

APPENDIX C

**RIGHT OF ENTRY PERMIT REQUEST
GUIDELINES AND INSTRUCTIONS**



Kaho'olawe Island Reserve Commission

811 Kolu St., Suite 201, Wailuku, HI 96793 • ph. 808-243-5020 • fx. 808-243-5885

Guidelines For Right Of Entry Permit Requests

The Kaho'olawe Island Reserve (Reserve) includes the island of Kaho'olawe and those waters and submerged lands seaward of the shoreline of Kaho'olawe to a distance of two nautical miles. The Kaho'olawe Island Reserve Commission (KIRC) is responsible for the internal management of the Reserve and establishes the criteria, policies, and controls for permissible uses within the Reserve. The United States and its allies used the island and surrounding waters as a military target from 1941 to 1990 and a substantial amount of unexploded ordnance remains present on the island and within the surrounding waters posing an imminent threat to public health and safety. Pursuant to State law, commercial uses within the Reserve are strictly prohibited; the Reserve shall be used solely and exclusively for the following purposes:

- Preservation and practice of all rights customarily and traditionally exercised by native Hawaiians for cultural, spiritual, and subsistence purposes;
- Preservation and protection of its archaeological, historical, and environmental resources;
- Rehabilitation, revegetation, habitat restoration, and preservation; and
- Education.

Hawai'i Administrative Rules §13-261-11 provides the procedure for entrance into and activity within the Reserve. It is unlawful for any person to enter the Reserve without approval from the KIRC. All persons or organizations seeking to enter into or to conduct activity in the Reserve shall submit a written Right of Entry Permit Request (Request) to the KIRC. Request forms are available at www.kahoolawe.hawaii.gov. Requests will be decided within 90 days of receipt of a completed *and* accepted Request Form and will be evaluated through the following process:

Request is reviewed for completeness. Incomplete Requests will not be processed.

- Within 30 days of receipt of a completed *and* accepted Request, the KIRC determines if approval by the KIRC Executive Director or the Commission is appropriate.
 - KIRC-approved program Requests may be approved administratively.
 - Requests that are not part of a KIRC-approved program, or are proposed by non-KIRC employees, or are determined to necessitate Commission review, will be submitted by KIRC staff to the Commission for placement on the next Commission agenda. There will be opportunity for public comment during the meeting.
- If the Request is approved, a Right of Entry Permit (Permit) will be processed within 14 working days. Conditions to the Permit may be attached.
- If the Request is denied, the requestor will be notified of the reason(s) for denial.

The submission of a Request shall not obligate the KIRC to approve the Request nor constitute a right on the part of the requestor to enter into or conduct activities the Reserve. In approving a Request, the KIRC relies upon the information provided by the requestor. If any of the submitted information is false, incomplete or inaccurate, or if the requestor has acted in violation of the terms of the Permit, or for any good cause shown, the KIRC may immediately amend, suspend, or revoke the Permit, in whole or in part, temporarily or indefinitely. KIRC personnel will monitor activities to ensure compliance. The discovery of any irregularities in conformance to this Permit will be promptly reported and appropriate action shall be taken.

RIGHT OF ENTRY PERMIT REQUEST INSTRUCTIONS:

Request Forms must be completed and submitted at least 90 days prior to the requested access date. Incomplete applications will not be processed. Send all forms to the:

**Kaho‘olawe Island Reserve Commission
811 Kolu Street, Suite 201
Wailuku, Hawai‘i 96793
Fax: (808) 243-5885**

PAGE 1 (ROE 1):

Group Requests:

- List the name, contact information, and title of the Group Leader. This is the person who will be held legally responsible for the actions and impacts from activities in the Reserve.
- Subsequent substitutions or change in the number of participants is prohibited unless approved in advance with the KIRC prior to the start of the access.
- Minors 12 years of age or younger must be supervised by a responsible adult at a ratio of 1 adult for each minor.
- Minors between 13 and 17 must be supervised by a responsible adult at a ratio of 1 adult to 5 minors.

Requested Access Date(s):

- Submit the date(s) of your requested access. Dates should not exceed a one year period. If a range of dates is requested, please specify (i.e. June through July '09).

Location:

- Indicate the location of the requested access, and attach any applicable maps.

Description of Activities:

- Benefit, relevance or importance of the proposed project to the Reserve;
- How the project will benefit management of the Reserve;
- Whether the proposed project could be conducted outside the Reserve;
- Cultural, scientific or educational merits of the project; and
- Whether the project will cause harm to or adversely impact the Reserve.

ADDITIONAL ATTACHMENTS: (as applicable)

- List name, address, contact number(s), and email address for all individuals in the group requesting access. List the age of all individuals under the age of 18.
- Signed Release of Liability Forms must be submitted for *all* persons requesting entry.
- Safety and Logistics Plan addressing transportation to and from the island and safety protocols while in the Reserve. All requestors shall demonstrate their capability of providing KIRC with the opportunity to track their overall location while within the reserve (e.g. GPS, VMS, and communications tools including email or satellite phone).

