fishing spool, on the stern of the vessel. I also observed a wooden rectangular crate holding leaders and hooks.

At this time DOCARE Officer M. STEVENS and I, Officer G. PILA, assumed control of our vessel while providing security and overwatch as officer D. ESTEBAN and officer T. FUKUYAMA boarded vessel Wai'aka and conducted gear and vessel inspection, starting coordinates is at 0914 HRS **N 19°17.455' / W 156°00.645'**, and ending at **N 19°16.442' / 156°04.037'** at 1129 HRS. On board the Wai' aka vessel Officers ESTEBAN and FUKUYAMA operated a line counter while ZAGER and GREENWELL retrieved there deployed gear. With the gathering of there gear I observed 2 fish that was caught with there fishing gear and placed in Wai'aka's fish box, a third fish was caught but released off there fishing line.

Written By: **ESTEBAN J.K. DUSTAN**
06/06/2025

[Handwritten Signature]
#284

Approved By:

[Handwritten Signature]



State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

Log Number HA-25-00458	District SOUTH KONA (HAWAII)	Lead Investigator ESTEBAN J.K. DUSTAN - ESTADJ
Date/Time Reported 05/07/2025	Location STATE TERRITORIAL SEA	Incident Type Prohibited Fishing Gear
Status CIT CITATION ISSUED	Activity Code Fisheries Enforcement Unit - Water	

On 05/07/2025, at approximately 1140 hrs, ZAGERS voyage was terminated, myself, Officer PILA and Officer ESTEBAN boarded vessel Wai' aka to overwatch the voyage to Honokohau Harbor. At approximately 1230 hrs, vessel Wai' aka and DOCARE vessel arrived back at Honokohau Harbor.

At approximately 1230 hrs, as ZAGER trailer, washed and gathered his belongings, I, Officer G. PILA provided assistance with the monitoring and gathering of gear that was ceased from the vessel. Vessel along with gear that was used was towed with a DOCARE vehicle to a secure DOCARE baseyard, 2 fish that was caught while we gathered his gear from the ocean was weighed and documented the following day at Kona Fish co.

Written By: **ESTEBAN J.K. DUSTAN**
06/06/2025

Esteban J.K. Dustan
#2 29

Approved By:

[Signature]



State of Hawaii Department of Land and Natural Resources Division of Conservation and Resources Enforcement		
Log Number HA-25-00458	District SOUTH KONA (HAWAII)	Lead Investigator ESTEBAN J.K. DUSTAN - ESTADJ
Date/Time Reported 05/07/2025	Location STATE TERRITORIAL SEA	Incident Type Prohibited Fishing Gear
Status CIT CITATION ISSUED	Activity Code Fisheries Enforcement Unit - Water	

SUPPLEMENTAL

Narrative Created By / Created On STEVENS K.M. MICAH	Approved By / On 06/04/2025
--	---------------------------------------

ASSIGNMENT / ARRIVAL:

On 05/07/2025 at approximately 0600 hours, this officer, along with other DLNR/DOCARE Marine Patrol Officers, was assigned to investigate complaints of possible illegal longline fishing activity occurring within the Hawai'i State Territorial Sea, specifically south of Honokōhau Small Boat Harbor (SBH) along the Kona Coast.

Officers launched from Honokōhau SBH aboard the assigned patrol vessel and began a systematic patrol southbound, concentrating near the 1400-fathom depth contour line. Patrol operations continued for several hours while scanning for any vessel matching the suspect description. At approximately 0900 hours, officers made visual contact with a blue and white vessel traveling northbound, later confirmed as the *Wai'aka* (HA-8886-H).

Upon arrival around 0900 hours, around **Latitude 19°17.455'N / Longitude 156°00.645'W**, GPS buoys consistent with longline fishing gear were observed approximately 100 yards behind the *Wai'aka*. Pursuant to **HRS §189-2.5** [Longline fishing; description; prohibition], such activity is prohibited within state waters. Upon contact with *Wai'aka* and based on ZAGER's admission and visible evidence, officers boarded the *Wai'aka* to conduct a full inspection and initiate further investigation into the potential violation.

SCENE:

The scene was located approximately 7 nautical miles offshore, within the Hawai'i State Territorial Sea, in the area between Pebble Beach and Miloli'i, off the South Kona coastline. The approximate coordinates were recorded as **Latitude 19°17.455'N / Longitude 156°00.645'W**. This area lies within the 12-nautical-mile boundary that defines the territorial waters of the State of Hawai'i and is subject to DLNR administrative rules governing fishing activity.

At the time of arrival, officers observed a series of GPS buoys floating approximately 100 yards astern of the *Wai'aka* (HA-8886-H), consistent with active longline fishing gear.

Weather and Sea Conditions (South Kona - 05/07/2025):

- **Weather:** Mostly sunny throughout the morning with intermittent high clouds.
- **Temperature:** Approx. 82°F (28°C) during patrol hours.
- **Wind:** Light and variable winds in the early morning, shifting to **east-southeast at 10-15 mph** by mid-morning.
- **Sea State:** Calm to light chop, with swells from the south-southwest at **2 to 3 feet**.
- **Visibility:** Clear with good offshore visibility exceeding 10 nautical miles.
- **Tide Conditions:** Outgoing tide during initial patrol with a low tide projected around 0930 hours.

These favorable conditions allowed for unimpeded vessel observation and clear identification of suspect gear and markings.

