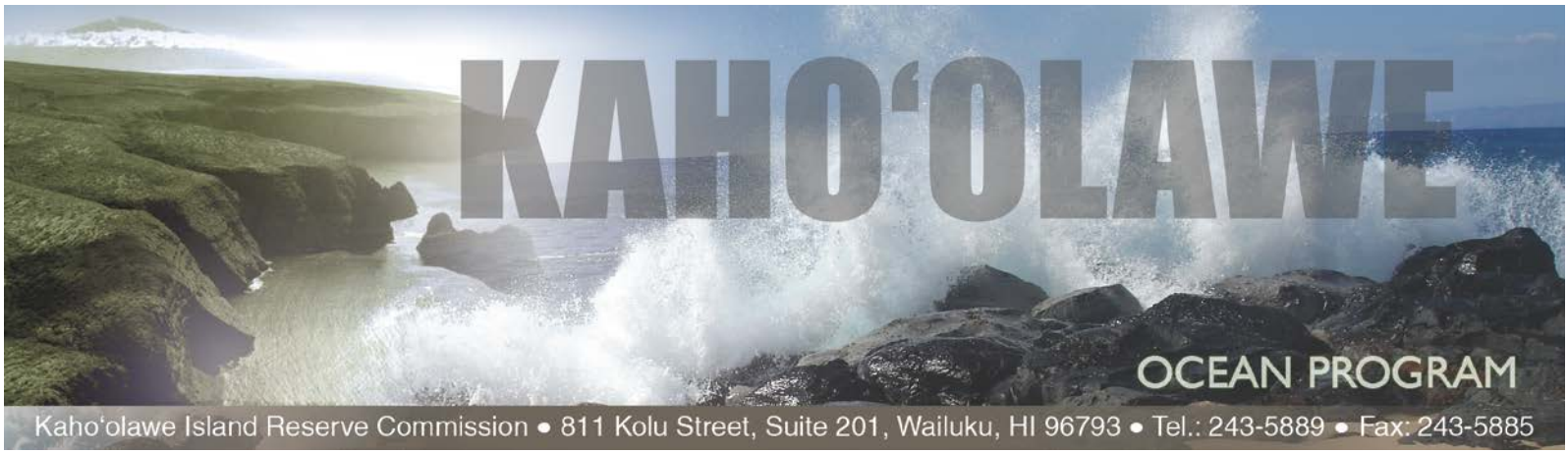

Notice to Register

November 13, 2014

Dear Boater:

Thank you for respecting the waters of the Kahoʻolawe Island Reserve.

Prior to entering the Reserve waters, vessel owners must register their vessel with the Kahoʻolawe Island Reserve Commission (KIRC) and apply for a Right of Entry Permit for Permitted Trolling in Zone B. [1] Should you be interested in permitted trolling in Zone B of the Reserve on designated open waters weekends during the 2015 **calendar year**, please follow the instructions below:

To register your vessel for the 2015 calendar year, simply fill out the enclosed; 1)Right of Entry Permit Request, 2) KIRC Independent Vessel Release of Liability Form, and 3)sign page 2 of the Open Trolling in Zone B Right of Entry Permit (below the title "Permittee"). Return these forms and your check in the amount of $25.00 payable to the Kahoʻolawe Island Reserve Commission. Forms should be sent to Dean Tokishi, Ocean Resources Program Manager, at the above KIRC address. Once your paperwork is processed, KIRC will send you a 2014 KIRC decal for your vessel and a completed Right of Entry Permit. Please allow for 10-15 business days for processing.

Again, thank you for helping the KIRC to maintain the integrity of the Reserve. If you have any questions, please contact Dean Tokishi at **@kirc.hawaii.** or by calling 808-243-5889 on Maui.

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[1] Due to the continued presence of unexploded ordnance – dangerous to public health and safety – on Kahoʻolawe and its submerged lands and waters, unauthorized entry into the Reserve is prohibited. Four requirements must be met for open waters vessel activity: (1) trolling – making way at all times; (b) on KIRC-scheduled open waters weekends; (c) in Reserve waters deeper than 30 fathoms; and (d) for vessels registered with the KIRC. All other fishing, ocean recreation, commercial and/or any other activities are strictly prohibited. Failure to comply may result in criminal and civil penalties. Criminal penalties may result in a fine of $1,000 or imprisonment up to 30 days; administrative penalties may result in a fine of up to $10,000 for a first violation; $15,000 for a second violation within five years; and, as much as $25,000 for a third or subsequent violation within five years of the last violation [HRS §6K-8, 8.5].