PAGE 2a (ROE 2a):

Select Access Type:

- *Native Hawaiian Traditional and Customary Cultural Access*
- *Archaeological, Historical, and Environmental Resources*
- *Educational Access*
- *Professional Photography or Videography Access*

Native Hawaiian Traditional and Customary Cultural Access

- Traditional and customary rights and practices are those that are consistent with the Hawaii State Constitution, Hawaii Revised Statutes, and case law.
- Traditional and customary cultural access requests may be provided to native Hawaiians for practices consistent with the long-term preservation of the Reserve's resources.
- *Native Hawaiian* means descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778.
- *Native Hawaiian Subsistence* means the use of resources by native Hawaiians to perpetuate traditional knowledge, while taking responsibility for and understanding how to *aloha 'āina* (care for the earth and strengthening cultural and spiritual connections to the Reserve). Resources extracted for native Hawaiian subsistence will be used only for direct personal consumption in the Reserve and cannot be exported from the Reserve or sold. Allowable methods for subsistence fishing are: handline, pole-and-line or hand-held spear. Fishing by use of weapon, trap, throw net, poison or spear guns is prohibited.
- The KIRC may consult with native Hawaiian Cultural Practitioners regarding your Request. Please list the name(s) and contact number(s) of the native Hawaiian Cultural Practitioner(s) participating or consulting in the requested activity.

Archaeological, Historical, and Environmental Resources Access

- Attach all appropriate approvals and permits with Request.
- Research/activities involving native wildlife (vertebrates) requires a Scientific Collecting permit (Scott Fretz; **scott.fretz@hawaii.gov**)
- Research/activities involving native plants requires a Scientific Collecting permit (Vickie Caraway; **vickie.l.caraway@hawaii.gov**)
- Research/activities involving native invertebrate wildlife (terrestrial) requires a Scientific Collecting permit (Betsy Gagné; **betsy.h.gagne@hawaii.gov**)
- Research/activities involving collection or possession of Threatened & Endangered Species or migratory birds requires a U.S. Fish and Wildlife Service permit.
- Permits to collect or export injurious wildlife (Patrick Chee; **patrick.c.chee@hawaii.gov**)
- Research/activities involving fresh water or marine species (Division of Aquatic Resources (808) 587-0110)
- Research/activities involving historical sites (Historic Preservation Division (808) 692-8015)

Educational Access

- Attach a description of the curriculum to be used in the Reserve or an outline of the curriculum intended to be drafted as a result of this entry.

Professional Photography or Videography Access

- List any large or special equipment necessary for your access.
- A State Film Permit is required prior to your access.

PAGE 2b (ROE 2b):

Research Access

- List the Institution, Department, Agency, or Company the Principal Investigator/Coordinator is working for with respect to this Request.
- If the Request is for undergraduate or graduate research, list the educational institution, study program and name of the major Professor.
- Attach CVs and Resumes for all research participants.
- List all Hawaii references/cooperators/collaborators (with contact information).
- Attach all appropriate approvals and permits with Request. Requests lacking such documents will not be processed.

Statement of Proposed Research Activities:

- Describe all procedures that will be used in the proposed project.
- Include documentation of safety protocols, data collection techniques, data sheets, and sample collection techniques.
- Describe all training, experience, and capabilities of those who will be conducting the sample collection and analysis.

Activities Involving Extraction or Collection:

- List specimens of organisms or objects that will be collected. Give the common name, scientific name, number and size of specimens and collection locations(s).
- Describe handling techniques and equipment use for capturing, handling and collecting.
- Describe what will be done with collected specimens after project completion. Specify whether collected organisms will be kept alive after collection. Describe how and where samples will be stored in the Reserve and once they are removed from the Reserve.
- Describe anticipated impacts of the project on target populations, impacts on other species, effects of installations, effects of invasive procedures, methods for evaluating impact of the proposed project, methods for reducing or compensating for impacts.

Requests Involving Vessels:

- Please provide detailed vessel information.
- All vessels must be Coast Guard compliant and certified.
- All vessels must be equipped with a GPS system and Depth Finder.
- Applicants are required to sign the KIRC Independent Vessel Release of Liability form.
- Any vessel causing damage to marine resources within the Reserve may be subject to citation by the DLNR and administrative fines from the KIRC.
- All non-government requestors' vessels must be covered by Wreck Removal and Pollution Insurance. Attach copies of the corresponding policies.

Fixed Installations and Instruments:

- Describe fixed installations and instruments you wish to install in the Reserve.
- Attach pictures and/or diagrams of the proposed installation.
- Where, how, and how long will it be installed?
- Who will maintain the equipment and how often?
- How and when will it be removed?