OBSERVATION:

Written By: **ESTEBAN J.K. DUSTAN**
06/06/2025

[Handwritten Signature] #214

Approved By: *[Handwritten Signature]*



State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

Log Number HA-25-00458	District SOUTH KONA (HAWAII)	Lead Investigator ESTEBAN J.K. DUSTAN - ESTADJ
Date/Time Reported 05/07/2025	Location STATE TERRITORIAL SEA	Incident Type Prohibited Fishing Gear
Status CIT CITATION ISSUED	Activity Code Fisheries Enforcement Unit - Water	

On 05/07/2025: at approximately 0845 hours: while conducting marine patrol operations along the 1400-fathom contour line south of Honokōhau Small Boat Harbor (SBH), officers observed multiple vessels operating offshore under favorable weather and sea conditions. Visibility was clear, winds were light, and surface conditions were calm, allowing for unobstructed visual identification.

Based on prior knowledge and previous encounters, officers were familiar with the suspect vessel *Wai'aka*, described as a 2013, 28-foot Radon, white with light blue trim, bearing Hawai'i registration number **HA-8886-H**. While scanning the open ocean, officers observed a vessel matching this description traveling northbound toward the patrol vessel.

As the vessels closed distance, officers confirmed visual identification of the *Wai'aka*, with its name in light blue lettering and large black registration number **HA-8886-H** clearly displayed on the front cabin. The vessel passed approximately 50 yards off the patrol boat's starboard side. Approximately 100 yards astern of the *Wai'aka*, officers observed GPS buoys floating at or near **Latitude 19°17.217'N / Longitude 156°00.683'W**, a common indicator of deployed longline fishing gear.

The patrol vessel reduced speed to slow-no-wake to inspect the GPS buoy. At that time, the *Wai'aka* abruptly turned south and navigated directly toward the patrol vessel. In response, Officer D. ESTEBAN activated the vessel's emergency lights to signal our identity as law enforcement. The *Wai'aka* slowed and came to a stop approximately 25 yards off our starboard side.

Verbal contact was initiated with the vessel's occupants. I identified myself as DLNR/DOCARE law enforcement officer. The captain was identified as Konane ZAGER (M-52), and the deckhand as Noah GREENWELL. Both individuals were asked if there were any weapons onboard, to which they replied, "No."

While Officer D. ESTEBAN and Officer T. FUKUYAMA engaged in conversation with ZAGER, I maintained visual security. During this time, I observed the following on the stern of the *Wai'aka*:

- A large spool/wheel, commonly associated with longline fishing operations, which appeared empty.
- A wooden crate containing multiple leader lines and hooks.

As we were next to the GPS buoys, ZAGER spontaneously stated that the gear belonged to him and that he had "approximately 4.8 miles of line" deployed in the water. He further stated he was aware that the line exceeded the 1 nautical mile limit and claimed his computer was broken, causing him to tie all his lines together.

OFFICER ACTIONS:

Following ZAGER's spontaneous admission and visual confirmation of longline-associated gear, Officers D. ESTEBAN and T. FUKUYAMA informed him that they would be boarding the *Wai'aka* to inspect and measure the fishing gear. ZAGER initially responded that a boarding was unnecessary, stating he already knew the line measured "approximately 4.8 miles." Officers explained that an inspection was still required pursuant to DLNR enforcement protocol and applicable regulations.

With ZAGER's acknowledgment, Officers ESTEBAN and FUKUYAMA boarded the *Wai'aka* to begin the inspection. Officer G. PILLA assumed control of the patrol vessel, while I continued providing security and overwatch. Onboard the *Wai'aka*, Officers ESTEBAN and FUKUYAMA deployed a line counter while ZAGER began retrieving the deployed gear.

Written By: **ESTEBAN J.K. DUSTAN**
06/06/2025

Approved By: 



State of Hawaii Department of Land and Natural Resources Division of Conservation and Resources Enforcement		
Log Number HA-25-00458	District SOUTH KONA (HAWAII)	Lead Investigator ESTEBAN J.K. DUSTAN - ESTADJ
Date/Time Reported 05/07/2025	Location STATE TERRITORIAL SEA	Incident Type Prohibited Fishing Gear
Status CIT CITATION ISSUED	Activity Code Fisheries Enforcement Unit - Water	

This process lasted approximately 2.5 hours. During retrieval, officers observed and documented the following:

- Multiple buoys and extensive leader lines with hooks recovered.
- A total of **three (3)** fish landed aboard the *Wai'aka*.
- **One (1)** fish slipped off the line and sank to the ocean floor.

It was further noted that one GPS buoy was affixed to the leading end of the gear, and a second GPS buoy was attached to the terminal end-consistent with conventional longline deployment patterns. The boarding and inspection concluded without incident. The total gear length was measured using the line counter as part of the ongoing investigation into a suspected violation of **HRS §189-2.5** [Longline fishing; description; prohibition].

POST-INSPECTION:

Following the completion of the gear retrieval and inspection, officers remained onboard the *Wai'aka* and escorted the vessel back to Honokōhau Small Boat Harbor (SBH) to conclude the investigation. The return transit proceeded without incident.

On 05/07/2025: At approximately 1235 hours, the *Wai'aka* arrived at Honokōhau SBH. ZAGER retrieved his truck and trailer and proceeded to trailer the vessel at the public boat ramp. Officers then directed and escorted both Konane ZAGER and Noah GREENWELL to the designated vessel wash-down area for further questioning.