Kaho‘olawe Island Reserve Commission

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

Right of Entry Permit Request
Permitted Trolling in Zone B

The Reserve consists of the island of Kaho‘olawe and approximately two miles of ocean that surrounds the island. Vessel Owners must request a Right of Entry Permit, prior to entering the Reserve, for such activity that consists of trolling in Zone B of the Reserve on two weekends per month as scheduled by the executive director and noticed by publication in the Local Notice to Mariners issued by the Commander Fourteenth Coast Guard District. “Trolling” means fishing by dragging artificial surface lures or live bait on the surface behind a vessel that is under way at sufficient speed to produce a wake. A Right of Entry Permit is valid for one calendar year, from January 1 through December 31, and must be renewed yearly.

VESSEL OWNER’S NAME	EMAIL

MAILING ADDRESS	CITY

STATE	ZIP CODE	PRIMARY TELEPHONE	SECONDARY TELEPHONE

AUTHORIZED REPRESENTATIVE’S NAME (if applicable)

MAILING ADDRESS	CITY

STATE	ZIP CODE	PRIMARY TELEPHONE	SECONDARY TELEPHONE

REGISTERED HA#	VESSEL NAME	MAKE	MODEL	LENGTH	SLIP LOCATION

PLEASE ATTACH THE FOLLOWING:

- ☐ Signed “KIRC Independent Vessel Release of Liability” Form.
- ☐ Signed “Permitted Trolling in Zone B Right of Entry Permit.”
- ☐ **$25 check for processing fees**, payable to “Kaho‘olawe Island Reserve Commission.”

Note: Please allow 10-15 business days for processing prior to receiving permit

PRINT VESSEL OWNER’S NAME	VESSEL OWNER’S SIGNATURE	DATE
PRINT AUTHORIZED PREPRESENTATIVE’S NAME	AUTHORIZED REPRESENTATIVE’S SIGNATURE	DATE

Kaho‘olawe Island Reserve Commission

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Independent Vessel Release of Liability

PLEASE READ CAREFULLY

This document does not constitute authorization to visit or enter the Kaho’olawe Island Reserve (“Reserve”), meaning the area designated as the island of Kaho’olawe and the submerged lands and waters extending seaward two (2) nautical miles from its shoreline. Such authorization must be obtained from the Kaho‘olawe Island Reserve Commission (“KIRC”).

I have requested and the KIRC has authorized me, my passengers, and my vessel to enter the waters of the Reserve

I agree and acknowledge that MY SAFETY AND THE SAFETY OF MY PASSENGERS IS MY SOLE RESPONSIBILITY. I will follow all safety instructions both written and verbal. I will follow Federal, State, and County requirements, and comply with KIRC directives. I further agree to notify my passengers of these instructions and requirements.

I understand, and by my signature acknowledge that I understand that: (1) The island of Kaho‘olawe and its waters was used from 1941 to 1990 as a live ordnance impact training area; (2) The RESERVE IS DANGEROUS AND UNSAFE due to the presence of surface and subsurface UNEXPLODED ORDNANCE; (3) There may be hazardous conditions and unexploded ordnance on and under the surface of the island and in the waters surrounding the island; and (4) Unexploded ordnance may explode causing me, my passengers, my vessel, or my property serious bodily harm, injury, damage, and/or death.

I further understand and am aware that other natural and predatory dangers may exist. I understand the risks presented by the currents, surf, shoreline, and other marine conditions may cause me, my passengers, my vessel, or my property serious bodily harm, injury, damage, and/or death.

