



United States Department of the Interior

FISH AND WILDLIFE SERVICE

300 ALA MOANA BOULEVARD  
P. O. BOX 50167  
HONOLULU, HAWAII 96850

IN REPLY REFER TO:

ES  
Room 6307

July 24, 1979

Mr. George Balazs  
Hawaii Institute of Marine Biology  
Kaneohe, Hawaii 96744

Dear George:

Attached is the EIS concerning Tern Island, French Frigate Shoals  
as you have requested.

Maurice H. Taylor  
Field Supervisor  
Division of Ecological Services

Attachment



*Save Energy and You Serve America!*



NEGATIVE DECLARATION  
OF  
SIGNIFICANT ENVIRONMENTAL IMPACT  
FOR THE  
DISESTABLISHMENT OF THE LORAN-A STATION  
AT  
FRENCH FRIGATE SHOALS  
IN THE  
HAWAIIAN ISLAND CHAIN

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Field Sup. \_\_\_\_\_  
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NEGATIVE DECLARATION  
OF  
SIGNIFICANT ENVIRONMENTAL IMPACT  
FOR THE  
DISESTABLISHMENT OF THE LORAN-A STATION  
AT  
FRENCH FRIGATE SHOALS  
IN THE  
HAWAIIAN ISLAND CHAIN

The following project has been thoroughly reviewed, and it has been determined that said project will have no foreseeable significant impact on the quality of the human environment.

Description: The Coast Guard proposes to disestablish the operation of the LORAN-A station at Tern Island, French Frigate Shoals, State of Hawaii. To accomplish this the following items are required:

- (1) Reassignment of eighteen enlisted men and two officers.
- (2) Removal of miscellaneous equipment, spare parts and/or other such material deemed worth recovering, as directed by Coast Guard Supply Center Brooklyn and/or Commander Fourteenth Coast Guard District.
- (3) Removal of all antennas and the towers and the disposal of two small buildings as recommended by the Real Property Board of Survey. Disposal of the resulting debris, pursuant to established procedures, to meet conditions agreed to with the U. S. Fish and Wildlife Service.

- (4) The securing of the remaining buildings, mechanical equipment and other improvements, as required by the appropriate regulation, so as to maintain their operability for a period of three years.
- (5) Reporting all remaining improvements to the General Service Administration as excess to the needs of the Coast Guard as recommended by the Real Property Board of Survey. It has been noted in the Board of Survey that the U. S. Fish and Wildlife Service, Department of the Interior, wants the said improvements located on the land that they control.

Summary of Environment Findings:

To determine the impact on the human environment of disestablishing the LORAN-A station at French Frigate Shoals, Hawaiian Islands National Wildlife Refuge, an environmental assessment was made. The assessment for this project, which is attached, shows no significant impact on the human environment resulting from the disestablishment of this LORAN station.

Two small buildings and all of the antennas will be removed as requested by the U. S. Fish and Wildlife Service. Burnable items to be removed will be burned on site. Non-burnable items to be disposed of will be buried onsite. During "clean-up" operations, coordination with the U. S. Fish and Wildlife Service will be maintained to minimize the impacts on the wildlife habitats. The remaining facilities and equipment will be secure in "as is" condition. Upon completion, the facility will be reported to the General Service Administration as excess to the needs of the Coast Guard. The U. S. Fish and Wildlife Service has indicated that it intends to maintain a monitoring station at French Frigate Shoals and want the improvements that are located there. The reduction of facilities at French Frigate Shoals will have a beneficial impact on wildlife by providing a larger area for wildlife habitats with fewer disruptions. There is no human population to be affected at French Frigate Shoals.

The alternative to this project is to allow the continued operation of this LORAN-A station. This is contrary to the National Navigation Plan and has therefore been rejected.

Conclusion:

- As a result of the above findings, the proposed project is not considered a major Federal Action which will significantly affect the quality of the human environment. This document has been prepared as required by COMDTINST 16475.1.

22 March 79  
DATE

J. L. Higham  
J. L. HIGHAM, LTJG, USCGR  
CGRU MSO HONOLULU for the Marine  
Environmental Protection Branch

\_\_\_\_\_  
DATE

\_\_\_\_\_  
G. C. SICKS, LT, USCGR  
Chief, Marine Environmental  
Protection Branch

\_\_\_\_\_  
DATE

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J. C. GUTHRIE, CAPT, USCG  
Chief, Operations Division

\_\_\_\_\_  
DATE

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E. B. HOLTZMAN, CAPT, USCG  
Chief, Engineering Division

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DATE

\_\_\_\_\_  
M. J. JACOBS, CDR, USCG  
District Legal Officer

\_\_\_\_\_  
DATE

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D. F. LAUTH, RADM, USCG  
District Commander

Encl: (1) Environmental Assessment

ENVIRONMENTAL ASSESSMENT  
FOR THE  
DISESTABLISHMENT OF THE LORAN-A STATION  
AT  
FRENCH FRIGATE SHOALS  
IN THE  
HAWAIIAN ISLAND CHAIN

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- II. INTRODUCTION
  - A. PURPOSE
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- IV. DESCRIPTION OF THE ENVIRONMENT
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- VI. ANY PROBABLE ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED
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- VIII. THE RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF MAN'S ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY
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UNITED STATES COAST GUARD  
FOURTEENTH COAST GUARD DISTRICT  
HONOLULU, HAWAII  
ENVIRONMENTAL IMPACT ASSESSMENT  
FOR THE  
DISESTABLISHMENT OF THE LORAN-A STATION  
AT  
FRENCH FRIGATE SHOALS  
IN THE  
HAWAIIAN ISLAND CHAIN

MARCH 1979

PREPARED BY:

*J. L. Higham*

J. L. HIGHAM, LTJG, USCGR  
CGRU MSO Honolulu  
for the Marine Environmental  
Protection Branch

Approved by:

Approved by:

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G. C. SICKS, LT, USCGR  
Chief, Marine Environmental  
Protection Branch

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B. G. BURNS, CAPT, USCG  
Chief, Marine Safety Division

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J. C. GUTHRIE, CAPT, USCG  
Chief, Operations Division

\_\_\_\_\_  
E. B. HOLTZMAN, CAPT, USCG  
Chief, Engineering Division

\_\_\_\_\_  
M. J. JACOBS, CDR, USCG  
District Legal Officer

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J. F. GREENE, CDR, USCG  
Chief, Personnel Division

\_\_\_\_\_  
R. D. WILLIAMS, CDR, USCG  
District Comptroller

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J. F. OTRANTO, CDR, USCG  
District Planning Officer

## I. SUMMARY

### A. INTRODUCTION

The purpose of this assessment is to evaluate whether or not the disestablishment of the LORAN-A station at Tern Island French Frigate Shoals, State of Hawaii, constitutes a major federal action which significantly affects the human environment.

### B. PROJECT DESCRIPTION

The disestablishment of the LORAN-A station at French Frigate Shoals requires the following major items:

1. Reassignment of all personnel assigned there, a total of eighteen enlisted men and two officers.
2. Removal of any miscellaneous equipment, spare parts, and/or other such material deemed worth recovering as directed by Coast Guard Supply Center Brooklyn and/or Commander Fourteenth Coast Guard District.
3. Removal of all antennas and towers and two small buildings as recommended by the Real Property Board of Survey. Disposal of the resulting debris to meet conditions agreed to with the U. S. Fish and Wildlife Service.
4. The securing of all remaining buildings, mechanical equipment and other improvements, as required by the appropriate regulations, so as to maintain their operability for a period of three years.
5. Reporting all remaining improvements to the General Services Administration as excess to the needs of the Coast Guard as recommended by the Real Property Board Of Survey.

C. DESCRIPTION OF THE ENVIRONMENT

A. Physical Environment

The LORAN station at French Frigate Shoals is located on Tern Island, a largely artificially constructed island contained, for the most part, within steel sheet piling.

The majority of the 56 acre island is used as a runway. The North side of the island is vulnerable to heavy seas. Metal and masonry debris has been used to protect the island from erosion. On the South side, approximately one acre is occupied by buildings and 15 acres by vegetation. French Frigate Shoals is part of the Hawaiian Islands National Wildlife Refuge (enclosure 2), and is the home or breeding ground for over 2000 birds (enclosure 3). It is also an area where numerous turtles and the endangered Hawaiian monk seal are found. It has a climate similar to the rest of the Hawaiian Chain.

2. Socio-Economic Environment

Since French Frigate Shoals is part of the Hawaiian Islands National Wildlife Refuge, travel to the atoll is restricted by the U. S. Fish and Wildlife Service. Only Coast Guard personnel live on the island. Normally, the only visitors are personnel from the U. S. Fish and Wildlife Service and various wildlife researchers.

D. THE PROBABLE IMPACT OF THE PROPOSED ACTION ON THE ENVIRONMENT

1. Physical Environment

Two small buildings will be removed to minimize the facilities that remain and to maximize open space for bird nesting habitat in accordance with the agreement with the U. S. Fish and Wildlife Service. Items to be removed that can be safely burned will be burned on site. Other nonburnable items to be removed will be buried on site. Although this may temporarily affect the surrounding environment (i.e. increased

air pollution, noise levels, and accidental destruction of some wildlife nests and specimens) in the longterm, we are assured by the U. S. Fish and Wildlife Service that it will have a beneficial impact (i.e. improved and enlarged wildlife habitat). Over the course of many years, the steel bulkhead will continue to corrode and may fail if not maintained or periodically replaced, resulting in a possible reduction in the total island acreage. Although this can be considered a significant impact on the surrounding physical environment of Tern Island it does not significantly affect the human environment.

## 2. Socio-Economic Environment

Due to the lack of any socio-environment on French Frigate Shoals there can be no significant impact in that area.

## E. ALTERNATIVES

The only alternative considered was that of "no project," or in other words, continued operation of this LORAN-A station. Since this is contrary to the National Navigational Plan, it has been rejected.

## F. CONCLUSIONS

The disestablishment of the LORAN-A station at French Frigate Shoals will not result in any significant impact on the human environment.

## II INTRODUCTION

### A. PURPOSE

The purpose of this assessment is to evaluate whether or not the disestablishment of the LORAN-A station at Tern Island, French Frigate Shoals, State of Hawaii constitutes a major federal action which significantly effects the human environment.

### B. BACKGROUND

LORAN-A is a marine electronic navigation system that has provided service over most of the major shipping lanes in the Northern Hemisphere since the early 1940's, at which time the Hawaiian chain LORAN-A system was established. In the late 1950's a more accurate navigation system, LORAN-C was developed. By 1961 LORAN-C service was extended to provide navigational signals over much of the same service area as the LORAN-A chain.

The National Navigation Plan designates LORAN-C as the successor to LORAN-A and directs the discontinuance of LORAN-A service. The Coast Guard has proposed to discontinue LORAN-A service within the Hawaiian Chain on 30 June 1979.

### III. PROJECT DESCRIPTION

This assessment evaluates the impact of the disestablishment of the LORAN-A station at French Frigate Shoals. The cooperative agreement, which is attached as enclosure (1), between the Coast Guard and the U. S. Fish and Wildlife Service requires that upon the cessation of use of Tern Island, the Coast Guard will restore the island to a condition mutually agreed upon by both agencies. The U. S. Fish and Wildlife Service has indicated its desire to maintain a monitoring station on Tern Island and has set forth a tentative plan for what it would like removed and what it would like to remain. The following items reflect the proposed requirements of its tentative plan and summarize the major items of work involved.

1. The eighteen (18) enlisted personnel and two (2) officers will be reassigned.

2. Miscellaneous equipment, spare parts and/or other items deemed worth recovering, as directed by Coast Guard Supply Center Brooklyn and/or Commander Fourteenth Coast Guard District, will be recovered and sent to Base Honolulu or other appropriate Coast Guard units.

3. All antennas, including the 129' aluminum tower, will be taken down. The tower removal will be coordinated with the U. S. Fish and Wildlife Service, so that the effect on wildlife can be minimized. Present plans also include the removal of two small buildings, (a storage building ("Sears Building") and the beach clubhouse). All building debris, rubbish, and other materials (such as empty fuel drums, abandoned equipment, etc.) will be disposed of as requested by U. S. Fish and Wildlife. Paper, wood debris, and other burnable items not worth recovering will be burned on site. Nonburnable scrap, such as the 129' aluminum tower will be buried on site.

4. The barracks, storage building, and signal power building, along with the tennis courts (water catchment system), water storage and treatment system, sewage disposal system, incinerator, generators and fuel oil tanks will be secured, as required by the appropriate regulations, so as to maintain their operability for a period of three years.

5. All remaining facilities will then be reported to the General Services Administration as excess to the needs of the Coast Guard, as recommended by the Real Property Board of Survey.

#### IV DESCRIPTION OF ENVIRONMENT

##### A. Physical Environment

French Frigate Shoals is a coral atoll approximately at the midpoint of the 1600 mile long Hawaiian archipelago as shown in Figure #1. The atoll consists of a crescent-shaped reef with 13 small named islands as shown in Figure #2. The Coast Guard LORAN station occupies the entire area of Tern Island at  $25^{\circ} 52'N$ ,  $166^{\circ} 18'W$ , as shown in Figure #3. The Coast Guard has use of the land through a 1967 permit from the Bureau of Sport Fisheries and Wildlife, (now the U. S. Fish and Wildlife Service) of the Department of the Interior.