Prior to any formal questioning, Officer D. ESTEBAN advised Konane ZAGER of his constitutional rights (AOR). I, officer M. STEVENS the undersigned officer, likewise Advised of Rights (AOR' d) was read to Noah GREENWELL. GREENWELL acknowledged his rights and agreed to participate in voluntary interview regarding the incident and gear observed.

DECKHAND IDENTIFIED / CONTACTED:

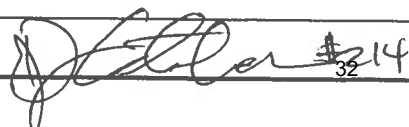
On 05/07/2025: at approximately 1300 hours: while at the Honokōhau Small Boat Harbor (SBH), I made contact with the deckhand of the *Wai'aka*, who was identified by his valid Hawai'i State Driver's License as:


NAME: Noah N. GREENWELL, 


GREENWELL was escorted to my patrol vehicle, where his personal information was recorded. As GREENWELL had been observed actively fishing onboard the *Wai'aka* within the 12-nautical-mile territorial boundary of the State of Hawai'i, he was advised of his rights prior to any questioning. The following Advice of Rights and voluntary statement were documented.

ADVICE OF RIGHTS:

Written By: **ESTEBAN J.K. DUSTAN**
06/06/2025

 3214

Approved By: 


State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

Log Number HA-25-00458	District SOUTH KONA (HAWAII)	Lead Investigator ESTEBAN J.K. DUSTAN - ESTADJ
Date/Time Reported 05/07/2025	Location STATE TERRITORIAL SEA	Incident Type Prohibited Fishing Gear
Status CIT CITATION ISSUED	Activity Code Fisheries Enforcement Unit - Water	

On 05/07/2025: at approximately 1310 hours: while at the Honokōhau SBH, I read Noah N. GREENWELL his constitutional rights using the State of Hawai'i Department of Land and Natural Resources Division of Conservation and Resources Enforcement Advice of Rights (AOR) form, verbatim. GREENWELL responded to each question as indicated below by placing his initials next to each answer:

- 0) Do you understand the rights that I have just read to you? To which he initialed **YES**.
- 0) Do you want a lawyer now? To which he initialed **NO**.
- 0) Are you willing to answer questions and make a statement? To which he initialed **YES**.
- 0) Do you want a lawyer during this interview? To which he initialed **NO**.

The AOR form was signed and acknowledged by GREENWELL in my presence on 05/07/2025 at approximately 1315 hours. As a lawyer was not requested, the interview proceeded. (Refer to attached DOCARE AOR Form for documentation.)

SUSPECT STATEMENT:

At approximately 1330 hours, while at Honokōhau SBH, GREENWELL provided a voluntary verbal statement regarding his activities aboard the *Wai'aka*. The following summary was documented:

- GREENWELL stated that he and ZAGER departed Honokōhau on 05/05/2025 at approximately 2300 hours to catch bait.
- On 05/06/2025, they continued fishing but were using reels, not longline gear.
- When asked about the first longline set, GREENWELL stated it occurred on 05/07/2025 between 0700 and 0900 hours.
- He admitted they observed another vessel near their gear and approached to investigate. Upon closer view, they realized it was a DLNR patrol vessel.
- When asked why they turned toward the officers, he said, "It was our gear, and we wanted to see who was near it."
- GREENWELL stated he was unsure of the exact length of the line but acknowledged he understood the legal distinction: a short line is under 1 nautical mile; a longline exceeds that.
- He further explained that due to a computer malfunction, they could not accurately track the length and decided to "run one consistent line" instead.
- When asked to estimate the gear length based on the spool, he responded he was unsure of its capacity but believed it held "about 4 miles" of line, based on his experience as a commercial fisherman.
- GREENWELL stated this was only his second time fishing aboard the *Wai'aka* with ZAGER and that he was "just doing what he was told," hoping to receive a paycheck for the trip.

CLOSING:

Following the conclusion of the interview with Noah GREENWELL at approximately 1400 hours on 05/07/2025, my assigned duties and responsibilities related to this incident were completed. No further enforcement action was taken by me at that time, and no additional violations were observed.

The *Wai'aka* remained at Honokōhau Small Boat Harbor as other assigned DOCARE officers continued with their

Written By: **ESTEBAN J.K. DUSTAN**
06/06/2025

[Signature] 214
33

Approved By:

[Signature]



State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

Log Number HA-25-00458	District SOUTH KONA (HAWAII)	Lead Investigator ESTEBAN J.K. DUSTAN - ESTADJ
Date/Time Reported 05/07/2025	Location STATE TERRITORIAL SEA	Incident Type Prohibited Fishing Gear
Status CIT CITATION ISSUED	Activity Code Fisheries Enforcement Unit - Water	

portion of the investigation. All documentation, and statements obtained by me during this operation have been properly recorded and submitted as part of this report.

DISPOSITION:

This supplemental report was generated in connection to lead investigator DLNR/DOCARE Officer D. ESTEBAN master report. For further details and circumstances regarding this case, refer to Key Report #HA-25-00458.