Knowing that the island and its surroundings waters pose a RISK OF SERIOUS BODILY HARM OR DEATH, I voluntarily ASSUME THE RISK OF INJURY OR LOSS created by the presence of unexploded ordnances, other hazardous conditions, and natural and predatory dangers which exist in the Reserve for myself, my passengers, my vessel, and my property. I voluntarily ASSUME THE RISK OF INJURY OR LOSS associated with ocean going craft transportation. With full knowledge of the hazards, I will, to the extent permitted by law, agree to INDEMNIFY, DEFEND AND HOLD HARMLESS KIRC, its officers, agents, and employees, from and against all claims, actions, penalties, damages, liabilities and expenses, including but not limited to reasonable attorneys' fees, for loss or damage, including property damage, personal injury and wrongful death, based upon or arising out of or in connection with the entry, activities and/or presence of myself and my passengers in the Reserve, and will reimburse KIRC for all its costs and expenses, including reasonable attorneys' fees, incurred in connection with KIRC's defense of any such claims.

In consideration of allowing me the access which I have requested, I, for myself, my heirs, beneficiaries, executors and administrators, REMISE, RELEASE, AND FOREVER DISCHARGE the State of Hawai‘i, and any and all of their officers, agents and employees, acting in their official capacity with due diligence, from any and all claim(s), demand(s), or cause(s) of action on account of my death or any injury to me, my vessel, or my property which may occur during or as a result of my access to the Reserve..

This release of liability is effective from **January 1, 2015** **to** **December 31, 2015**

I have read and fully understand the KIRC Independent Vessel Release of Liability

PRINT VESSEL OWNER’S NAME	**VESSEL OWNER’S SIGNATURE**	**DATE**

MAILING ADDRESS	**CITY**

STATE	**ZIP CODE**	**VESSEL NAME**	**REGISTERED HA#**

Kaho'olawe Island Reserve Commission

Permitted Trolling in Zone B

Right of Entry Permit No. _____

By this PERMIT executed this _____day of _____ 20____, the STATE OF HAWAII, KAHO'OLAWE ISLAND RESERVE COMMISSION, ("KIRC"), hereby grants to _____, whose mailing address is _____, ("Permittee") a Right of Entry upon and subject to the following terms and conditions:

1. **Grant of Right-of-Entry**. KIRC hereby grants to Permittee a Right of Entry Permit ("Permit") to enter upon the premises (defined below) for the purpose of Trolling in Zone B during scheduled Permitted Weekend dates. Permittee is responsible for explaining Permit terms to Permittee's passengers (hereinafter collectively called "Permittee") and ensuring their compliance at all times.

2. **Location**. The Permit shall pertain to the Kaho'olawe Island Reserve (hereinafter called the "Reserve") Zone B, as defined in Hawaii Administrative Rules (HAR) 13-261-3(b), and as depicted on the map attached to this Permit as Attachment "A" and made a part hereof.

3. **Term and Duration**. The Permit granted hereby shall be applicable from January 1, 2014 ("commencement date") through December 31, 2015 ("termination date"), on two (2) weekends per month as indicated by HAR 13-261-13 and attached to this Permit as Attachment "B" and made a part hereof. This Permit shall automatically terminate on the termination date, unless earlier revoked.

4. **Payment**. Permittee agrees to pay the KIRC at 811 Kolu Street, Wailuku, Hawaii, 96793 the amount of Twenty-five Dollars and no/cents ($25.00) payable fifteen (15) days in advance of the commencement date, or prior to entrance into the Premises.

5. **Use of Premises**. The Permittee shall be present and trolling at all times. "Trolling" means fishing by dragging artificial surface lures or live bait on the surface behind a vessel that is under way at sufficient speed to produce a wake. The Permit shall be limited to Permittee shall not make, unlawful, improper, or offensive use of the Premises.

6. **Compliance with Laws and Regulations**. Permittee shall, at all times during the term hereof, comply with all applicable Federal, State, and County laws, rules and regulations, and shall secure any and all necessary governmental and other approvals and permits. See ://kahoolawe.hawaii.gov/rules/CHAPTER_6K. and ://kahoolawe.hawaii.gov/rules/13-261_final. for the rules and penalties pertaining to the Reserve.

7. **Revocation**. The KIRC may amend, suspend, or revoke the Permit if Permittee has acted in violation of any Permit term. Permittee agrees to be bound by the terms and conditions of the Permit and any amendments to this Permit.