Tern Island is an artificial island constructed in 1942 on the site and general orientation of a small (about 10 acre) sand bar or island. The principle feature is a large steel sheet pile bulkhead enclosing a dredged and compacted coral runway 350 feet wide and 3100 feet long. The bulkhead and runway elevations are approximately four feet above mean sea level. Beaches have formed against the barrier of the bulkhead and vegetation has covered much of the accreted sand. The total area of the runway is approximately 25 acres. Buildings cover about one acre, and about 15 acres are covered by vegetation.

The climate of French Frigate Shoals is marine and tropical in nature. The mean annual temperature is  $75^{\circ}F$  with range from about  $65^{\circ}$  to  $85^{\circ}$ . The mean annual precipitation is approximately 45 inches/year with most rainfall occurring from December through March. The predominant wind averages 12 knots from the Northeast. During periods of "kona" weather, generally occurring from December through March, southerly winds frequently occur.

As many as 37 varieties of vascular plants have been recorded as occurring on Tern Island at one time or another, most have been introduced by man. Currently only 18 of these species are found in any



significant quantity on the island. Of those, Beilschmiedia, pluchea and iron wood trees are the most dominant. Vegetation is limited to the areas on either side of the airstrip.

As many as 39 species of birds have been recorded as occurring on Tern Island at one time or another. Of these, the most numerous are the Laysan Albatross, Bonin Petrel, Sooty Tern, Red-Tailed Tropicbird and the Red-footed Booby. The bird population of Tern Island was recently surveyed to be in the order of 2000 birds (1,586 breeders and 480 nonbreeders). This is a relatively low density when compared to the densities on the other major uninhabited islands of the French Frigate Shoals. Other fauna found on Tern Island consists of a variety of insects, the Mourning Gecko, the Green Sea Turtle, and the Hawaiian Monk Seal.

The Coast Guard LORAN Station has three (3) major buildings, as follows: (1) Barracks and Galley Building, (2) Signal power Building, and (3) Storage Building and Shop complex. In addition there are three other small buildings (Sears Building, Beach Clubhouse and Boathouse), five large fuel oil tanks, a fuel dump, an incinerator, a water catchment system (tennis court), water storage tanks and treatment system, a sewage treatment system a coralpacked 3100 ft. runway, two small guyed antennas, one larger 129' guyed antenna and various other abandoned building floor slabs and old equipment. There is a large buried utility system throughout the island, including empty aviation fuel tanks which are left over from W. W. II.

#### B. Socio-Economic Environment

Tern Island is administered by the Coast Guard by permit from the U. S. Fish and Wildlife Service. The LORAN station is a self-contained unit for the 18 enlisted men and two officers assigned there.

All supplies are obtained through the Coast Guard Base Honolulu and delivered either by buoy tender or by air. Travel to French Frigate Shoals is restricted because it is part of the Hawaiian Islands National Wildlife Refuge set aside by Executive Order No. 1019, dated 3 February 1909. Therefore, the only other personnel allowed on the island are members of the U. S. Fish and Wildlife Service, or other authorized persons who may make occasional research field trips.

V. THE PROBABLE IMPACT OF THE PROPOSED ACTION ON THE ENVIRONMENT

A. PHYSICAL ENVIRONMENT

When this station is disestablished, two small unessential buildings will be removed, all antennas taken down and disposed of, some equipment removed and as much debris and rubbish removed as is practicable. Any concrete debris that must be disposed of can be used for shoreline protection, particularly along the damaged bulkhead. The two small buildings to be removed will be knocked down. Wood and paper debris and other burnable items to be removed will be burned onsite during weather conditions which will minimize the effect of the smoke on the wildlife. The scrap metal from the antenna tower and the small metal building to be removed, along with other debris which cannot be burned will be buried onsite to minimize dangers to birds and provide them with the maximum useable habitat. All unused portions of the island will be cleaned up and restored to a condition suitable for use as a bird habitat.

Of great concern is the affect this general "clean-up" will have on the bird nesting areas. Therefore, efforts will be made to protect the birds and their habitat. "Clean-up" work will be done in such a manner to minimize the number of birds affected by the work. The 129' aluminum tower will be removed in such a manner to minimize

damage to the area, presently used as a bird habitat.

During the clean-up work there will be some short term adverse impacts on the bird habitats. These will be minimized as outlined in this section. The long term effect will be to provide a larger, more undisturbed area for the bird habitats which will result in a beneficial impact.

There is also a radio beacon transmitted by the LORAN station. It is used primarily as a "homing" beacon for aircraft destined for the station. It is turned on only upon request and is not considered to be vital for navigation.

#### B. Socio-Economic Environment

There is no significant socio-economic environment at French Frigate Shoals other than that provided by the CG men assigned there. Therefore, there will be no significant socio-economic environment remaining at French Frigate Shoals to be affected by the disestablishment of this LORAN station.

#### VI. ANY PROBABLE ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

During the "clean-up" period when the towers, two small buildings, junk piles and other excess equipment are being removed there will be some inevitable adverse impact to the wildlife, most specifically to the various species of birds, on the island. This will be short term effect and will be minimized by personnel involved in the "clean-up" being instructed to protect wildlife and their nests whenever possible. Once the clean-up is completed no further adverse impacts are expected to occur.

#### VII. ALTERNATIVES TO THE PROPOSED ACTION

The only alternative considered was that of "no project". This would mean the continued operation of the LORAN-A station at French Frigate Shoals.

Continued operation of this LORAN-A station is not required on the basis of its primary mission, (i.e. to provide a navigational system) and is contrary to the National Navigational Plan. Since it has been shown that the disestablishment would not result in any significant environmental impact, the continued operation of this station would not serve any environmental purpose. Therefore, this alternative was rejected.

VIII. THE RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF MAN'S ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

Originally Tern Island was a small sand bar with little vegetation which did not afford much protection for wildlife. The U. S. Navy then enlarged the sand bar by dredging the lagoon, filling in the island and building a steel pile bulkhead around it for protection against erosion. The main purpose for these improvements was to make it large enough to serve as an airstrip during the war. Little vegetation or protection was provided for wildlife. As time passed vegetation grew, and wildlife flourished. However, the main purpose of the island was still an airstrip. Now the island is being returned to an almost "unmanned" island. This will enhance the use of the island as a wildlife refuge. The long-term productivity depends upon the future use of the island by the U. S. Fish and Wildlife Service. To some extent future uses of the island will also depend upon the life span of the existing steel sheet pile bulkhead, which protects the island from erosion.

IX. ANY IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES THAT WOULD BE INVOLVED IN THE PROPOSED ACTION SHOULD IT BE IMPLEMENTED

There will be an irretrievable commitment of money, energy and manpower to accomplish the "clean-up" of Tern Island. However, the island and the majority of the facilities located there will remain and could be used for whatever need there may be in the future.

X. CONCLUSIONS

The disestablishment of the LORAN-A station at French Frigate Shoals will not result in any significant impact on the human environment.

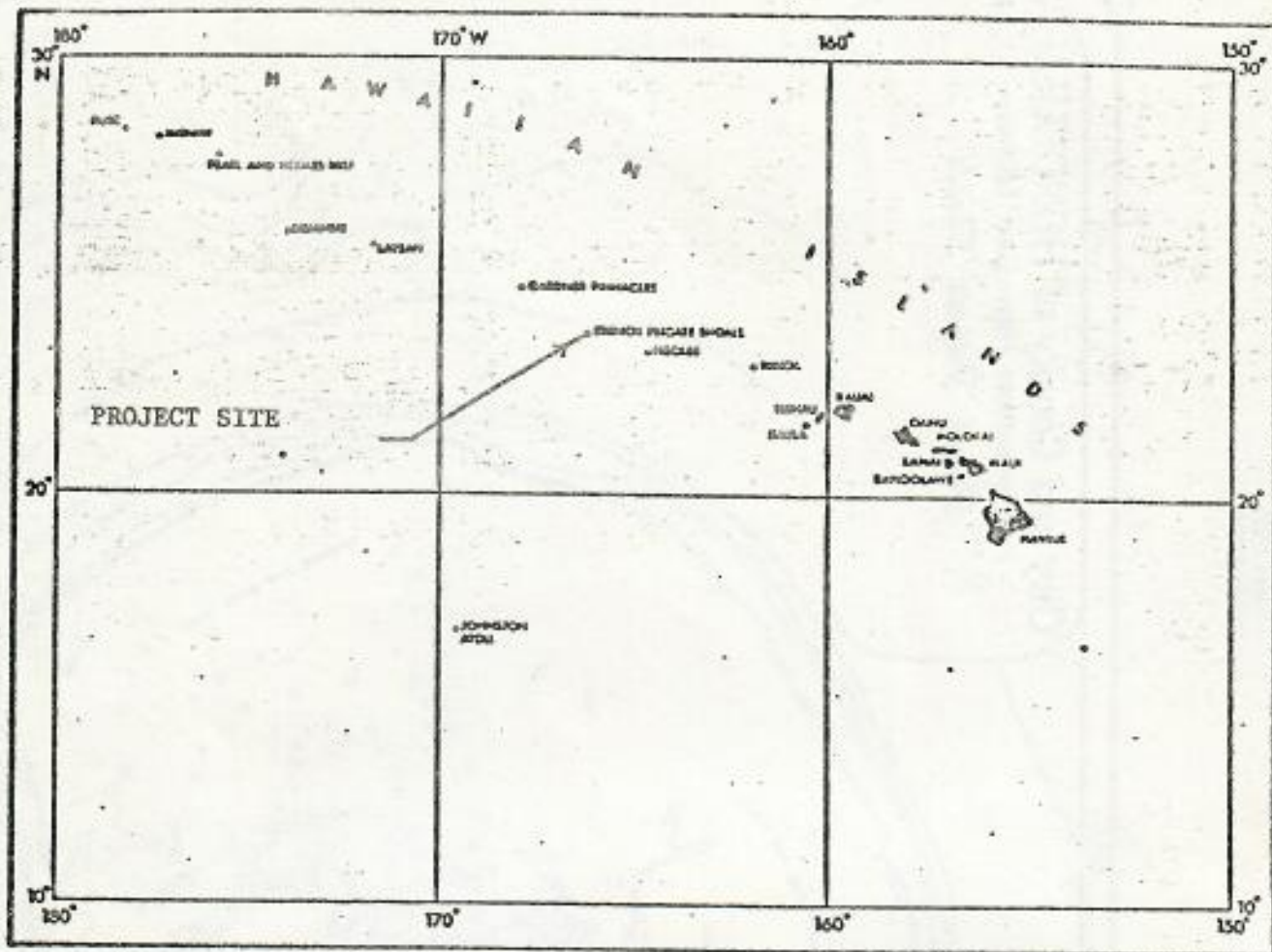
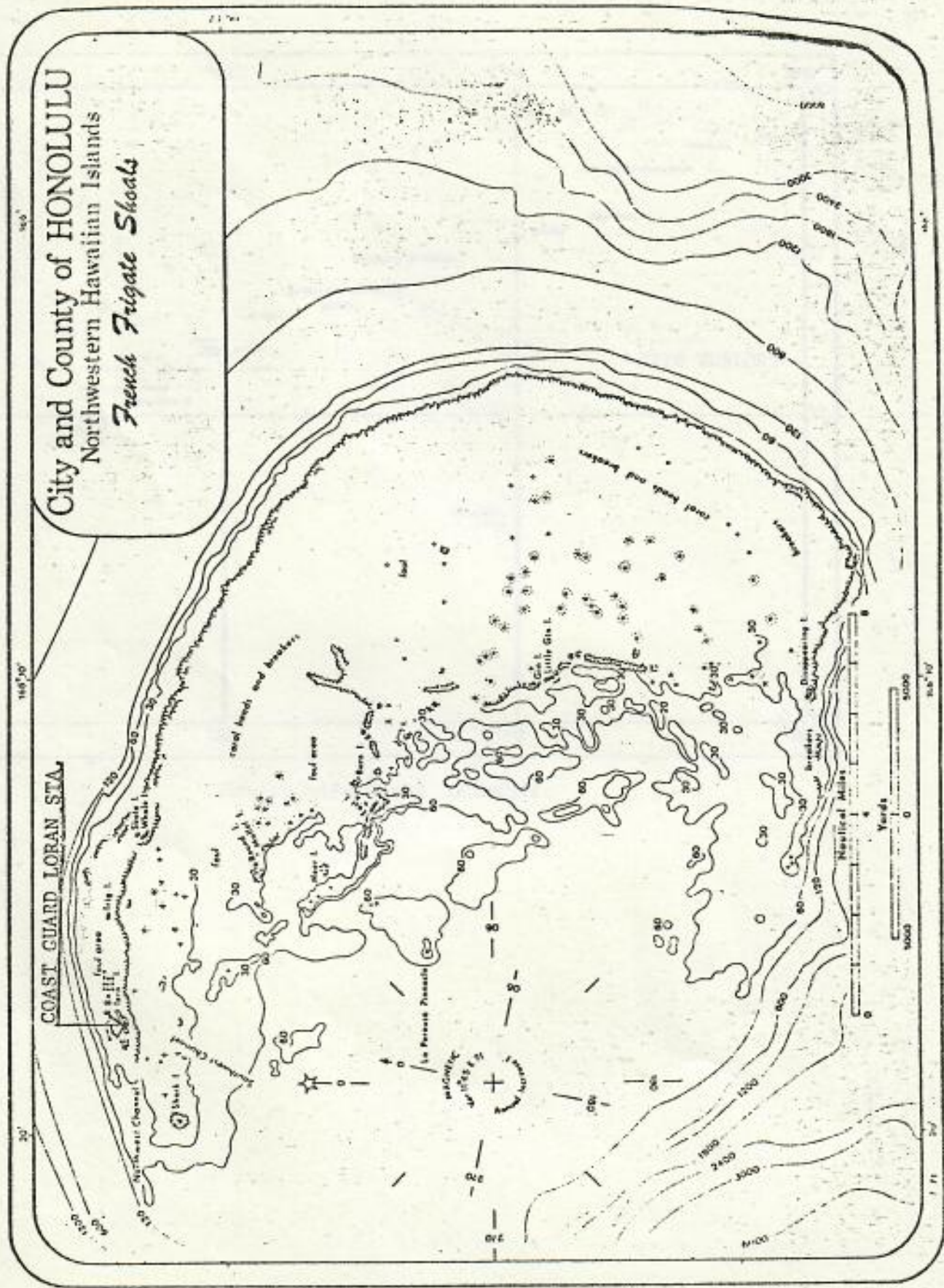
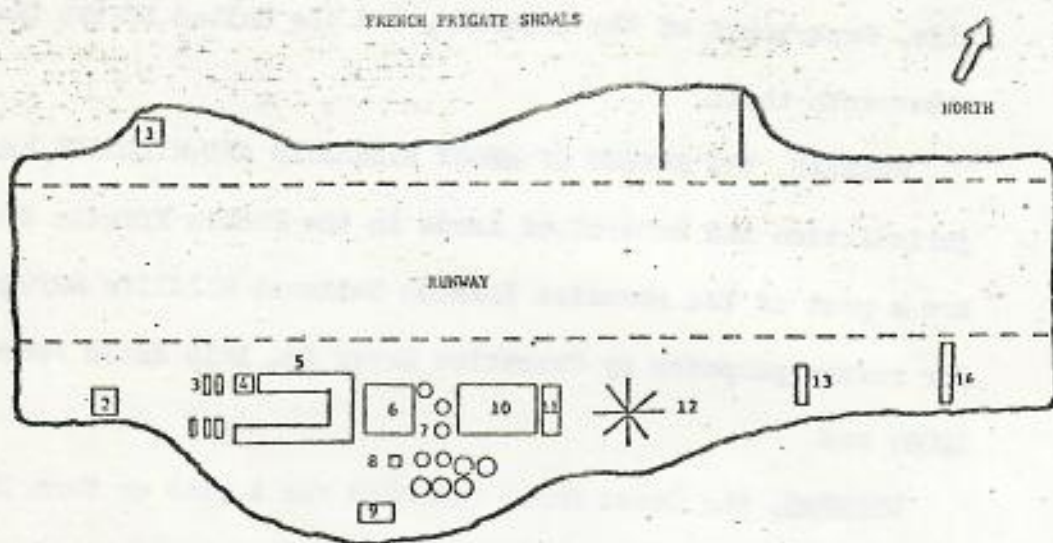