INV. CONTINUING

Written By: **ESTEBAN J.K. DUSTAN**
06/06/2025

[Handwritten Signature] #214
34

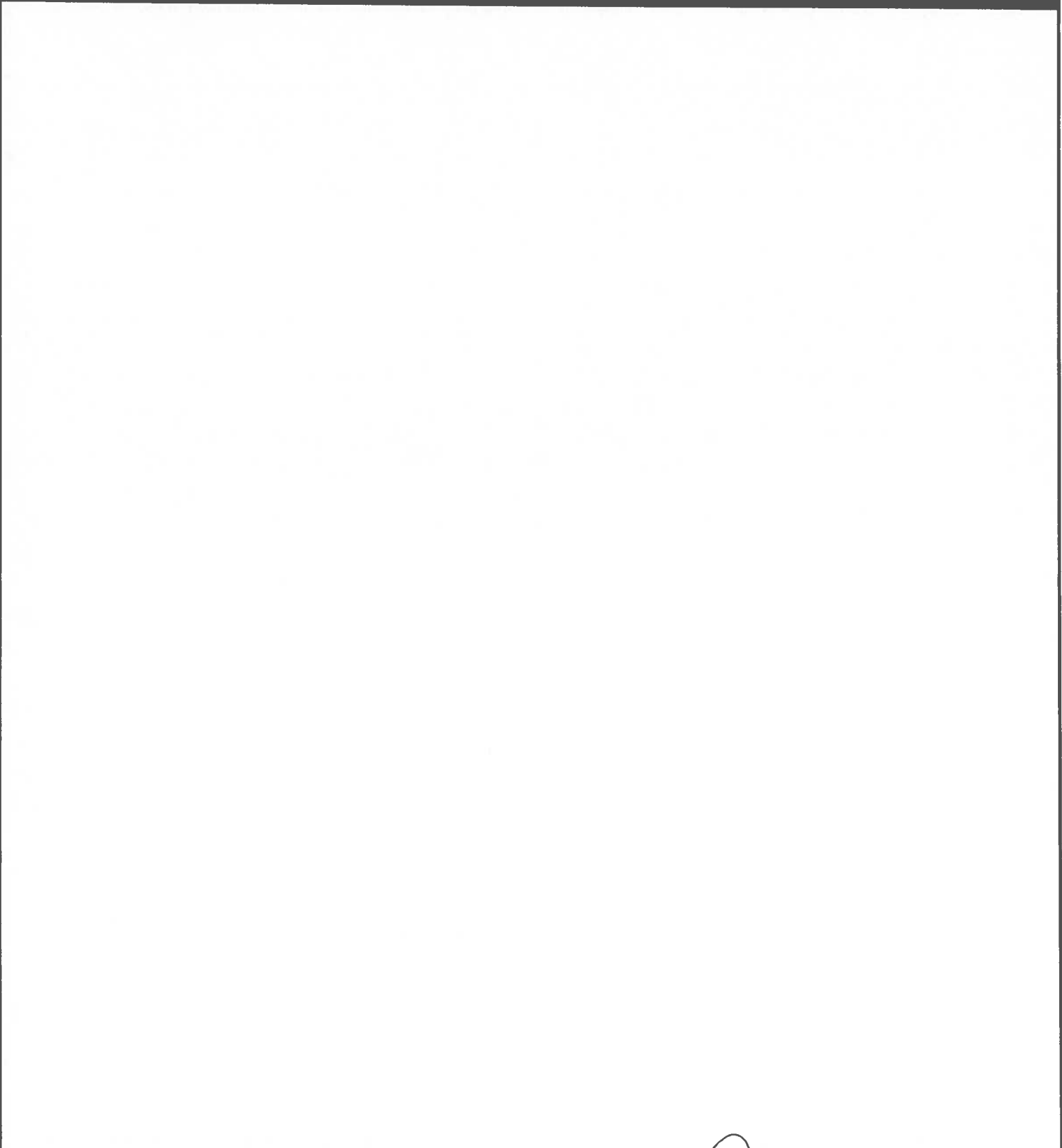
Approved By: *[Handwritten Signature]*



State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

Log Number HA-25-00458	District SOUTH KONA (HAWAII)	Lead Investigator ESTEBAN J.K. DUSTAN - ESTADJ
Date/Time Reported 05/07/2025	Location STATE TERRITORIAL SEA	Incident Type Prohibited Fishing Gear
Status CIT CITATION ISSUED	Activity Code Fisheries Enforcement Unit - Water	

IMAGES



Written By: **ESTEBAN J.K. DUSTAN**
06/06/2025

Esteban J.K. Dustan #214
35

Approved By:

Esteban J.K. Dustan



State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

Log Number HA-25-00458	District SOUTH KONA (HAWAII)	Lead Investigator ESTEBAN J.K. DUSTAN - ESTADJ
Date/Time Reported 05/07/2025	Location STATE TERRITORIAL SEA	Incident Type Prohibited Fishing Gear
Status CIT CITATION ISSUED	Activity Code Fisheries Enforcement Unit - Water	

BASIC	
Classification Prohibited Fishing Gear	Source ONBEAT ASSIGNMENT
Location of Incident / Intersecting Street 0 APPROX. 7MI. OFF SOUTH KONA	Island HAWAII Branch HAWAII
X-Street:	Date / Time Occurred From 5/7/2025 0800 Date / Time Occurred to 5/7/2025 1730
Category OTHER AREAS	Weather CLEAR RAIN