8. **Commercial Activities**. Commercial activities are strictly prohibited. "Commercial activity" means any activity carried on for a profit, fee or for the exchange of goods and services including every kind of commercial enterprise, recreational activities offered for a fee, and taking or removing any aquatic life, mineral or vegetation for the purpose of sale or barter. All fish caught under this Permit are for home consumption only.

9. **Fishing Regulations and Conditions**. Permittee is prohibited from bottom-fishing or the use of bottomfish longlines. "Bottomfish longlines" means a type of fishing gear or fishing method used to take bottomfish consisting of weighted mainline, with attached shorter branchlines with fishing hook or hooks that is either laid on the ocean bottom or suspended horizontally near the ocean bottom with floats. Fish that are out of season or are not the legal size, which are inadvertently caught will immediately be returned to the ocean, see the Hawaii Administrative Rules Regulating the Taking and Selling of Certain Marine Resources (HAR 13-95) at ://hawaii.gov/dlnr/dar/regs/ch95. .

10. **Reports**: Permittee shall submit to the KIRC within fourteen (14) days after fishing date a Catch Report, which is attached to this Permit as Attachment "C" and made a part hereof. Reports may be emailed to @kirc.hawaii. .

11. **Vessels**. Permittee shall be obligated for the full and total amount of any damage, injury, or loss caused by Permittee connected with this Permit.

12. **Non-transferrable**. This Permit or any rights hereunder shall not be sold, assigned, conveyed, or otherwise transferred or disposed of.

13. **Additional Terms and Conditions**. The KIRC reserves the right to impose additional terms and conditions, if deemed necessary.

IN WITNESS WHEREOF, KIRC and Permittee have caused this Permit to be executed as of the day and year first above written.

KIRC:

By_____
Michael Naho'opi'i
Executive Director

PERMITTEE:

By_____

Kaho'olawe Island Reserve Commission

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

Monthly Catch Report: Zone B

Instructions to Captain of Trolling Vessel: This form is used to report fish caught while trolling in Zone B of the Kaho'olawe Island Reserve. This form is to be completed by the Captain of the trolling vessel. Complete the form prior to leaving zone B, retain a copy for your records, and mail, fax, or email the original within 14 days of the day you fished. For more information call the KIRC

Permit holder _____ **Phone number** _____ **Email** _____

Registered HA # _____ **Vessel name or permit number** _____ **Slip location or launch site** _____

Fill out one line for each fish caught (use more report forms if needed)

Premitted weekend #1

Date entered: _____ **Entry time:** _____ **Exit time:** _____ **# people on vessel:** _____

Average number of lines in the water while trolling in Zone B (circle one): 1 2 3 4 other _____

Primary fish species targeted: _____

	Species caught	Fork length (in)	Est. weight (lbs)	Sex (M or F)	Eggs or sperm (Y or N)	Area where caught
Ex.	Ahi	36	40	M	N	Kanapou (306 B)
1						
2						
3						
4						
5						

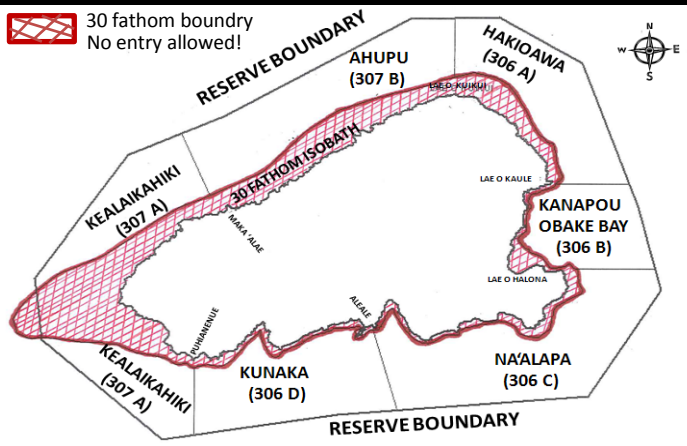
Premitted weekend #2

Date entered: _____ **Entry time:** _____ **Exit time:** _____ **# people on vessel:** _____

Average number of lines in the water while trolling in Zone B (circle one): 1 2 3 4 other _____

Primary fish species targeted: _____

	Species caught	Fork length (in)	Est. weight	Sex	Eggs or sperm	Area where caught
Ex.	Ahi	36	40	M	N	Kanapou (306 B)
1						
2						
3						
4						
5						



Time fishing in each area:	weekend #1	weekend #2
Hakioawa (306 A) :		
Kanapou Bay (306 B):		
Na'alapa (306 C):		
Kunaka (306 D):		
Kealaikahiki (307 A):		
Ahupu (307 B):		

Enter time as 1 hr 30 mins or 6:30-8:00 am

Example of fork length measurement

I certify that the information contained is true and correct to the best of my knowledge.