Figure 1. The Hawaiian Islands.





- |                              |                       |                                  |
|------------------------------|-----------------------|----------------------------------|
| 1. University of Hawaii      | 6. Recreation Court   | 11. Old Signal-Power Building    |
| 2. Boat House                | 7. Fresh Water Tanks  | 12. Loran-A Transmitting Antenna |
| 3. Fuel Oil Storage Tanks    | 8. Pump House         | 13. Storage Building             |
| 4. Garage                    | 9. Playboy Club       | 14. Gasoline Storage Area        |
| 5. Barracks-Subsistence Bldg | 10. Signal Power Bldg |                                  |

TERN ISLAND  
FRENCH FRIGATE SHOALS



COOPERATIVE AGREEMENT

BETWEEN

BUREAU OF SPORT FISHERIES AND WILDLIFE

AND

THE UNITED STATES COAST GUARD

THIS AGREEMENT, made and entered into this first day of March, 1967, between the Bureau of Sport Fisheries and Wildlife, Department of the Interior, and the United States Coast Guard, witnesseth that:

WHEREAS, THE BUREAU OF SPORT FISHERIES AND WILDLIFE has sole jurisdiction and control of lands in the French Frigate Shoals which are a part of the Hawaiian Islands National Wildlife Refuge set aside for refuge purposes by Executive Order No. 1019 dated February 3, 1909; and

WHEREAS, the Coast Guard has need for a site on Tern Island of French Frigate Shoals on which to maintain a LORAN station,

NOW, THEREFORE, it is mutually understood and agreed by and between the parties hereto that the Bureau of Sport Fisheries and Wildlife hereby grants permission to the Coast Guard to use and occupy the aforesaid Tern Island for a Loran or other aids to navigation, effective on acceptance hereof by the United States Coast Guard, under the following provisions and conditions:

1. The use of Tern Island shall be limited to the operation of Loran and other aids to navigation and the improvement or enlargement

of these facilities as deemed necessary by the Coast Guard, with the right of ingress and egress thereto.

2. This agreement shall terminate 20 years after effective date, or after six months non-use, and may be terminated on 30 days written notice by the Coast Guard. This permit may be extended by mutual agreement by the parties hereto.

3. Upon cessation of the use, the Coast Guard will promptly notify the Bureau and remove such improvements as mutually agreed upon. The Coast Guard may remove all structures or other property placed on the island by that agency and restore the site to its original condition or to a condition satisfactory to the Bureau.

4. Permission to use Tern Island by other agencies or persons will be granted only with the mutual consent of both the Bureau and the Coast Guard.

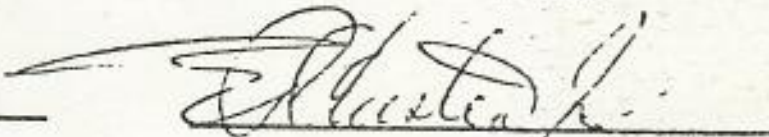
IN WITNESS WHEREOF, the Bureau of Sport Fisheries and Wildlife and the United States Coast Guard have through their respective officials hereinafter affixed their signatures.

U. S. DEPARTMENT OF THE INTERIOR  
Bureau of Sport Fisheries and Wildlife

Date: FEB 21 1967

  
Regional Director

Date: MAR 1 1967

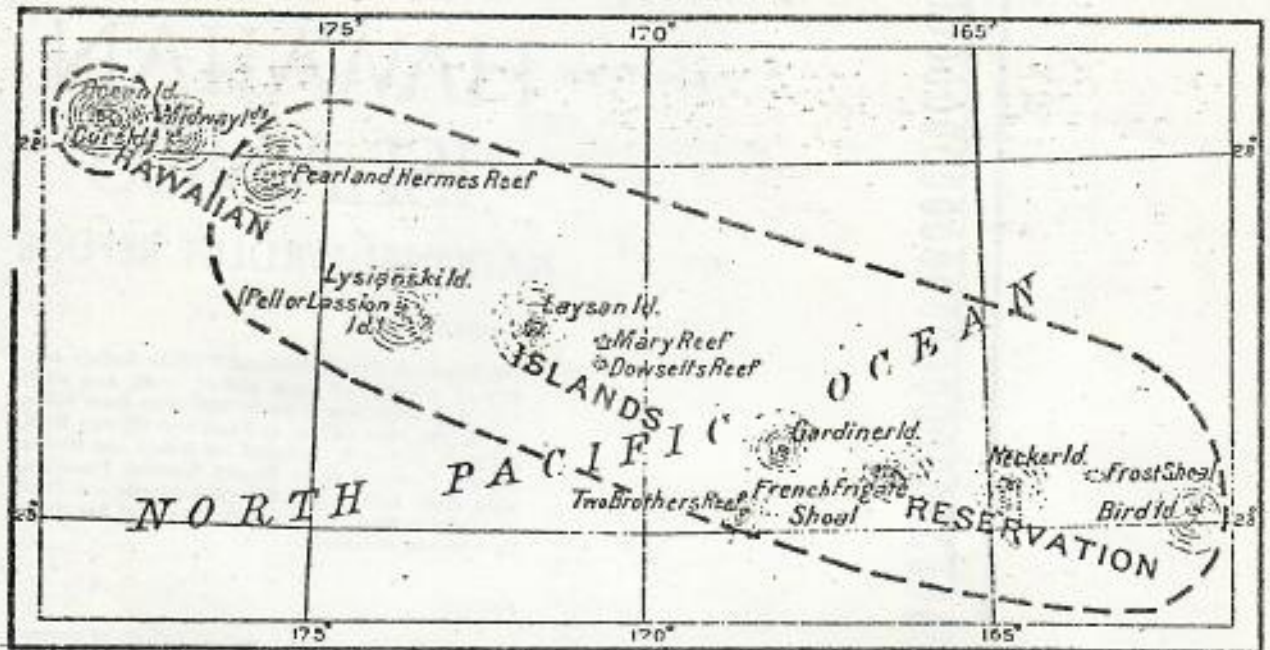
UNITED STATES COAST GUARD  
  
E. P. CHESTER, JR.  
Chief of Staff

# HAWAIIAN ISLANDS RESERVATION

For Protection of Native Birds

## TERRITORY OF HAWAII

*Embracing the islets and reefs segregated by the  
broken lines and designated  
"Hawaiian Islands Reservation"*



DEPARTMENT OF THE INTERIOR  
GENERAL LAND OFFICE  
Fred Dennett, Commissioner

BIRDS OF THE

# HAWAIIAN ISLANDS

## NATIONAL WILDLIFE REFUGE

### Introduction

The Hawaiian Islands National Wildlife Refuge consists of a series of eight islands, reefs, and atolls extending a distance of about 800 miles from Nihoa Island, the easternmost, to Pearl and Hermes Reef, the most westward. Included are Nihoa and Necker Islands, French Frigate Shoals, Gardner Pinnacles, Maro Reef, Laysan and Lisianski Islands and Pearl and Hermes Reef. Pearl and Hermes Reef lies about 95 miles east of Midway.

### Geology

Geologically, the refuge is part of a chain of tremendous underwater peaks. Nihoa, Necker, Gardner Pinnacles and La Perouse Pinnacle at French Frigate Shoals are the cores of the old volcanic cones. Absence of beaches and sheer cliffs of basalt, dropping into the ocean, are typical of these islands. Laysan and Lisianski Islands are low, flat sandy islands surrounded by submerged coral reefs. French Frigate Shoals and Pearl and Hermes Reef are typical Pacific atolls. Maro Reef has only one small rock protruding a few feet above the surface of the ocean. Pearl and Hermes Reef is a circular atoll almost 47 miles in circumference. Located within its fringing reef are seven small sandy islands. French Frigate Shoals is a crescent-shaped atoll with a lagoon containing eight similar islands. Laysan, comprising some 1,100 acres, is the largest of the refuge islands.





## Bird Life

Most of the species of birds which utilize the refuge are pelagic seabirds, and this is the only national wildlife refuge in the nation where most of these species nest.

Located near the center of the North Pacific Ocean the refuge islands are visited by many species of birds considered as stragglers. Several Asiatic species are listed in the appended list of accidentals.

Some of the most remarkable sea bird colonies in the world occur on this refuge. Some species utilize the islands throughout most of the year. Others come only to reproduce their kind. Although the winter and spring months are the periods of peak nesting activity, at least one species or another may be found nesting throughout the year. In the early spring many thousands of terns, petrels, shearwaters and other such species join those on the islands and the air over each becomes a whirling bedlam of shrieking birds.

These bird populations are extremely difficult to estimate because many nest in burrows which honeycomb the islands. Populations are increased manifold by birds which return at night to roost on the islands after having spent the day at sea searching for food.

The refuge is home to four kinds of birds found nowhere else in the world. These are the Nihoa Millerbird and Nihoa Finch which are restricted to Nihoa Island, and the Laysan Teal and Laysan Finch which are confined to Laysan Island. A small population of the latter species exists now also on Southeast Island at Pearl and Hermes Reef as a result of an experimental transplant of a few from Laysan Island. Because of man's interference with nature on Laysan Island many years ago, three species of birds endemic only to that island became extinct. These were the Laysan millerbird, honeycreeper and rail.

The precarious status of the birds, fragile ecology of these small islands which can be easily upset by too much human activity, and the dangerous landing conditions to be encountered, preclude general public use. All major units of the refuge have been designated as national research natural areas, and at present only scientists on approved research projects are permitted entry.

Refuge headquarters is located at 337 Uluniu Street, Kailua, Hawaii 96734. Inquiry about the bird life on the refuge, including accidentals, may be directed to that office.

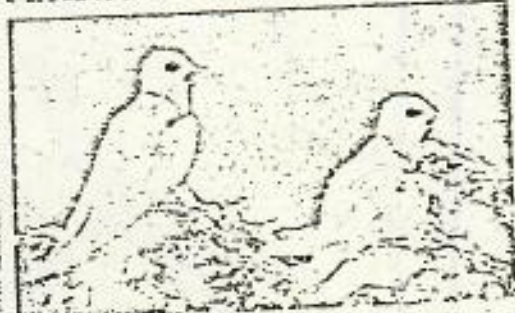
## Climate

The climate is mild with temperatures seldom reaching as high as 90 or lower than 50 degrees Fahrenheit. Precipitation varies between 26 and 29 inches per year. Occasionally, however, severe Pacific storms with waves of over 30 feet buffet the islands. Although these storms do not affect the rocky islands greatly, the low, sandy islands may suffer considerable damage from erosion and the loss of vegetation, undoubtedly with adverse effects on nesting populations of sea birds.