PROPERTY / EVIDENCE					
Item Number	Tag Number	Owner	Taken From	Serial / ID Number	Estimated Value
	HA-001112	KONANE ISLAU ZAGER	KONANE ISLAU ZAGER		
Brand / Make RADON	Model 28'	Description 1 - 28' foot "RADON" Vessel HA-8886-H		HAZ8886HA314	\$200,000.00
Item Number	HA-001113	KONANE ISLAU ZAGER	KONANE ISLAU ZAGER		
Brand / Make M3P	Model GPS BUOY	Description 2 - M3P GPS BUOYS		N/A	\$2,000.00
Item Number	HA-001114	KONANE ISLAU ZAGER	KONANE ISLAU ZAGER		
Brand / Make MINI SPOOL	Model 4.8 MILES	Description 1 - LONGLINE mini spool w/ approx 4.8 miles of monofilament		N/A	\$10,000.00
Item Number	HA-001115	KONANE ISLAU ZAGER	KONANE ISLAU ZAGER		
Brand / Make WOODEN BOX	Model N/A	Description 1 Homemade wooden box w/ green mesh w/ approx 200 leaders & hooks.		N/A	\$2,000.00
Item Number	HA-001116	KONANE ISLAU ZAGER	KONANE ISLAU ZAGER		
Brand / Make MARKER BUOYS	Model N/A	Description 13 multi colored Marker Buoys		N/A	\$390.00
Item Number	HA-001117	KONANE ISLAU ZAGER	KONANE ISLAU ZAGER		
Brand / Make DROP ROPES	Model 30' FT.	Description 20 - Tan Drop Ropes (30' Ft.) / Each		N/A	\$500.00
Item Number	HA-001118	KONANE ISLAU ZAGER	KONANE ISLAU ZAGER		
Brand / Make WCABT	Model ABT	Description 1 - WCABT (ABT) Trailer for 28' foot RADON (1A9B24702B1626246) 341-HZD			\$15,000.00
Item Number	HA-001119	KONANE ISLAU ZAGER	KONANE ISLAU ZAGER		
Brand / Make SANDISK	Model 16 GB	Description 1 - SD CARD W/ (K.ZAGER) AUDIO RECORDED STATEMENT		BL190857141B	\$0.00

Written By: **ESTEBAN J.K. DUSTAN**
06/06/2025

[Signature] #214
36





Approved By:

[Signature]

PHOTOGRAPH LOG #1

INVESTIGATION # HA-25-00458	DISTRICT South Hawaii District	LEAD INVESTIGATOR D. ESTEBAN #214	KEY REPORT [X] Yes []
DATE / TIME REPORTED 05/07/2025	LOCATION Hawaii Territorial Sea	CLASSIFICATION Longline Fishing	CONNECTING REPORT(S) N/A

Report Description: Longline Fishing; Prohibition Date/Time Taken: 05/07/2025 Taken By: D. ESTEBAN Scene: Hawaii Territorial Sea	Equipment: Iphone Weather Conditions: Clear Lighting: Natural Focus: N/A
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1 Photo showing GPS transmitting buoy belonging to ZAGER.	2 Photo showing overall view of vessel Wai'aka. Operated by ZAGER.
	
3 Photo showing 1 electric longline reel with an empty spool.	4 Photo showing deckhand Noah GREENWELL, with 1 GPS transmitting buoy at beginning end of line – set.
	

INVESTIGATION #	DISTRICT	LEAD INVESTIGATOR	KEY REPORT [X] Yes []
DATE / TIME REPORTED	LOCATION	CLASSIFICATION	CONNECTING REPORT(S)

5 Photo Showing Longline pulley system recovering line - set, with line counter attached.



6 Photo showing line – set being attached to longline reel.



7 Photo showing portable generator, used to power longline reel.



8 Photo showing wooden basket containing clips, leaders and hooks before line – set recovery.



INVESTIGATION #	DISTRICT	LEAD INVESTIGATOR	KEY REPORT [X] Yes []
DATE / TIME REPORTED	LOCATION	CLASSIFICATION	CONNECTING REPORT(S)

9 Photo showing ZAGER, and GREENWELL actively bringing in an Ahi.



10 Photo showing first ahi caught.



11 Photo showing second Ahi caught.



12 Photo showing terminal end of line – set with GPS buoy and marker buoy.



INVESTIGATION #	DISTRICT	LEAD INVESTIGATOR	KEY REPORT [X] Yes []
DATE / TIME REPORTED	LOCATION	CLASSIFICATION	CONNECTING REPORT(S)

13 Photo showing 1 electric longline reel with a full spool.



14 Photo showing wooden basket containing longline clips, leaders and hooks after line – set recovery.



15 Photo showing 1 GPS transmitting buoy at terminal end of line – set.

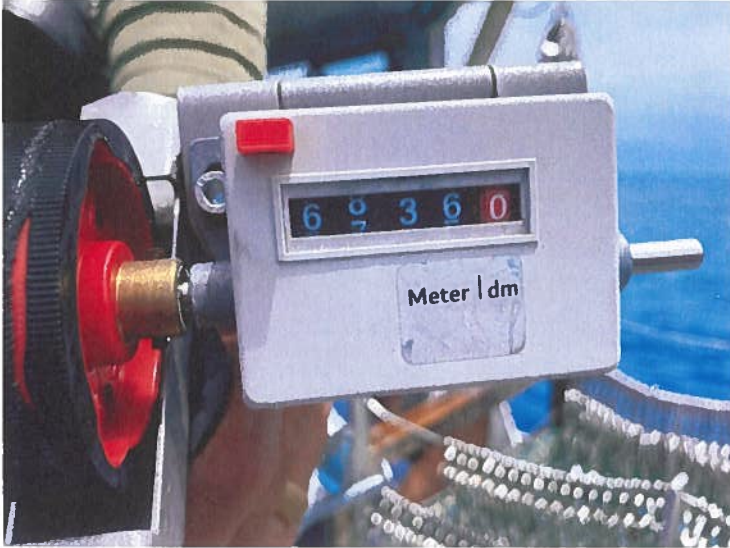


16 Photo showing two Ahi caught with line – set. Ahi's were marked by cutting tail fin.



INVESTIGATION #	DISTRICT	LEAD INVESTIGATOR	KEY REPORT [X] Yes []
DATE / TIME REPORTED	LOCATION	CLASSIFICATION	CONNECTING REPORT(S)