Permitee's signature _____ Date _____

Date and initial here if you did not enter the reserve this month:

Kaho‘olawe Island Reserve Commission

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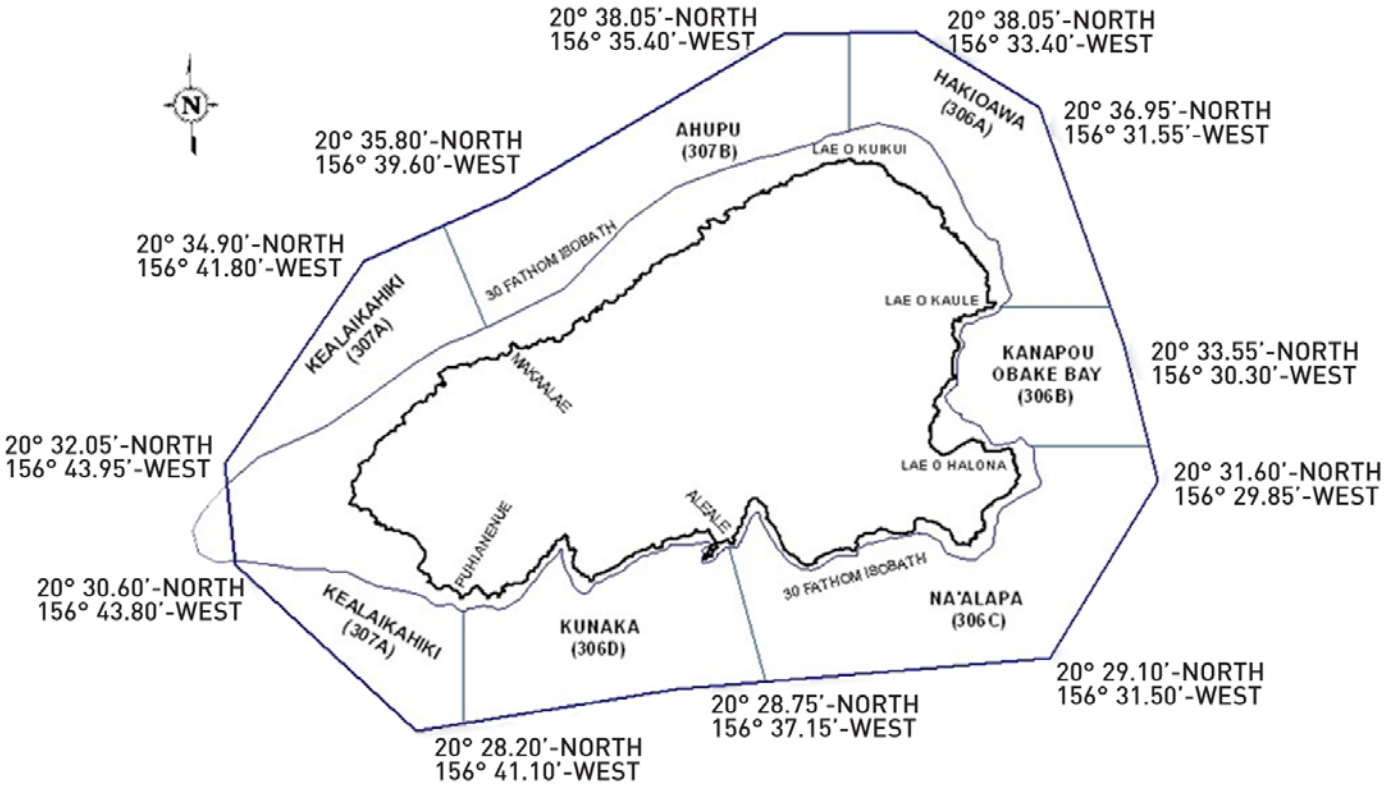
Catch Report Map

Zone B



<u>Instruction to Captain of Trolling Vessel</u>: Trolling in the Kaho‘olawe Island Reserve is only allowed on designated permitted trolling dates. Use the map above to determine the name or number coded areas in which you caught fish. Record these areas in the appropriate location on the first page of the Kaho‘olawe Zone B Catch Report Form.