Brown Noddy with Chick



Fairy Terns



### BIRDS OF THE HAWAIIAN ISLANDS NATIONAL WILDLIFE REFUGE

**SOOTY TERN (*Sterna fuscata*)** One of the most abundant species on all the refuge islands. Populations on Laysan may number between one to two million. Absent during late fall and early winter. Peak of nesting during the spring. Nests in dense colonies with some nests being less than 6 inches from each other.

**GRAY-BACKED TERN (*Sterna lunata*)** Present in large numbers on all islands most of the year, but scarce in the fall. Most abundant on Laysan, Lisianski and Nihoa. Much less abundant than the sooty tern.

**BLUE-GRAY NODDY TERN (*Procelsterna cerulea*)** A resident in the high hundreds on Nihoa and Necker. Has been recorded on Gardner Pinnacles and Lisianski. More common in the spring. Nests in holes and crevices in the cliffs. The smallest of all the terns found on the refuge.

**COMMON OR BROWN NODDY TERN (*Anous stolidus*)** Abundant on all refuge islands throughout most of the year, especially in the summer. Highest concentrations on Nihoa, Necker and Laysan. Nests on the ground on all islands.

**HAWAIIAN OR WHITE-CAPPED NODDY TERN (*Anous minutus*)** Common on all islands throughout the year. Most abundant on Nihoa and Laysan. Prefers to nest off the ground in low vegetation on the sandy islands and in holes in the cliffs of the rocky islands.

**FAIRY OR WHITE TERN (*Gygis alba*)** Common on all islands throughout the year except at Pearl and Hermes Reef where it is scarce and French Frigate Shoals where it is found only in low numbers. Does not build a nest but lays eggs on exposed surface of rock or in fork of a branch of low growing brush or small tree. Considered to be the most beautiful of sea birds.

**BLACK-FOOTED ALBATROSS (*Diomedea nigripes*)** Abundant on all islands during the nesting season from early November to early July. Usually absent from August to late October. Most roam the north Pacific for the first 4-5 years of their life before returning to land to pair and eventually nest which usually is in their seventh year. Most abundant on Laysan where populations may reach 50,000. Preferred nesting areas are the beaches of these islands.

**BLUE-FACED BOOBY** (*Sula dactylatra*) The largest of the three species of boobies found on the refuge, this species is common to all islands. It is most abundant on Laysan and Lisianski. Nesting may occur throughout most of the year but takes place mainly between February and April. The outer beaches of the low sandy islands and the exposed ridges of the high rocky islands are preferred nesting sites. Males have a high pitched squeak, while females possess a hoarse squawk.

**BROWN BOOBY** (*Sula leucogaster*) Found in low numbers on most of the refuge islands. Most common on Southeast Island at Pearl and Hermes Reef - less than 100 pair. The wariest and smallest of the three booby species. Usually lays two eggs in the nest which is placed on the ground.

**RED-FOOTED BOOBY** (*Sula rubripes*) Nests throughout most of the year on all islands, although the peak occurs during the spring. Almost non-existent in the early fall. Most abundant on Nihoa, Necker, Laysan and Lisianski. Several thousand nesting pairs occur on Nihoa. Nests usually contain but one egg and are constructed in low vegetation off the ground.

**FRIGATE BIRD** (*Fregata minor*) Present throughout the year on all islands although some wandering may take place. Most abundant on Nihoa where populations may be in the mid-thousands. Somewhat less abundant on Laysan, Lisianski and Necker. Frequently observed soaring on wide-spread wings high above the islands. Robs other birds of their freshly taken fish.

**LAYSAN TEAL** (*Anas laysanensis*) Endemic to Laysan Island. Although the population was once down to 7 birds, it has since recovered. Populations have fluctuated in recent years from 100 to 600 from unknown causes. Primary source of food are the brine flies which coat the shores of the saline interior lagoon.

**AMERICAN WIDGEON** (*Mareca americana*) A regular straggler each fall and winter at Laysan. Populations usually number less than 10.

**SHOVELER** (*Spatula clypeata*) Regular winter visitor at Laysan. Usually found in very low numbers.

**PINTAIL** (*Anas acuta*) Regular visitor at Laysan. Usually found in very low numbers.

**SHARP-TAILED SANDPIPER** (*ErOTE acuminata*) A straggler in low numbers. Most commonly observed around the lagoon at Laysan.

**SANDERLING** (*Crocethia alba*) Uncommon in low numbers on Laysan. Occasionally found on the other sandy islands.

**WANDERING TATTLER** (*Heterosceles incanum*) Scattered individuals found throughout the year on all islands, except Laysan, where they are common.

**BRISTLE-THIGHED CURLEW** (*Numenius tahitiensis*) Found on all islands during fall, winter and spring in very low numbers. Most common on Laysan and Lisianski. Uncommon on the high islands of Nihoa and Necker.

**GOLDEN PLOVER** (*Pluvialis dominica*) Present during fall, winter and spring on all islands in low numbers. Most abundant on Laysan where 900 may occur during these seasons.

**LAYSAN FINCH** (*Psaltriparus cantans*) Endemic to Laysan Island. During recent years populations have varied from 7,000 to 11,000 birds. A member of the unique family of Hawaiian honeycreepers (*Drepanididae*). A small population now exists on Southeast Island, Pearl and Hermes Reef as a result of a transplant from Laysan.

**NIHOA FINCH** (*Psaltriparus ultima*) Endemic to Nihoa Island. During recent years, populations have varied from 2,300 to 5,000 birds. Considered by some ornithologists to be a race of the Laysan finch.

**NIHOA MILLERBIRD** (*Acrocephalus kingii*) This old world warbler is endemic to Nihoa Island. During recent years populations have varied between 300 and 600. It was unknown to science until 1923 when a scientific expedition to that island discovered it. The first recorded nest was found in 1962.



Nihoa Millerbird on Nest

LIST OF ACCIDENTALS

(Those birds which have been recorded no more than 5 times)

*Horned Puffin*  
*Black-legged Kittiwake*  
*Northern Fulmar*  
*Glaucous Gull*  
*Glaucous-winged Gull*  
*Western Gull*  
*Herring Gull*  
*Ring-billed Gull*  
*Franklin's Gull*  
*Bonaparte's Gull*  
*Sooty Shearwater*  
*Herald Petrel*  
*Murphy's Petrel*  
*Red-billed Tropicbird*  
*Pelagic Cormorant*  
*Mallard*  
*Gadwall*  
*Green-winged Teal*  
*Bufflehead*  
*Harlequin Duck*  
*American Coot*  
*Red Phalarope*  
*Northern Phalarope*  
*Common Snipe*  
*Knot*  
*Pectoral Sandpiper*  
*Dunlin*  
*Semipalmated Sandpiper*  
*Ruff*  
*Marbled Godwit*  
*Bar-tailed Godwit*  
*Greater Yellowlegs*  
*Lesser Yellowlegs*  
*Semi-palmated Plover*  
*Black-bellied Plover*  
*Short-eared Owl*  
*Peregrine Falcon*  
*Mockingbird*



UNITED STATES DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE  
BUREAU OF SPORT FISHERIES AND WILDLIFE



## TERN ISLAND STUDY

### A. Historical Overview

French Frigate Shoals is a coral atoll situated almost at the midpoint of the 1,600 mile long Hawaiian archipelago. The atoll consists of a crescent-shaped reef whose long axis is 19 nautical miles in a northwest to southeast direction. Of 13 small named islands in the lagoon, 12 are low and sandy with sparse or no vegetation; the remaining island is of volcanic rock. In its present configuration at 57 acres, Tern Island is the largest island in the atoll. Before it was extensively altered, however, its size was estimated at 11 acres.

In 1942 the decision was made to construct an airstrip at Tern Island to provide fueling and landing facilities for ferrying aircraft between Pearl Harbor and Midway, to provide an emergency landing facility, and to serve as an outpost for defense of Pearl Harbor. Dredging started in August, 1942, and began with a 12,000 foot ship channel, 200 feet wide and 20 feet deep. A seaplane landing area 8,000 feet long was cleared of coral heads adjacent to the island. Coral removed in the dredging was used to create a 3,100 foot landing strip, 350 feet wide. Ground facilities were added in the following year. Shortly thereafter a Coast Guard LORAN station was established at nearby East Island. The facilities at Tern Island were used by Hawaiian fishermen between June, 1946 and July 1949, and various fishing vessels visited the atoll in the 1950's. In 1952, the LORAN station was moved to a new Tern Island facility. LORAN service has continued to this day, but is scheduled to terminate on 1 July, 1979. The purpose of this contracted study is to evaluate various options for management of Tern Island after the Coast Guard leaves.

### B. Discussion

The significance of the decision regarding future management of Tern Island is far greater than is immediately apparent. Several options are possible. The direct and indirect effects of each are potentially far reaching. The final decision will inevitably be controversial as the various options are, at least to some extent, conflicting. The issue is also clouded by the fact that the immediate decision regarding Tern Island management will be made before the current legal boundary dispute is resolved and before the results of the tri-party study of refuge resources are available.

The potential for effective commercial use of fishery resources in the Northwest Islands is directly linked to the availability and distribution of critical support facilities. Similarly, the future potential for expanded biological research in this natural area will be in large part dependent upon logistical considerations. In addition, the U. S. Fish and Wildlife Service may be limited in its selection of management options for Tern Island by its own established policies, pertinent Federal laws, and treaty agreements with other countries.

A thorough assessment must determine which management options are biologically, legally and economically feasible, and evaluate the direct and indirect

effects of each on the natural and human environment. The direct effects will result from the specific actions involved in implementation of any particular management option. To the extent that different options may share individual actions (i.e.; conversion of buildings, periodic air traffic, harbor maintenance, etc.) actual direct effects will be similar. Indirect effects of each management option may extend far beyond the geographical limits of Tern Island and French Frigate Shoals. Indirect effects will also be in large part dependent upon final resolution of the current boundary dispute. For example, development of a fishery station at Tern Island would make it logistically possible for boats to fish the area that are now excluded by the distances involved. On the other hand, choice of a management option for Tern Island that did not include a fishery station could effectively restrict such use of northwest island waters to boats with sufficient range and holding capacity.

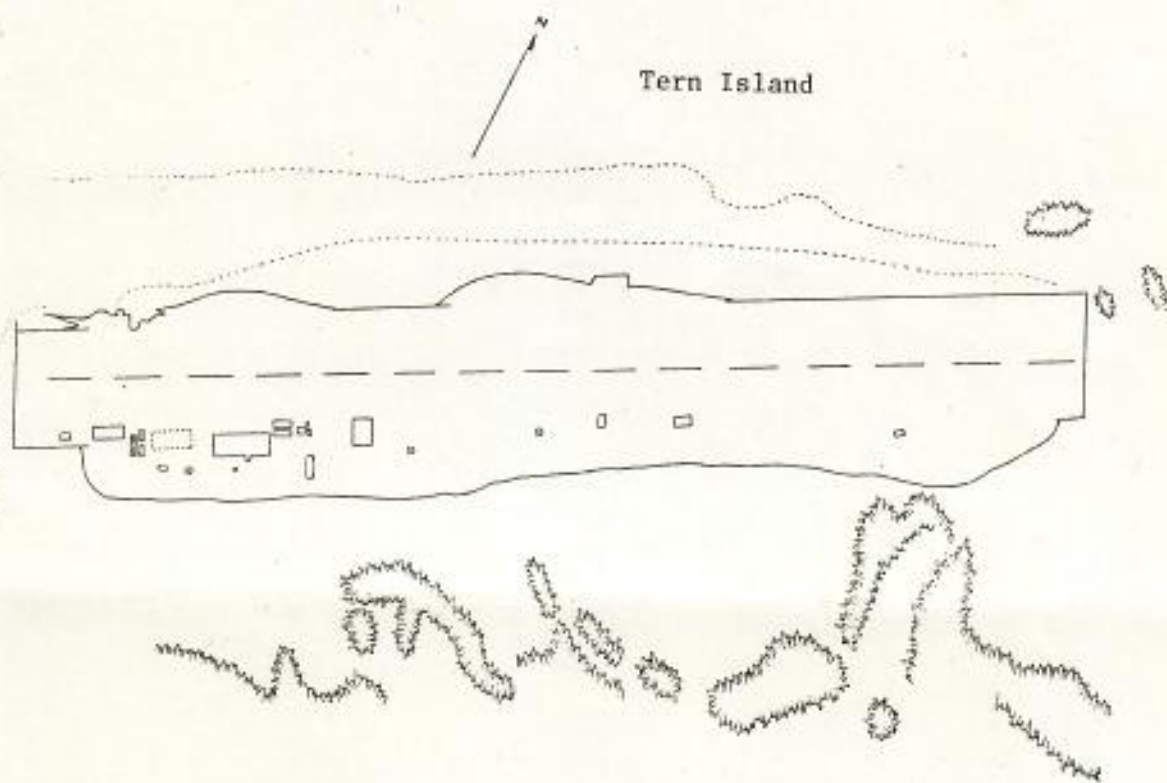
C. Management Options Under Consideration

1. Research station operated by the U. S. Fish and Wildlife Service
2. Research station operated by another agency (University of Hawaii, National Marine Fisheries Service, etc.) or jointly with the USFWS
3. Commercial fisheries support station (ranging in level of development from an unmanned emergency evacuation facility to a freezing plant, storage facility, fuel supply station and base for air or over-water shipment of fish)
4. Joint research station/commercial fisheries support station
5. Abandonment of facilities
6. Other undetermined options