17 Photo showing line counter after line – set recovery, reading 6,836 meters.



18

19

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PHOTOGRAPH LOG #2

INVESTIGATION # HA-25-00458	DISTRICT West Hawaii District	LEAD INVESTIGATOR D. ESTEBAN #214	KEY REPORT [X] Yes []
DATE / TIME REPORTED 05/07/2025	LOCATION Honokohau SBH	CLASSIFICATION Longline Fishing	CONNECTING REPORT(S) N/A

Report Description: Longline Fishing; Prohibition
Date/Time Taken: 05/07/2025
Taken By: D. ESTEBAN
Scene: Honokohau SBH

Equipment: Iphone
Weather Conditions: Clear
Lighting: Natural
Focus:

1 Photo showing ZAGER pulling vessel Wai'aka into Honokohau SBH mauka ramp, and close – up view of basket containing longline clips, leaders and hooks.



2 Photo showing close - up view of 1 GPS transmitting buoy used at starting end of line – set.



3 Photo showing 1 GPS transmitting buoy used at terminal end of line – set.



4 Photo showing close – up view of 1 electric longline reel with a spool full of monofilament line.



INVESTIGATION #	DISTRICT	LEAD INVESTIGATOR	KEY REPORT [X] Yes []
DATE / TIME REPORTED	LOCATION	CLASSIFICATION	CONNECTING REPORT(S)

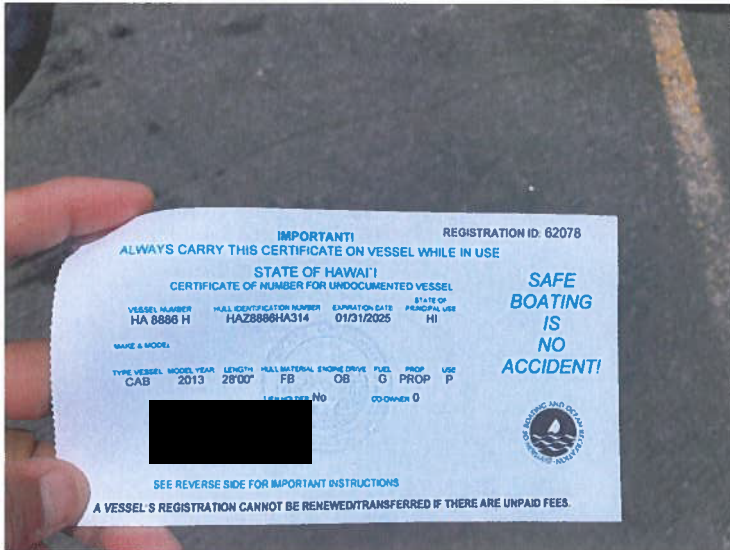
5 Photo showing close – up view of vessel Wai'aka HA8886H



6 Photo showing United States Coast Guard Merchant Mariner Credential for Konane I. ZAGER (M – 52).



7 Photo showing vessel registration for Wai'aka HA8886H.



8 Photo showing Hawaii State Driver's License belonging to Noah N. GREENWELL (M – 41).



State of Hawaii
Department of Land and Natural Resources
Division of Conservation and Resources Enforcement

ADVICE OF RIGHTS

Report/Citation # 3083567 LNR

I am a Conservation Enforcement Officer. I want to inform you of your rights.

1. You have the right to remain silent. You do not have to answer any questions.
2. Anything you say may be used against you in a court of law.
3. You have the right to talk to a lawyer before we ask you any questions and to have him with you during questioning.
4. If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.
5. If you decide to answer the questions now without a lawyer present, you will still have the right to stop answering at any time and talk to a lawyer.

The Advice of Rights was administered to Konane Islam Zager

By DUSTAN ESTEBAN #214
Conservation Enforcement Officer

HONOLEULU SMALL BOAT HARBOR
Location

5/7/2025
Date

1314
Time

WAIVER OF RIGHTS

- | | | |
|---|-----------------|----------------|
| 1. Do you understand the rights that I have just read to you? | Yes <u>K2</u> | No <u> </u> |
| 2. Do you want a lawyer now? | Yes <u> </u> | No <u>K2</u> |
| 3. Are you willing to answer questions and make a statement? | Yes <u>K2</u> | No <u> </u> |
| 4. Do you want a lawyer during this interview? | Yes <u> </u> | No <u>K2</u> |

Tyson FUKUYAMA #221
Witness

[Signature]
Subject's Signature

05/07/2025
Date

1315
Time

5/7/2025
Date

1315
Time

Refused to sign / / _____

All the foregoing was translated into _____

By _____ Remarks: _____

State of Hawaii
Department of Land and Natural Resources
Division of Conservation and Resources Enforcement

ADVICE OF RIGHTS

Report/Citation # HA-25-00458
3083567LVR

I am a Conservation Enforcement Officer. I want to inform you of your rights.