<u>Tell us how to improve this Map</u>. Please tell us how we can improve this map and catch report. Let us know if better landmarks are needed for reporting areas, and whether more or different areas are needed, etc. We welcome your comments and ideas!

<u>DANGER! !</u> Kaho‘olawe and it’s surrounding waters contain unexploded ordnance which is hazardous to public health and safety. Unauthorized entry into the waters within two miles of Kaho‘olawe is prohibited (H.A.R. 13-261). Trolling in waters shallower than 30 fathoms is prohibited. For more information call the Kaho‘olawe Island Reserve Commission, (808)243-5889.

NEIL ABERCROMBIE
GOVERNOR OF HAWAI'I

COMMISSION MEMBERS

MICHELE MCLEAN
Chairperson
AMBER NĀMAKA WHITEHEAD
Vice-Chair

WILLIAM J. AILA, Jr.
N. EMMETT ALULI, M.D.
C. KALIKO BAKER, PhD.
HŌKŪLANI HOLT

Michael K. Nāhoʻopiʻi
Executive Director

KŪKULU KE EA A KANALOA

KAHOʻOLAWE ISLAND RESERVE COMMISSION

811 Kolu Street, Suite 201, Wailuku, HI 96793
Telephone (808) 243-5020 Fax (808) 243-5885
Website: ://kahoolawe.hawaii.gov

Notice of Permitted Trolling Schedule:

January-December 2015

Kaho'olawe Island Reserve

Zone B (> 30 fathoms)

Notice to Trollers**:** The dates below mark the Permitted Trolling Schedule in Zone B for January -- December 2015. **Hawaii Administrative Rules (H.A.R) 13-261 requires that all vessels must register with the Kahoʻolawe Island Reserve Commission before entering the Reserve to troll during designated Permitted Trolling dates. To register please contact Dean Tokishi at *@kirc.hawaii.gov*** 808-243-5889, **visit** *Kahoolawe.hawaii.gov* **or pick up registration packet at the Division of Boating and Recreation.**

12:01 a.m Saturdays to 11:59 p.m Sundays as follows:

January	**10 –11;**	**24 – 25**	**July**	**11 –12;**	**25 – 26**
February	**07–08;**	**21 – 22**	**August**	**01 –02;**	**15 – 16**
March	**14 –15;**	**21 – 22**	**September**	**12 –13;**	**26 – 27**
April	**11 –12;**	**25 – 26**	**October**	**10 –11;**	**17 – 18**
May	**02 –03;**	**16 – 17**	**November**	**07 –08;**	**21 – 22**
June	**06 –07;**	**20 – 21**	**December**	**05 –06;**	**19 – 20**

The Kaho'olawe Island Reserve (defined as the submerged lands and waters within two nautical miles of the island) is divided into two zones; Zones A and B. These zones are defined as:

Zone A: Includes the island of Kaho'olawe and all the submerged lands and waters between the shoreline of Kaho'olawe and the 30-fathom (180 ft.) depth which surrounds Kaho'olawe (HAR 13-261). **Unauthorized entry into Zone A is prohibited at all times except in case of emergency.**

Zone B: All waters and submerged lands between the 30-fathom (180 ft.) depth surrounding Kaho'olawe and two nautical miles from the shoreline of the island. Unauthorized entry into Zone B is prohibited at all times except for trolling as authorized by KIRC on the days stipulated by the Permitted Trolling Schedule as listed above or in case of emergency. Trollers must remain underway, making way at all times while in Zone B. **ALL OTHER FISHING, OCEAN RECREATION, AND ANY OTHER ACTIVITIES ARE STRICTLY PROHIBITED.**

WARNING! Kaho'olawe and its surrounding submerged lands and waters contain unknown quantities of unexploded ordnance which are hazardous to public health and safety.

(Authority: (H.R.S. §6K, H.A.R. §13-261))