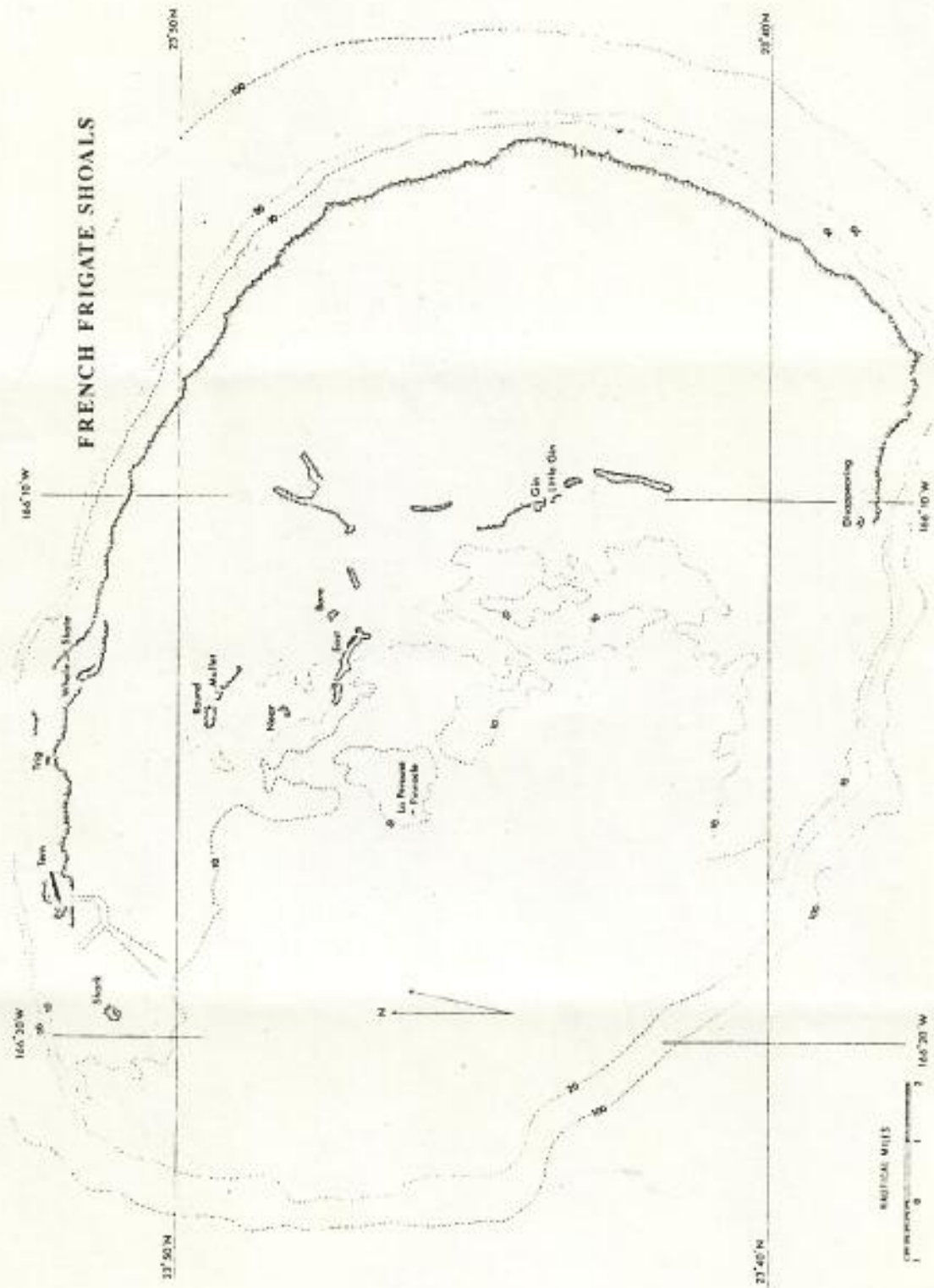
D. Interview Process

A great deal of importance will be placed on the interview process to gather pertinent data, opinions, suggestions for further study and other information. This preliminary material is being distributed to allow the interviewee the opportunity to familiarize him/herself with the study and to prepare for the interview. It is our intent that each interview will follow a set of guidelines but will remain flexible enough to focus attention on specific topics with which the interviewee is most familiar. Based on notes recorded at the interview, a meeting report will be prepared. This report will be returned to the interviewee for review and clarification and then finalized for inclusion into the assessment appendix. Pertinent data derived from the interviews will also be incorporated into the assessment. In view of the short time available for preparation of a draft assessment, it will be very important that interviewees immediately review the meeting reports and return them as soon as possible. If the meeting reports are not returned immediately, we will have to assume that they are satisfactory as written.

We will be asking each of the interviewees for other sources of pertinent data, including other people that should be contacted for interviews. If there are other persons in your office that could contribute to the discussion of Tern Island, we encourage you to have them present. In some cases, it may be necessary to meet a second time to clarify or expand on topics discussed at a first meeting. It should be remembered, however, that this assessment will only be the first step in a thorough data-gathering and evaluation process by the USFWS, and there will be other opportunities to provide additional input into the planning process subsequent to completion of our study.



# FRENCH FRIGATE SHOALS



NAUTICAL MILES



GEORGE R. ARIYOSHI  
GOVERNOR OF HAWAII



DIVISIONS:  
CONVEYANCES  
FISH AND GAME  
FORESTRY  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

March 7, 1979

MEMORANDUM

TO: Honorable Stanley I. Hara, Chairman  
Senate Committee on Ecology, Environment and Recreation

FROM: Susumu Ono, Chairman and Member  
Board of Land and Natural Resources

SUBJECT: Senate Resolution No. 133 and Senate Concurrent Resolution No. 27 --  
Requesting the Governor of the State of Hawaii to Take Immediate  
Action Toward the Acquisition and Return of Tern Island and its  
Facilities to the State of Hawaii.

Since Senate Resolution No. 133 and Senate Concurrent Resolution No. 27 identically requests the Governor of the State of Hawaii to take immediate action in initiating negotiations to arrange cooperative agreements with the U.S. Coast Guard Commandant of the Fourteenth District and the Secretary of the Interior for the return of Tern Island (of French Frigate Shoals) and its facilities to the State of Hawaii, this presentation is a combined testimony relating to both resolutions.

Our Department has been apprised that recent discussions between the Governor and the Secretary of the Department of the Interior regarding Tern Island were encouraging. We believe that the Secretary of the Interior, in the spirit of mutual cooperation, intends to allow State use of Tern Island as a fishing support station following the Coast Guard's termination of Loran operations there this year. Towards this end, we anticipate in the very near future to be able to coordinate the disposition of Tern Island facilities with the Coast Guard and arrange for the joint use of the island with the Department of the Interior's U.S. Fish and Wildlife Service.

Since both State and Federal Governments must diligently plan for the development and management of the fisheries resources and for the protection and preservation of the unique wildlife species in the Northwestern Hawaiian Islands, we feel that both resolutions are appropriate and timely.

The anticipated negotiations concerning the future use of Tern Island between the State, Coast Guard and Department of the Interior appears to largely fulfill the objectives of Senate Resolution No. 133 and Senate Concurrent Resolution No. 27. The Department, therefore, concurs with the intent and purpose of S. R. No. 133 and S. C. R. No. 27.

TESTIMONY BY JOHN P. CRAVEN  
Marine Affairs Coordinator

BEFORE THE JOINT HOUSE COMMITTEES

on

OCEAN AND MARINE RESOURCES  
and  
WATER, LAND USE DEVELOPMENT AND HAWAIIAN HOMES

on

HCR 53 REQUESTING A STATUS REPORT ON THE NWHI TRIPARTITE SURVEY

March 8, 1979

Mr. Chairmen, although State funding for the Tripartite Investigation originally came through the Office of the Marine Affairs Coordinator, most all of the State's effort and funding is now carried out by the Department of Land and Natural Resources. The one exception currently is the green sea turtle study carried out by Mr. George Balazs of the Hawaii Institute of Marine Biology, and partly funded by MAC. The Balazs studies are officially incorporated into the Tripartite Agreement as part of the overall effort. Mr. Balazs is at Kula Rock today, making observations with the Navy, which is why he is not present. He has, however, filed regular reports of his investigations with the MAC Office, and they are available to the Legislature at any time.

After consultation with Mr. Kenji Ego, Director of the Division of Fish and Game, the Marine Affairs Coordinator extended invitations to the National Marine Fisheries Service and the Fish and Wildlife Service to send representatives to this hearing. They are available to answer any questions the joint committee might have.

Also present is Dr. Jack Davidson, Director of the Sea Grant College Program at the University of Hawaii, to answer any questions regarding the scientific studies being carried on in the Northwestern Hawaiian Islands with Sea Grant and MAC support.



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

300 ALA MOANA BOULEVARD  
P. O. BOX 50167  
HONOLULU, HAWAII 96850  
(808) 546-5608

IN REPLY REFER TO: RF

TESTIMONY PRESENTED TO THE HAWAII HOUSE OF REPRESENTATIVES, THE TENTH LEGISLATURE 1979 REGARDING HOUSE CONCURRENT RESOLUTION NO. 53 WHICH REQUESTS A STATUS REPORT ON THE SURVEY AND ASSESSMENT OF THE MARINE RESOURCES OF THE NORTHWESTERN HAWAIIAN ISLANDS FROM THE TRIPARTY COOPERATIVE AGREEMENT PRESENTLY UNDER OPERATION

My name is J. Brent Giezentanner, Refuge Manager for the Hawaiian Islands and Pacific Islands National Wildlife Refuge Complex, U.S. Fish and Wildlife Service, Honolulu, Hawaii. Thank you for the opportunity of presenting information regarding House Concurrent Resolution No. 53 on the Triparty Cooperative Agreement and its present status.

We are proceeding into the beginning stages of the third field season for the Triparty Cooperative Study, although no trips to the Leewards have been undertaken during the third field season to date. The Fish and Wildlife Service considers that our information gathered to date is preliminary and not adequate to support any management recommendations at this time. We are proceeding to gather additional data in order that we will have answers to the management questions by the completion of the five year Triparty Study. However, it is impossible for us to make any predictions at this time whether or not resource development within the area of the Hawaiian Islands National Wildlife Refuge (NWR) is possible or desirable.

Our plans for the upcoming field season include several cruises for survey purposes through the Leewards, primarily in March, April and July with other field work concentrated throughout the year at Midway; Tern Island, French Frigate Shoals; and telemetry studies on the main inhabited Hawaiian Islands. These latter studies to gather data on feeding habits and distribution to be related to other remote areas of the Leewards. Furthermore, our plans include establishment of a four and one-half to five month field camp at Laysan Island using two Service biologists for seabird work, one biologist to study the Laysan duck, and cooperation with the monk seal research team Brian and Patti Johnson under contract to National Marine Fisheries Service, who will also be at Laysan Island while our field camp is there. Most of our information gathering is centered around an analysis of food habits, biomass, and popu-



*Save Energy and You Serve America!*

lations surveys.) We are actively gathering stomach samples, weights, and other feeding information throughout the chain. In addition, the Service has developed a computerized bibliography and a written bibliography of natural resource data available for the Northwestern Hawaiian Islands in order to determine the present state of knowledge regarding the Northwestern Hawaiian Islands and the Refuge.

Kridler  
work?

Testimony presented to the Senate yesterday regarding Senate Resolution No. 133 and Senate Concurrent Resolution No. 27 regarding a request to return Tern Island to the State of Hawaii pointed out that the Fish and Wildlife Service is in the process of contracting for an examination of the management, resource, and legal conflicts of five scenarios for future management of Tern Island at French Frigate Shoals. These scenarios are: (1) abandon the facilities at Tern Island and return the island to wildlife use, (2) development of Tern Island as a research station operated by the Fish and Wildlife Service, (3) development of Tern Island as a research station operated by another agency under permit from the Fish and Wildlife Service, (4) operation of Tern Island as a fisheries support station to support commercial fishing activities, and (5) other options that come to light during the study. We have designated mandatory contacts with the Legislature for the contractor and this committee is one of those mandatory contacts.

This contract is being developed because we feel it is important early in the decision-making process to identify areas of potential conflict with wildlife resources, legislative and legal mandates, and economic development plans, so that these areas can be considered in any planning processes. Information developed by the contractor will be used as a basis for an EIA or an EIS for operation and management of any facility at Tern Island. Although not directly a part of the baseline research itself, the Tern Island evaluation will become an integral part of the decision-making process regarding resource development in and around the Hawaiian Islands NWR.

I note in HCR 53 the comment that the State plans to send an experimental fleet of approximately 20 fishing vessels into the Northwestern Islands before all the baseline data of the resources is collected. I suspect that this is a reference to the albacore fishery to be based at Midway. If so, I see no conflict with this fishery development as presently planned and the wildlife resources of the Refuge, Midway, and Kure.

inter  
has bar?

However, I wish to take this opportunity to point out that the purposes of the Triparty Cooperative Agreement were to gather



baseline data on which intelligent and rational management decisions for future resources development of the Northwestern Hawaiian Islands could be based. I would therefore question the advisability of any decision to proceed with fisheries development near the Northwestern Hawaiian Islands in areas which could bias the Triparty research prior to the completion of gathering of this baseline data. I mention this as a note of caution since there is considerable concern in the conservation community that fisheries development pursued by the State of Hawaii may proceed too rapidly to assure that adequate data is available and adequate concern is shown for the long-term welfare of the fishery itself and wildlife resources. An unenlightened repeat of the destruction of resources such as has occurred around the main Hawaiian islands is simply not acceptable in today's world.

