

KAHO'OLAWE ISLAND RESERVE ACCESS POLICY

October 7, 2003

INTRODUCTION

The Kaho'olawe Island Reserve Commission (KIRC), as the State agency with the authority and responsibility for management of the Kaho'olawe Island Reserve (Reserve), will receive from the U.S. Navy, control of access to the island and its surrounding waters on November 11, 2003. From this time onward, the KIRC will be responsible for the approval of all persons entering the Reserve and, to the extent provided by law, responsible for their safety while in the Reserve.

In recognition of the transfer in access control, the KIRC has been preparing its Reserve management program as well as coordinating with the U.S. Navy as it completes its unexploded ordnance (UXO) clearance activities on Kaho'olawe. There are a number of actions that need to occur before the KIRC can fully support access to the Reserve by the general public, including, but not limited to the following:

- Continued Navy clearance operations in the Reserve to the spring of 2004;
- Navy transfer of assets and infrastructure;
- Navy transfer of the data management system;
- Transmittal of Navy after-action reports, certification and notice;
- KIRC establishment & staffing of the Reserve Operations Center on-island;
- KIRC establishment of a functioning facilities support & maintenance program;
- KIRC implementation and vetting of its access review & approval protocol;
- KIRC completing of the installation of engineering controls & signage; and
- KIRC implementation and vetting of a Reserve monitoring program.

All of these actions are necessary to maintain human safety of persons accessing the Reserve as well as the protection of the island's natural and cultural resources.

Therefore, at this time and until such time the KIRC determines otherwise, the KIRC finds it necessary that the U.S. Navy's completion of UXO clearance activities and the KIRC's effective and safe management of the Reserve must take precedence over allowing access to the island, its surrounding waters, and resources by public or other organizations and entities. Pursuant to HRS Chapter 6K-6(1), and notwithstanding the provisions of HAR §13-261, the KIRC finds it necessary to establish specific policy that establishes controls on the permissible uses within the Reserve.

POLICY

Until such time that the U.S. Navy completes its UXO clearance activities and demobilizes from the island, and until the KIRC completes its preparations for safely managing the Reserve and implements its plans and processes, access to the island, its surrounding waters, and resources shall be restricted and limited to the provisions below. This restriction on access shall be temporary and only remain in effect until such time that the

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Commission determines to its satisfaction that above referenced activities and preparations have been adequately accomplished and implemented.

This policy relates only to the provisions for granting access to the Reserve, and does not constitute a written agreement or authorization to access the Reserve by any of the parties or entities referenced below. Specific requests for access into the Reserve must be submitted, reviewed and approved by the Commission in accordance with the procedures outlined in HAR §13-261 and other relevant documents.

1. KIRC Commissioners, staff, contractors, volunteers, and resource persons will be allowed access to the Reserve for program planning and implementation of the KIRC's statutory obligations.
2. The KIRC will allow access to the Reserve in support of events that the Commission deems consistent with the statutory purposes of the HRS Chapter 6K and HAR §13-261, and not inconsistent with KIRC's ability to effectively and safely manage access and use of the Reserve.
3. The KIRC will allow access to entities who have regularly accessed the Reserve prior to the transfer of access control, including the U.S. Navy and its contractors, and the Protect Kaho'olawe 'Ohana. In these circumstances:
 - a. The Navy and its contractor will be afforded access to the island of Kaho'olawe and its surrounding waters specifically for the purposes of continuing the initiated work, ordnance clearance, contract close-out, quality assurance/quality control activities, and the development of materials for required documents to be recorded with the State Bureau of Conveyances.
 - b. The Protect Kaho'olawe 'Ohana will be afforded access consistent with its accesses under the Consent Decree [Aluli v. Brown, Civil No. 76-0380 (U.S.D. Hawaii 1980)], and in doing so, the Commission finds that such accesses also consistent with the purposes and allowable activities, under HRS 6K and HAR §13-261.
4. The KIRC will continue to allow for fishing by trolling in Zone B of the Reserve on two weekends per month as scheduled and noticed by publication in the Local Notice to Mariners issued by the Commander Fourteenth Coast Guard District (OAN), and in accordance with the provisions of HAR §13-261.

Adopted by the Kaho'olawe Island Reserve Commission at its publicly noticed and scheduled meeting of October 14, 2003.