1. You have the right to remain silent. You do not have to answer any questions.
2. Anything you say may be used against you in a court of law.
3. You have the right to talk to a lawyer before we ask you any questions and to have him with you during questioning.
4. If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.
5. If you decide to answer the questions now without a lawyer present, you will still have the right to stop answering at any time and talk to a lawyer.

The Advice of Rights was administered to Noah N. Greenwell

By [Signature]
Conservation Enforcement Officer

HONOKOHAN SMALL BOAT HARBOR
Location

5/7/2025
Date

1310 HRS.
Time

WAIVER OF RIGHTS

1. Do you understand the rights that I have just read to you? Yes N.G. No _____
2. Do you want a lawyer now? Yes _____ No N.G.
3. Are you willing to answer questions and make a statement? Yes N.G. No _____
4. Do you want a lawyer during this interview? Yes _____ No N.G.

[Signature]
Gerard Pila / OFFER PILA #224
Witness
05/07/2025 1315 Hrs
Date Time

[Signature]
Subject's Signature
05/07/2025 13:15 P.M.
Date Time

Refused to sign / / _____

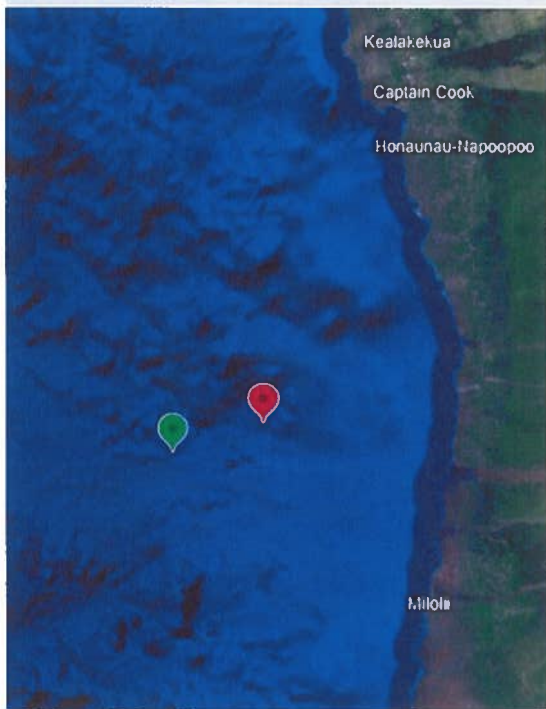
All the foregoing was translated into _____

By _____ Remarks: _____


Attachment #1




30 mi



10 mi

 = Starting location of retrieval of longline fishing gear from vessel HA 8886 H (19° 17.455' N, 156° 00.645' W)

 = Ending location of retrieval of longline fishing gear from vessel HA 8886 H (19° 16.442' N, 156° 04.037' W)



KONA FISH COMPANY, INC.

KAILUA-KONA OFFICE
73-4776 KANALANI STREET, #8
KAILUA-KONA, HI 96740, HI 96720
(808) 326-7708 Phone
(808) 329-3669 Fax

Purchase Order

451840



Page Number: 1 of 1
Order Date: 5/8/2025
Confirm To:

Ship To:

KONA FISH - FRESH LOCAL
KALOKO LIGHT INDUST PARK
73-4776 KANALANI ST #8
KAILUA KONA, HI 96740

Ship From:

KONANE ZAGER
P.O. BOX 536
KAILUA KONA, HI 96745
(808) 640-6384

Required Date	Ship Via	Delivery Date	Warehouse	Terms	Vendor Code		
		5/8/2025	2601 - KFC FRESH LOCAL	NET 7 DAYS	A1456		
Product Code / Reorder Code	Description	Order Qty	U/M	Est Prc Qty	U/M	Unit Price	Extension
50300-2601	YELLOWFIN TUNA G&G LRG WILD USA #2 2PCS	197.50	LB	197.50	LB	6.50	1,283.75
Total Cases:		198	Total Weight:		197.50		

- * Copy of the invoice must be sent to the Buyer upon shipping, or faxed to (808) 934-8783.
- * A shipping manifest, packing list, sales order, or invoice must accompany products shipped.
- * Production date codes must be provided on invoice, sales order, packing lists or shipping manifest
- * If requirements above are not met, this may result in delay of payment.

Estimated Total Order:	1,283.75
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State of Hawaii-Criminal Citation; Arrest & Summons in the District Court of the Third Circuit



CITATION NO.: 3083567



AGENCY / TYPE

- Airport (A) Harbor/Boating (H)
- Animal Lic. (DL) Animal Industry (DAI)
- Plant (DPI) DLNR (LNR) MH

COMPLAINT: The undersigned officer, on behalf of Plaintiff, State of Hawaii, declares under penalty of law that he/she has probable cause to believe and does believe that on the date, at the time, and under the conditions indicated, the named defendant did commit the criminal offense(s) noted below and that the same is true and correct to the best of his/her knowledge and belief.