Thank you for the opportunity to provide this information. If at any time you or members of your committee have questions regarding Fish and Wildlife Service management procedures or if you need information regarding the refuges which I administer, please feel free to contact me and I will be happy to provide whatever information we have.

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MARINE BILLS

UH SEA GRANT COLLEGE PROGRAM  
MARINE ADVISORY PROGRAM  
WORKSHEET FOR MARINE BILLS REQUEST

Date 4/19 MAP staff Mark

REQUESTOR:

Name George Balaz Address Caymanas (Ma'i)  
Affiliation HIMB Coconut Island  
Phone: Home \_\_\_\_\_ Business 247-6631 City/town \_\_\_\_\_  
Times to contact \_\_\_\_\_ ZIP \_\_\_\_\_

INFORMATION REQUESTED:

Copies of Bills/ resolutions SR 401 - Koonard Isle Fishery development

Information on Bills

Hearing Information →

Copies of Committee Reports Senate 1081

Names, Phone Numbers, Etc.

Other

sorry - not able to get testimony, but I do know that there was a hearing in T.C. Yim's committee April 16 at 2pm. These people testified  
1) DLNR  
2) Green Peace  
3) Donna McClosley (HIG, Green Peace)  
4) Pacific Tuna Development Foundation

Persons to contact:

Committee  
 Other

**PASSED**

Information Obtained:

Follow up:

Completed \_\_\_\_\_

(To be made one and seven copies)

THE SENATE

...TENTH..... LEGISLATURE, 19 79.

STATE OF HAWAII

S.R. NO. 401

## SENATE RESOLUTION

REQUESTING CONCURRENCE BY THE U.S. DEPARTMENT OF INTERIOR WITH THE STATE DEPARTMENT OF LAND AND NATURAL RESOURCES FOR ACCESS INTO THE LAGOONS OF THE NORTHWESTERN HAWAIIAN ISLANDS TO CAPTURE BAITFISH FOR THE PURPOSES OF A SURVEY OF SURFACE TUNA RESOURCES OF THE LEEWARD HAWAIIAN ISLANDS.

WHEREAS, large concentrations of skipjack and yellowfin tuna are known to exist within Fishery Conservation Zone (FCZ) of the Leeward Hawaiian Islands; and

WHEREAS, there have been documented reports of substantial foreign catches of these tunas reported from within the FCZ; and

WHEREAS, the foreign catches of tuna are much larger in magnitude than our local Hawaiian aku fleet catches; and

WHEREAS, the local long-range fishing fleet is presently underdeveloped and in critical need of expansion; and

WHEREAS, the Pacific Tuna Development Foundation has budgeted \$87,667 for a survey to determine the seasonal availability and catch rates of skipjack and yellowfin tuna in the Leeward Hawaiian Islands; and

WHEREAS, this survey consists of plans to charter two vessels from Hawaii to explore the potential for tuna fishing in the Leeward Hawaiian Islands from [May to September of this year]; and

WHEREAS, the PTDF survey will require over 11,000 pounds of bait for the duration of the project, for two vessels for 20 days; and

WHEREAS, of the approximately 11,000 pounds, less than 50% will be provided by the baitfish facility near Maalaea, Maui, and those quantities will not be sufficient for the completion of the survey; and

WHEREAS, large supplies of natural bait are known to exist in the waters of the lagoons of the Leeward Hawaiian Islands; and

WHEREAS, it is crucial to the successful completion of this project that alternative sources of bait be made available to the survey vessels; now, therefore,

BE IT RESOLVED by the Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, that the U.S. Department of Interior and the State Department of Land and Natural Resources jointly consent to occasionally allow these two survey vessels to capture bait in the lagoons of the Leeward Hawaiian Islands for the purposes of this study; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Department of Land and Natural Resources; the U.S. Secretary of Interior; the National Marine Fisheries Service; Western Pacific Regional Fishery Management Council; the Hawaii Administrator, U.S. Fish and Wildlife Service, and Pacific Tuna Development Foundation.

OFFERED BY:

T. C. Goni  
Madryce

4/9/79

Honolulu, Hawaii  
*April 18*, 1979

Honorable Richard S. H. Wong  
President of the Senate  
Tenth State Legislature  
Regular Session of 1979  
State of Hawaii

Sir:

RE: S.R. No. 401

Your Committee on Economic Development to which was referred  
S.R. No. 401 entitled:

"SENATE RESOLUTION REQUESTING CONCURRENCE BY THE  
U.S. DEPARTMENT OF INTERIOR WITH THE STATE  
DEPARTMENT OF LAND AND NATURAL RESOURCES FOR ACCESS  
INTO THE LAGOONS OF THE NORTHWESTERN HAWAIIAN ISLANDS  
TO CAPTURE BAITFISH FOR THE PURPOSES OF A SURVEY OF  
SURFACE TUNA RESOURCES OF THE LEEWARD HAWAIIAN  
ISLANDS",

begs leave to report as follows:

The purpose of this resolution is to request that the  
U.S. Department of Interior and the state department of land  
and natural resources jointly consent to occasionally allow  
the capture of bait in the lagoons of the Leeward Hawaiian  
Islands by two survey vessels chartered to survey the surface  
tuna resources in the area.

Of the approximately 11,000 pounds of bait that will be  
needed for the twenty days of the survey, less than fifty  
per cent will be provided by the baitfish facility in Maui.  
This means that additional sources of bait will be required  
in order to conduct the tuna survey. Because of the great  
potential for increased tuna catches in the Leeward Hawaiian  
Islands, it is essential that bait be made available to conduct  
this important exploratory work to assess the potential of the  
tuna resources in the Leeward Islands.

In order to ensure that no damage is done to the fragile  
environment in the Leeward Hawaiian Islands, your Committee  
has amended the first resolve clause to read as follows:

"BE IT RESOLVED by the Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, that the U.S. Department of Interior and the State Department of Land and Natural Resources are requested to jointly consent to permitting these two survey vessels to occasionally capture bait in the lagoons of the Leeward Hawaiian Islands for the purposes of this study; provided that qualified technicians and researchers be required to accompany the survey vessels to observe and assess the impact of allowing these two survey vessels to capture bait on the environment and wildlife in the Leeward Hawaiian Islands."

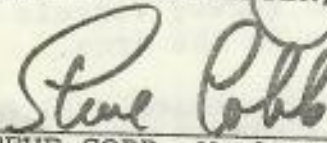
Your Committee has made other minor language changes in the resolution.

Your Committee on Economic Development concurs with the intent and purpose of S.R. No. 401, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 401, S.D. 1.

Respectfully submitted,

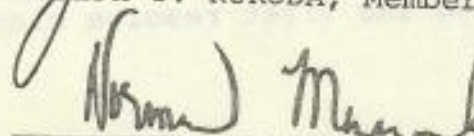
  
T. C. YIM, Chairman

  
DANTE K. CARPENTER, Vice Chairman

  
STEVE COBB, Member

  
STANLEY I. HARA, Member

  
JOSEPH T. KURODA, Member

  
NORMAN MIZUGUCHI, Member

Mamoru Yamasaki  
MAMORU YAMASAKI, Member

Patsy K. Young  
PATSY K. YOUNG, Member

John S. Carroll (I do not  
concur)  
JOHN S. CARROLL, Member

Mary George (W/R)  
MARY GEORGE, Member

Patricia Sasaki  
PATRICIA SAKI, Member



(To be made one and twelve copies)

THE SENATE

.....TENTH..... LEGISLATURE, 19 79.

STATE OF HAWAII

S. R. NO.

401  
S. D. 1

## SENATE RESOLUTION

REQUESTING CONCURRENCE BY THE U.S. DEPARTMENT OF INTERIOR WITH THE STATE DEPARTMENT OF LAND AND NATURAL RESOURCES FOR ACCESS INTO THE LAGOONS OF THE NORTHWESTERN HAWAIIAN ISLANDS TO CAPTURE BAITFISH FOR THE PURPOSES OF A SURVEY OF SURFACE TUNA RESOURCES OF THE LEEWARD HAWAIIAN ISLANDS.

WHEREAS, large concentrations of skipjack and yellowfin tuna are known to exist within Fishery Conservation Zone (FCZ) of the Leeward Hawaiian Islands; and

WHEREAS, there have been documented reports of substantial foreign catches of these tunas reported from within the FCZ; and

WHEREAS, the foreign catches of tuna are much larger in magnitude than our local Hawaiian aku fleet catches; and

WHEREAS, the local long-range fishing fleet is presently underdeveloped and in critical need of expansion; and

WHEREAS, the Pacific Tuna Development Foundation (PTDF) has budgeted \$87,667 for a survey to determine the seasonal availability and catch rates of skipjack and yellowfin tuna in the Leeward Hawaiian Islands; and

WHEREAS, this survey consists of plans to charter two vessels from Hawaii to explore the potential for tuna fishing in the Leeward Hawaiian Islands from May to September of this year; and

WHEREAS, the PTDF survey will require over 11,000 pounds of bait for the duration of the project, for two vessels for 20 days; and

WHEREAS, of the approximately 11,000 pounds, less than fifty per cent will be provided by the baitfish facility near Maalaea, Maui, and those quantities will not be sufficient for the completion of the survey; and

WHEREAS, large supplies of natural bait are known to exist in the waters of the lagoons of the Leeward Hawaiian Islands; and

WHEREAS, it is crucial to the successful completion of this project that alternative sources of bait be made available to the survey vessels; now, therefore,

BE IT RESOLVED by the Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, that the U.S. Department of Interior and the State Department of Land and Natural Resources are requested to jointly consent to permitting these two survey vessels to occasionally capture bait in the lagoons of the Leeward Hawaiian Islands for the purposes of this study; provided that qualified technicians and researchers be required to accompany the survey vessels to observe and assess the impact of allowing these two survey vessels to capture bait on the environment and wildlife in the Leeward Hawaiian Islands; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Department of Land and Natural Resources; the U.S. Secretary of Interior; the National Marine Fisheries Service; Western Pacific Regional Fishery Management Council; the Hawaii Administrator, U.S. Fish and Wildlife Service; and Pacific Tuna Development Foundation.



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

300 ALA MOANA BOULEVARD  
P. O. BOX 50167  
HONOLULU, HAWAII 96850

IN REPLY REFER TO:

TESTIMONY BEFORE THE HAWAII SENATE ON SENATE RESOLUTION NO.  
133 AND ON SENATE CONCURRENT RESOLUTION NO. 27

March 7, 1979

Senate Resolution No. 133 and State Concurrent Resolution No. 27 recommend that the Governor of Hawaii initiate negotiations with the U.S. Coast Guard and the Department of Interior regarding the future status of Tern Island at French Frigate Shoals in the Northwestern Hawaiian Islands. These resolutions apparently resulted from a conflict between the U.S. Fish and Wildlife Service's (FWS) policy of using Tern Island as a preserve for Hawaiian wildlife and the State's desire to convert Tern Island into a commercial fisheries support station. To assist the Senate of the State of Hawaii in their deliberations on the proposed resolutions, we have prepared an outline of the history of Tern Island, a statement of current FWS plans for Tern Island, and a proposal for increased communication between Federal and State agencies in considering alternatives for the future of Tern Island.

### History of Tern Island

1909- Executive Order 1019 established the Hawaiian Islands Reservation for the Protection of Native Birds. French Frigate Shoal is specified as one of the islets and reefs to be for the use of the U.S. Department of Agriculture as a preserve and breeding ground for native birds.

1939 - Section 4(f) of Reorganization Plan 11 transferred all lands reserved for wildlife from the U.S. Department of Agriculture to the U.S. Department of Interior.

1940 - Presidential Proclamation No. 2416 changed the names of "areas of land and water...set aside...as refuges and breeding grounds for native birds...and other forms of wildlife" to National Wildlife Refuges. In this Proclamation, the Hawaiian Islands Reservation is changed to the Hawaiian Islands National Wildlife Refuge (NWR).

1940 - Territory of Hawaii issued Executive Order No. 893 for the United States to use East Island of French Frigate Shoal Group.

1942 - U.S. Navy occupies Tern Island during World War II.

1946 - Territory of Hawaii and the U.S. Navy signed an agreement (HI-13/BE-500.0) transferring the airstrip and the property constructed by the Navy on Tern Island to the Territory of Hawaii. This agreement overlooked the fact that Tern Island was never transferred from the Department of Interior to the Navy, and therefore the Navy had no authority to transfer Tern Island to the Territory of Hawaii.

1952 - Territory of Hawaii issued a permit to the U.S. Coast Guard for occupation of the facilities at French Frigate Shoals.

1966 - National Wildlife Refuge System Administration Act consolidated the authorities for areas previously established for wildlife conservation and administered by the Secretary of the Interior into the National Wildlife Refuge (NWR) System.

1967 - U.S. Fish and Wildlife Service and U.S. Coast Guard signed a cooperative agreement for Coast Guard occupation of Tern Island for Loran station.

1967 - Most of the lands and waters of the Hawaiian Islands NWR were designated as Research Natural Areas to preserve these unique habitats. Tern Island is included in the Research Natural Area designation of 107,772 acres of coral reefs and emergent islands at French Frigate Shoals. Research Natural Areas originated with President Johnson's "Special Message to the Congress on Conservation and Restoration of Natural Beauty" and subsequent designation of the Federal Committee on Research Natural Areas.