Kaho'olawe Island Reserve Commission

ROE 1

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Right of Entry Permit Request

REQUESTOR'S NAME	TITLE

MAILING ADDRESS

CITY	STATE	ZIP CODE	EMAIL

PRIMARY TELEPHONE	SECONDARY TELEPHONE

ORGANIZATION NAME

MAILING ADDRESS	CITY

STATE	ZIP CODE	PRIMARY TELEPHONE	SECONDARY TELEPHONE

GROUP LEADER NAME	TITLE

GROUP SIZE:	TOTAL	ADULTS	MINORS	FUNDING SOURCE

ACCESS DATES	ACCESS LOCATION (attach map)

PURPOSE OF ENTRY

DESCRIPTION OF ACTIVITIES (attach additional pages if necessary)

PLEASE ATTACH THE FOLLOWING DOCUMENTS:

- Additional page(s) listing Names, contact information, and ages of people requesting entrance.
- Signed Release of Liability Forms for all persons requesting entry.
- Safety and Logistics Plan addressing transportation to/from and protocols within the Reserve.



Kaho'olawe Island Reserve Commission

ROE 2a

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Right of Entry Permit Request

Request Type (non-Research)

SELECT ACCESS TYPE:

ARCHAEOLOGICAL, HISTORICAL, AND ENVIRONMENTAL RESOURCE ACCESS

Please attach the following documents

- State Historic Preservation Division approval if activities involve historic sites.
- Appropriate State and Federal permits if activities involve native wildlife or plants.
- Appropriate State and Federal permits if activities involve threatened or endangered species.
- Appropriate State and Federal permits if activities involve migratory birds.

EDUCATIONAL ACCESS

CAN ACTIVITIES BE CONDUCTED ELSEWHERE? (explain)

Please attach the following documents

- Copies of curriculum to be used in Reserve.
- Outline of curriculum intended to be drafted as a result of entry.

NATIVE HAWAIIAN TRADITIONAL AND CUSTOMARY CULTURAL ACCESS

CULTURAL PRACTITIONER'S NAME

PHONE

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PROFESSIONAL PHOTOGRAPHY OR VIDEOGRAPHY ACCESS

INTENDED AUDIENCE (i.e. age group, geographic location, etc.)

ACCESS'S BENEFIT TO KIRC PROGRAMS

POTENTIAL IMPACTS FOR RESERVE FROM ACCESS ACTIVITIES

CAN ACTIVITIES BE CONDUCTED ELSEWHERE? (explain)

- I have reviewed and understood the KIRC Guidelines for Right of Entry Permit Requests.
- I have reviewed, understood, signed, and attached the appropriate KIRC Release of Liability Forms.

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PRINT NAME

SIGNATURE

DATE



Kaho'olawe Island Reserve Commission

ROE 2b

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Right of Entry Permit Request Request Type (Research only)

RESEARCH ACCESS

STUDY PROGRAM AND INSTITUTION

NAME/AFFILIATION OF MAJOR PROFESSOR

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Please attach the following documents, as applicable:

- CV/Resume with related educational background and work experience for research participants.
- Signed KIRC Independent Vessel Release of Liability Form.
- Copies of Wreck Removal and Pollution Insurance.
- State Historic Preservation Division approval if activities involve historic sites.
- All appropriate State and Federal permits.
- List of Hawaii references/cooperators/collaborators (with contact information).
- Attach a **\$50 check for processing fees**, payable to "Kaho'olawe Island Reserve Commission."

STATEMENT OF PROPOSED RESEARCH ACTIVITIES (attach research plans and necessary materials):

1. How will research results benefit management/conservation of the species?
2. Will the proposed research benefit the Reserve?
3. Is the proposed research important?
4. Explain your research objectives and methods.
5. How is the research to be accomplished? (List research/survey techniques).
6. Can the proposed research be conducted elsewhere?
7. Will specimens be collected/removed? List kind, quantities, storage methods, and disposition?
8. What will be done with the specimens after project completion?
9. Will the proposed research damage or threaten to damage the resources in the Reserve?
10. List steps that will be taken to minimize effects on the species and the surrounding habitat.
11. Has any research been conducted that is similar to the one proposed? If yes, please cite.
12. Who will actively participate (i.e., collect, possess, propagate) on the permit for this research?
13. Will your research require camping or night work?
14. Will your research involve the use of aircraft in any way?
15. Will your research involve the use of a vessel in any way?
16. Will the research require structures/equipment to be left in the field? When will they be removed?
17. Are permits from other agencies required for your research? If yes, list agencies.
18. What is the expected report date for your findings?
19. Are there plans for publication of data or findings gathered from the proposed research?
20. How will research results be disseminated?
21. List funding sources. If this research is supported by grant(s), list grant(s).

- I have reviewed and understood the KIRC Guidelines for Right of Entry Permit Requests.
- I have reviewed, understood, signed, and attached the appropriate KIRC Release of Liability Forms.

PRINT REQUESTOR'S NAME	REQUESTOR'S SIGNATURE	DATE

PRINT ADVISOR'S NAME	ADVISOR'S SIGNATURE	DATE