DEFENDANT		ID on Person <input checked="" type="checkbox"/> Y <input type="checkbox"/> N
LAST NAME ZAGER		
FIRST NAME KONANE	MIDDLE INITIAL(S) I	

N/A

VEHICLE/VESSEL NO. INFORMATION

LICENSE PLATE/VIN HA 8886H	STATE/COUNTRY HI	HAZ MAT <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
MAKE/NAME/MODEL RADON '28	TYPE BOAT	COLOR TEAL/WH
YEAR 2013	CMV <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	

DETAILS REGARDING THE OFFENSE(S) CHARGED

DATE (Month / Day / Year) 05/07/2025	TIME	DISTRICT KONA	BEAT N/A
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LAW(S) VIOLATED & COMMITTED

SECTION HRS 189-2.5	DESCRIPTION LONGLINE FISHING
SECTION	DESCRIPTION
SECTION	DESCRIPTION
SECTION	DESCRIPTION

COURT

OFFICER'S STATEMENT OF FACTS

05/07/2025: APPROX. 1430 HOURS.
 DEFENDANT K. ZAGER WAS
 OBSERVED IN U.S. TERRITORIAL
 SEAS, STATE OF HAWAII, ACTIVELY
 LONG-LINING WHICH IS A
 VIOLATION OF HRS 189-2.5
 LONGLINE FISHING. REFER TO
 SUPPLEMENTAL REPORT FOR FULL
 INFORMATION.

Description of Evidence Seized: SEE ATTACHED
 DUCKARE PROPERTY RECEIPT FOR
 FULL INFO.

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I agree to appear before the District Court of the Third Circuit on the date and at the time and location designated below to answer the charge(s). I understand that my signature is not an admission to the charge(s).

X DEFENDANT REFUSES TO SIGN
 Defendant's Signature (Please read instructions on the reverse side)

The Defendant is hereby directed to appear before the District Court of the Third Circuit on the date and at the time and location designated below (see reverse side for address) to answer the charge(s). Failure to appear in court as summoned may result in your arrest for other offenses and/or imposition of additional penalties, including fines, court costs, fees, and imprisonment.

SUMMONS

COURT LOCATION (see addresses on reverse side)

N/S KOHALA & HAMAKUA N/S HILO & PUNA N/S KONA & KAU

DATE 06/19/2025	TIME 0800
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COMPLAINING OFFICER INFORMATION

I certify that I served Defendant on the date, time and place indicated on this citation.

PRINT RANK, FIRST INITIAL & LAST NAME CREO I D. ESTEBAN	ID NO. 214
OFFICER'S SIGNATURE 	DATE OF ISSUANCE 05/07/2025

COURT

**EXHIBIT B –
JUDGMENT AND NOTICE**

Case ID: 3DCC-25-0000225 - State v. Konane I Zager Type: CC - Criminal Citation Status: CLOSEDJ - Adjudicated Last Updated: 19-Jun-2025 ID: @209724 JUV: N Party Status: Not Specified	Filing Date: FRIDAY, MAY 9, 2025 Court: THIRD CIRCUIT Location: KONA DIVISION
	Citation / Arrest: Alleged Speed: ~ / ~

Violations

COUNT: 1

PM	HRS 189-2.5(b)	Longline fishing prohibited	Special Courts Eligibility: Environmental Court
	Vio Dt: 05/07/2025		
	Citation/Arrest #: 3083567LNR		
Plea:	No Contest		06/19/2025
Disposition:	Accept Nolo Contendere Plea		06/19/2025
Sentence:	\$250.00 Fine/Monetary Assessment		06/19/2025
	\$30.00 Crime Victim Fee		06/19/2025

Related Cases No related cases were found.

Case Event Schedule

Event	Date	Time	Room	Location	Judge
Arraignment and Plea	06/19/2025	08:00:00	Kona Environmental Court	KONA DIVISION	

Case Parties

Seq #	Assoc	Expn Date	Type	ID	Name / Aliases
1			Plaintiff	SOHCR3	State of Hawaii - Criminal Third Circuit Prosecutor
2			Defendant	@209724	Zager, Konane I Zager, Konane
3			Deputy Prosecuting Attorney	SOHCR3KDC	Hawaii County Prosecuting Attorney-Kona District
4			Prosecuting Attorney	SOHCR3ATY	Waltjen, Kelden B.A.

Docket #	Date	Docket	Party
1	05/16/2025	Notice of Electronic Filing	
2	05/16/2025	Criminal Citation	
3	05/21/2025	Notice of Electronic Filing	
4	06/19/2025	Judgment and Notice	
5	06/19/2025	Notice of Electronic Filing	
6	06/19/2025	Minutes (0845)JDG: Kimberly Tsuchiya; DPA: Madeline Walsh/Brit Barker; CLK: Leicy Graves; BA: Matthew Chappell; dft pres; alien advmt given pre-AP; Defendant acknowledged hearing and understanding courts immigration advisement, right to remain silent, to an attorney and speedy trial. Court informed Defendant of the maximum penalty. Defendant understands the charge. oral chrg; cnt 1: plea: No Contest; cnt 1: Accept Nolo Contendere Plea; Cnt 1: alien advmt read to dft; stated fact basis; dft WAIVED rt to trial; ct accepts NC plea(s) & finds dft guilty; Cnt 1: FIN \$250.00; CV1 \$30.00; Defendant to pay today. Court will set no further hearings. Defendant Present Orally Arraigned Waived Right to Trial	DFT Zager, Konane BA Matthew Chappell DPA Madeline Walsh/Brit Barker JUDG Kimberly Tsuchiya CLK Leicy Graves JUDG Tsuchiya, Kimberly CLK Clerk, Court