1975 - The Clerk of the Hawaii Senate sent a letter to the Director of the Fish and Wildlife Service requesting that commercial fishing be permitted within the boundaries of the Hawaiian Islands NWR. The Director responded that before commercial fishing would be allowed we need to determine first what the fishery resources of the area are and second that the commercial fishery harvest would have no adverse impact on other wildlife populations. As a result of this exchange between the State and the Service, a Tripartite Agreement was developed to study the resources of the Leeward Islands for five years. The duties within the Tripartite Agreement have been divided so that the U.S. Fish and Wildlife Service is studying the terrestrial resources; the State of Hawaii Division of Fish and Game is investigating the resources from the splash zone to the ten-fathom curve; and the National Marine Fisheries Service has undertaken projects on resources from the ten-fathom curve through the pelagic areas.

Mark SENT  
GESTICAL  
HABITAT

## Present Status of Tern Island

In July, 1979, the U.S. Coast Guard plans to terminate their activities at French Frigate Shoals and to withdraw from the facility. The existing cooperative agreement between the Fish and Wildlife Service and the Coast Guard provides for Coast Guard removal of all buildings and structures that they want to remove and for mutual agreement as to structures and facilities to be left behind. Fish and Wildlife Service has requested that the Coast Guard steam clean the five large fuel tanks so that they may be used for fresh water storage and that the Coast Guard leave at Tern Island all facilities except for the LORAN towers and equipment, generators, and two small decrepid wooden buildings.

Early Fish and Wildlife Service plans for Tern Island after the departure of the U.S. Coast Guard this summer were to activate a wildlife research station there to support studies in the natural ecosystems present in the Leewards. Fish and Wildlife Service planned to use most of the existing buildings and facilities on Tern, but to use wind and solar energy for power thereby reducing the frequency of fuel delivery necessary to the Island. University of Hawaii and scientists from other institutions would be allowed to conduct appropriate research projects at the proposed Tern station under Special Use Permits issued by the Refuge Manager. Such permits are already being issued for research projects in the Leewards. Interest in additional studies would presumably increase with the availability of research facilities on Tern. The airstrip on the Island would continue to be available for use by small planes for emergencies and for resupply of the small field research station. The airstrip is unsafe for cargo aircraft since the large bird colony on Tern Island makes operation of larger planes hazardous during most of the year.

Although a research station may still be a worthwhile use of Tern Island, the Fish and Wildlife Service is prepared to study possible alternative uses of the Island. Consequently, the Fish and Wildlife Service, through Commerce Business Daily, last month solicited proposals from independent contractors to gather, analyze and assemble background data for subsequent use by the Service in developing an environmental assessment of options for Tern Island. The scope of work for this contract (attached) requires that the contractor contact for comments and recommendations for Tern Island the Governor; Lt. Governor; the President of the Senate of the State of Hawaii; the Speaker of the House of Representatives of the State of Hawaii; Senator T.C. Yim, Chairman of the Senate Committee on Ecology, Environment and Recreation; Representative Charles Toguchi, Chairman

of the House Committee on Ocean and Marine Resources; and other persons from State, Federal, and Regional agencies and from conservation organizations (see Appendix B of attachment for list of mandatory contacts). March 6, 1979, was the deadline for submission of proposals and selection of a contractor is imminent from among the 13 proposals received.

In summary, the current position of the Fish and Wildlife Service is to continue support of the Tripartite Cooperative Agreement to gather the fundamental scientific basis necessary to reasonably evaluate both the fishery resources available in the Leewards and the probable impact on other wildlife populations if commercial activities were initiated at Tern Island or other areas in the Leewards. In a meeting between Governor Ariyoshi and Secretary Andrus on November 20, 1978, the Secretary clearly defended Interior's contention of ownership of Tern Island as well as of the Refuge boundary lines for the other islands included in the Hawaiian Islands NWR. During this same meeting, the Secretary made no commitment about the future of the fisheries support station proposed by the State for Tern Island because he would like for the fundamental data to be available first. Again, in the most recent meeting between the Secretary and the Governor on February 28, 1979, the Secretary reiterated that two major points of the Department of Interior policy: first, that the State will be involved in the development of the management options to be presented in the Environmental Assessment and second, that the Department will take no action before completion of the environmental assessment that would foreclose any of the options for Tern Island's future including that of a possible fisheries support station.

#### Recommendation for Federal-State Communications

The Secretary of Interior and the Fish and Wildlife Service recognize the State's and private industry's desire for a commercial fisheries support station at Tern Island. We would like to maintain open communication with the State in considering a commercial fisheries support station as one of the possible options for the future use of Tern Island. As a basis for discussion and decisions on Tern's future the Fish and Wildlife Service has contracted an independent firm to evaluate impacts of possible alternate uses of the island. The Service has made it mandatory that the contractor contact State and Regional agencies and industry representatives in developing the options. As a further basis for planning, we intend to rely on the results of the research data gathered in the Tripartite Cooperative Study, which is now in its second full field season. We believe that this fundamental data is essential before any firm commitments can be made.

In January, at Governor Ariyoshi's request, the Hawaii office of the Fish and Wildlife Service compiled a file of documents relevant to Tern and the other Leeward Islands. We have already offered to discuss all these issues with the Governor and his staff, and we will still be glad to arrange these meetings, with or without passage of SR 133 or SCR 27.

Comments on Specific Items of SR 133 and SR 27

We would also like to comment on a few specific items of SCR 27 and SR 133. First, in paragraph 3 the 1952 date is that of the Territory of Hawaii's permit to the U.S. Coast Guard and should probably be changed to 1942 to coincide with the Second World War operations mentioned later in the sentence. Second, paragraphs 7 and 8 are not known at this time. Both the fisheries potential (paragraph 7) and the chance for growth of domestic fisheries (paragraph 8) will be better understood after the Tripartite Studies have been completed. Finally, use of the airstrip at Tern Island (paragraph 10) for emergencies has always been permitted and would continue to be permitted by the Fish and Wildlife Service after the Coast Guard withdrawal from Tern Island, regardless of whether a research station or a commercial fisheries support station is eventually established on the island. Routine flights for non-emergency purposes are not planned.

TESTIMONY BY JOHN P. CRAVEN  
Marine Affairs Coordinator

before the

SENATE COMMITTEE ON ECOLOGY, ENVIRONMENT, AND RECREATION

on

SR 133 and SCR 27

TERN ISLAND

March 7, 1979

The legal status of Tern Island is at present unclear but is resolvable. The Marine Affairs Coordinator has reviewed the legal status of the Leeward Islands and in particular the status of Tern Island. While this review in no way constitutes a legal opinion of the State of Hawaii it can serve as a preliminary guide to State actions to reacquire Tern Island. The ownership in fee of the Leeward Island appears to have transferred to the Federal government by the Executive Order of President Roosevelt in 1909. The reversion to the State of Hawaii of any or all of these islands can take place, at present equally simply through an Executive Order.

Our study indicates that President Theodore Roosevelt's Executive Order set aside "the Leeward Islands as public lands under Federal jurisdiction."

The situation for Tern Island is more complex. Our report concludes that the U.S. Fish and Wildlife Service claimed that the Navy occupied Tern Island illegally and thereafter unlawfully transferred government property to the Territory. As a general rule, the controlling agency must consent to any use and occupation of set aside lands and receives any non-movable property upon abandonment of such use. No consent is evident here. Does this mean that the Navy trespassed and converted property to the Territory? If so, does the Territory have an enforceable interest in this property as a bona-fide purchaser?



TRANSFER OF TERN ISLAND

The F&WS claims that the Navy occupied Tern illegally and thereafter unlawfully transferred government property to the Territory. As a general rule, the controlling agency must consent to any use and occupation of set aside lands and receives any non-movable property upon abandonment of such use. No consent is evident here. Does this mean that the Navy trespassed and converted property to the Territory? If so, does the Territory have a enforceable interest in this property as a bonafide purchaser?

By the Navy's own admission, there was no prior approval of the Tern Island occupation. Neither was there any Presidential order or proclamation transferring temporary jurisdiction for the war effort. Further research may be needed to substantiate the takeover of reserved lands during times of national emergency, particularly given the confidential nature of the operation.

The F&WS would seem to be correct in charging that the 1949 transfer of Tern facilities was illegal. The problem lies in the fact that the Territory was under the mistaken belief that it had concurrent jurisdiction over Refuge islands. This is because the original E.O. limited the federal control over the reservation to the protection of native birds. In turn, this misconception was reinforced in 1940 by the Director of Territories and Island Possessions who sought Governor's E.O. 893 for East Island in addition to F&WS clearance. Then, in 1946 with the revocable permit and 1949 with the transfer agreement, the Navy assumed that the Territory had control over Tern. All three parties are dead wrong if we follow Solicitor Williams' opinion of 1928 that the USDA (and its successor USDI) had absolute jurisdiction over emerged lands in the Refuge islands.

The disposition of lands acquired by the Departments of War and Navy in Hawaii during the war was the subject of the Land Use Committee convened by the Governor in 1946. Under instructions of the President to expedite the

return of unneeded lands, the Secretary of Interior was instrumental in developing the following procedures: full exchange of civilian and military proposals for land use, joint recommendations wherever possible on the local level, and Washington review by the Secretaries of War, Navy, and Interior for conflicting proposals (letter of Jan. 23, 1947). Assuming that this memo was followed, the Tern facilities were classified surplus (not merely excess) property, joint recommendation was reached locally to transfer it to the Territory, and the recommendation was reviewed and ratified properly in Washington. Further investigation is required to determine whether the Secretary of Interior did in fact have opportunity to review and approve the transfer. The governing statute is the Surplus Property Act of 1944, 50 USCA 1622(g), as the Federal Property and Administrative Services Act of 1949 had not yet taken effect. Therefore, the disposition of Tern Island requires the immediate attention of the State because the USCG has confirmed its intention to abandon its Loran facility to F&WS on July 1, 1979 (USCG letter dated February 8, 1977). The USCG will remove whatever facilities deemed unnecessary by F&WS as per the 1967 agreement. F&WS intends to maintain a small facility (preliminary needs listed on March 9, 1977) for limited scientific uses (preliminary user list of September 8, 1977). Thus far, the State response has been limited to the introduction of SR 209: Relating to the Return of Tern Island Facilities to the State of Hawaii which failed to pass the 1978 session and a Governor's letter to Sec. of Interior Andrus dated Sept. 13, 1978 requesting cooperative management of Tern for scientific, commercial and rescue efforts.

We would suggest that the State of Hawaii, acting through its Executive request the President by Executive Order to return Tern Island to the jurisdiction of the State of Hawaii. Legislative recommendation in this regard would add substantially to the strength of that request.

If the House and Senate have passed different versions of the bill, it is studied by a group of Senators and Representatives to iron out their differences. If the bill, in its final form, is then approved again by both the Senate and the House of Representatives, it is sent to the Governor for his consideration and signature. If the Governor does not sign the bill or vetoes the bill, it is returned to the House of Representatives for further study. In most cases, the Governor does sign the bills and they then become part of our state laws.

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NOTES

The Hawaii Transportation Association is an organization established to foster and promote the industry and dedicated to the welfare of our service industry so as to better serve our community. Additional copies of "A Story of a Bill" are available from

HAWAII TRANSPORTATION ASSOCIATION

P. O. Box 30166  
Honolulu, Hawaii 96820  
Telephone: 847-5929



HAWAII TRANSPORTATION ASSOCIATION

tells

"THE STORY OF A BILL"

The Legislature

The Hawaii Legislature is made up of two houses. One house, which meets on the Ewa side of the State Capitol Building, is the House of Representatives and has 51 members. On the other side of the new State Capitol is the Senate which has only 25 members. The Legislature meets regularly once each year for 60 working days beginning in mid-January and staying in session until late April. They may stay in session longer or re-convene at another time during the year.

On the second floor of the Capitol Building are the personal offices for each Senator and meeting rooms for Senate Committees. On the third and fourth floors are similar offices and meeting rooms for members and committees of the House of Representatives. The top floor is reserved for the State Executive Offices and houses the offices of the Governor and Lieutenant Governor.

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This pamphlet is made available to help students learn more about our Hawaii State Legislature. A brief description of the Legislature and the new State Capitol Building precedes the actual "Story of a Bill." We hope the material will assist in the development of sound citizens from among our young citizens of Hawaii.

John M. Farnell  
President  
HAWAII TRANSPORTATION ASSOCIATION  
P. O. Box 30166  
Honolulu, Hawaii 96820  
Telephone: 847-5929

## Bills

A bill is a proposal to the Hawaii State Legislature which, if the Legislature approves, becomes a law of the state. Each year, about 3,000 bills are introduced in the State Legislature. As you may guess, this makes for a very busy time for each member of the State Legislature while they are in session. Of the 3,000 bills which are introduced each year, only a few hundred actually become law. When the Legislature adjourns, those bills which have not passed are either placed in the files, some to be re-introduced in future sessions, or are continued under consideration in the committees. Each two years (even numbered years) all the bills which have not passed are placed in the files so that the next legislature will start with a clean slate.

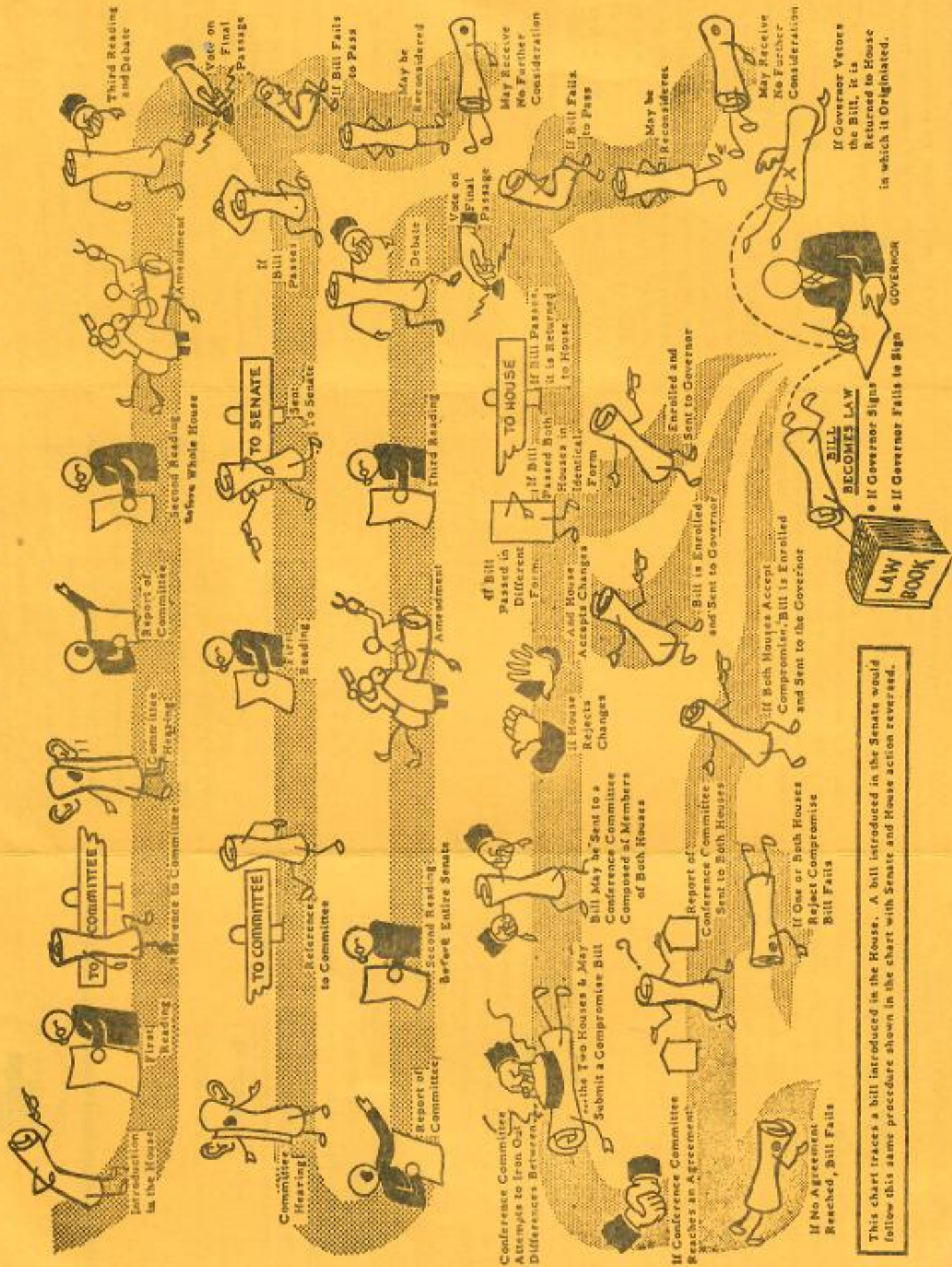
### Passage of a Bill

Bills may be introduced in either the House of Representatives or the Senate. Let's follow a bill introduced in the House of Representatives and see how it becomes law. Were it introduced in the Senate it would follow the same procedure except that it would be considered by the Senate first and then by the House of Representatives.

A bill may be introduced for consideration by any member of the House at which time the Speaker refers the bill to one or more of the committees for consideration. The committee holds the public hearings on the bill and then, if it feels that it would make a good law, refers the bill to all the members of the House of Representatives who then debate the pros and cons of the bill. Sometimes either the committee or members of the House will make changes or amendments in the bill before they take a final vote on passage of the bill. If the members of the House pass the bill it is then carried to the Senate where a similar procedure is begun.

The President of the Senate sees that the bill is referred to a committee for consideration and for public hearings. During public hearings, any member of the general public may voice his opinions concerning the proposal. Again, if the Senate committee feels that this proposal will make a good law, they report to the members of the Senate who debate the pros and cons of the bill and then vote on passage.

# "...PASSAGE OF A BILL...a complicated procedure."



This chart traces a bill introduced in the House. A bill introduced in the Senate would follow this same procedure shown in the chart with Senate and House action reversed.

(To be made one and seven copies)

THE SENATE

.....TENTH..... LEGISLATURE, 19 79.

STATE OF HAWAII

File  
S.R. NO. 133

# SENATE RESOLUTION

REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO TAKE IMMEDIATE ACTION TOWARD THE ACQUISITION AND RETURN OF TERN ISLAND AND ITS FACILITIES TO THE STATE OF HAWAII.

WHEREAS, Tern Island, French Frigate Shoals, discovered on November 6, 1786, was formally annexed by the Republic of Hawaii by President Dole on July 13, 1895; and

WHEREAS, Tern Island is historically recognized as a part of the Territory of Hawaii as noted in the Organic Act of 1900; and

WHEREAS, in 1952, the Territory of Hawaii surrendered possession of Tern Island to the United States for its wartime operations during the Second World War; and

WHEREAS, after its return to the Territory of Hawaii in 1946, the United States Coast Guard was issued a license by the Territorial Department of Agriculture, permitting its use of the island for a LORAN (long range aid to navigation) facility; and

WHEREAS, the U.S. Coast Guard intends to cease operations on Tern Island in July of 1979; and

WHEREAS, the State of Hawaii fully supports and endorses the accelerated development of its local commercial fishery operations; and

WHEREAS, the waters around the Northwestern Hawaiian Islands are known to hold great potential in much needed fishery resources; and

WHEREAS, with the advent of the 200-mile Fishery Conservation Zone around the islands and the present intensified scientific research around the islands, the chances for a rapid growth of domestic fisheries have never been better; and

WHEREAS, Tern Island lies in the middle of the island chain, approximately half way between Kauai and the Midway Islands; and

WHEREAS, possessing the only airplane landing strip in more than 1,000 miles, it has potential for aiding in emergencies such as medical evacuation of injured or sick fishermen or supplying of spare parts to disabled vessels; now, therefore,

BE IT RESOLVED by the Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, that the Governor of the State of Hawaii take immediate action in initiating negotiations to arrange cooperative agreements with the Coast Guard Commandant of the Fourteenth District and the Secretary of Interior for the return of Tern Island and its facilities to the State of Hawaii; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor of Hawaii, members of the Hawaii Congressional Delegation, the Coast Guard Commandant of the Fourteenth District, the Secretary of Interior and the Director of Land and Natural Resources.

OFFERED BY: Mackawika  
*Manoia Imanaka*  
*Henry Sakata*  
*Joe Kurah*  
*Outy K. Gony*  
*Kalsh...*  
*[Signature]*

2/13/79

(To be made one and ten copies)

HOUSE OF REPRESENTATIVES  
TENTH LEGISLATURE, 1979  
STATE OF HAWAII

H. R. NO. 172

## HOUSE RESOLUTION

REQUESTING A PROGRESS REPORT ON THE DEVELOPMENT OF THE  
HAWAIIAN FISHERIES MASTER PLAN.

WHEREAS, the economic growth of the State of Hawaii is constrained by the lack of diversified industries; and

WHEREAS, (various studies and reports) over the past five years have shown that fisheries development in Hawaii has an enormous growth potential in the relatively near term; and

WHEREAS, in spite of the vast commercial fisheries potential, Hawaii's benefit from this ocean industry has been limited and the industry has been essentially stagnant, for the past ten to twenty years; and *decline*

WHEREAS, one of the major constraints to the development of this promising industry is a lack of a master plan for the intelligent, systematic, and coordinated utilization of marine resources; and

WHEREAS, in recognition of the need for such a framework, the 1978 Legislature appropriated \$150,000 to the Department of Land and Natural Resources for the formulation of a master plan on Hawaiian fisheries development; and

WHEREAS, the expeditious development of the master plan is vital to the fishing industry and for the economy of the State and any preliminary findings and conclusions would be of value and use to the Legislature in its deliberations; now, therefore,

BE IT RESOLVED by the House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, that the appropriate House standing committees review the progress being made by the Department of Land and Natural Resources on the Hawaiian fisheries master plan and gather any information on the probable long-term cost to the State upon the implementation of the master plan and submit their findings and recommendations prior to the adjournment of the 1979 Regular Session; and



BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Chairman of the Board of Land and Natural Resources, the Speaker of the House of Representatives, and to the chairmen of the House committees responsible for the marine resources program.

OFFERED BY:

Charles Loguehi

Conrad Hen

Ted March

Arnold J. Roberts

Mittie Holt

Russell Blair

Robert J. Landa

Robert H. Dubs

Eric Proyer

Shasta L. Madsen

Jack E. Dumas

Yuhiko Tukurino

John H. Smith

Kerwin Sogawa

Robert J. Smith

Sheela J. Williams

Clarence Washburn

Minor Inaba

Nathaniel Stanley

Kan Kiyoh

Jack Lamm

Donald K. Long

Butch Kojan

David M. Higgins

Arthur Smith

Yuhiko Tukurino

Carlton L. Ussain

Calvin Day

JAN 26 1979

H. R. NO. 172

Marshall De

Byronus Paul

Donald T. Mustard

James Aki

Antly Saluton

JAN 26 1979

(To be made one and ten copies)

H. C. R. NO. 53

HOUSE OF REPRESENTATIVES  
TENTH LEGISLATURE, 1979  
STATE OF HAWAII

## HOUSE CONCURRENT RESOLUTION

REQUESTING A STATUS REPORT ON THE SURVEY AND ASSESSMENT OF THE MARINE RESOURCES OF THE NORTHWESTERN HAWAIIAN ISLANDS FROM THE TRIPARTITE COOPERATIVE AGREEMENT PRESENTLY UNDER OPERATION.

WHEREAS, the five-year program begun in 1977<sup>may 1978</sup> entitled the TRIPARTITE COOPERATIVE AGREEMENT FOR THE SURVEY AND ASSESSMENT OF THE LIVING RESOURCES OF THE NORTHWESTERN HAWAIIAN ISLANDS is presently in its third year of operation; and

WHEREAS, the three agencies involved in this program are: the National Marine Fisheries Service, the Department of Land and Natural Resources of the State of Hawai'i, and the Fish and Wildlife Service of the Department of the Interior; and

WHEREAS, each of these three agencies have specific duties agreed upon by the Cooperative Agreement publication explaining in detail the activities and operation outlines of the program; and

WHEREAS, the main purposes of this program are to determine the long-range effects of development within the Northwest Islands on the natural wildlife which make their homes and depend on the marine resources of these islands for survival; and

WHEREAS, the proposed development by the State of Hawai'i of a fishing industry in the Northwest Islands has been met with much opposition by federal government officials concerning the effects of exploitation on the ecosystem balance; and

WHEREAS, the State plans to send an experimental fleet of approximately twenty fishing vessels into the Northwest Islands before all the base line data of resources is collected; and

WHEREAS, before beginning operation of the proposed fishing industry by the State, documented knowledge of the extent of exploitable natural resources in the waters of the Northwest Islands should be made available; now, therefore,

BE IT RESOLVED by the House of Representatives of the Tenth Legislature of the State of Hawai'i, Regular Session of 1979, the Senate concurring, that the three agencies involved in the operations of the survey and assessment agreement make available a documented up-to-date status report of the marine resources known to be present within the Northwest Island waters and the effects that exploitation would have on the natural wildlife found in these islands; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the National Marine Fisheries Service, the Chairman of the Board of Land and Natural Resources, and the Fish and Wildlife Service of the United States Department of Interior.

OFFERED BY:

*Calvin K. K. Say*  
*Charles Loggieri*

FEB 15 1979

# MARINE BILLS '79

## NEWSLETTER

Number 2  
February 21, 1979

### Introduced Bills

As of the February 13 deadline for bill introduction, Marine Bills workers have catalogued about 330 bills and resolutions on marine topics ranging from fisheries and aquaculture to coastal zone management and shipping. The rest of this issue will summarize major proposals in bills and resolutions, as introduced. Many of the bills have already gone through a public hearing and some have already been "filed" in-

definitely in a committee; others have already been amended and reported out of committee. As it is impossible to report on specific bills and resolutions and their current status in this brief newsletter, we encourage readers to call the MARINE BILLS HOTLINE, 948-6914, for more details. Complete lists of all marine-related bills and resolutions, indexed by subject area, are available on request.

#### AQUACULTURE/MARICULTURE

Most bills and resolutions aim at encouraging aquaculture and mariculture development, through allowing tax exemptions on aquaculture land, providing loans, coordinating permit processes, excluding mariculture sites as public fishing grounds, and setting up guidelines to license mariculture operators. The Department of Land and Natural Resources (DLNR) is proposed as the agency in charge. A few bills propose funding a new tropical aquaculture center. Importation of anguilliform eels ("unagi") is proposed.

#### BOATING, RECREATIONAL/COMMERCIAL; HARBORS; DRY DOCKS

Several bills reflect the concern for the shortage of boat launching and mooring facilities. One package would fund the construction of piers and boat slips at He'eia-Kea small boat Harbor on O'ahu. A new boat ramp would also be built at Ka'u and in Laupahoe, Hawai'i, if two bills pass. However, the issue of those living aboard boats moored at small boat harbors has produced two conflicting bills: one would allow live-aboards and recreational boaters mooring spaces in Ala Wai and Ke'ehi, while another would prohibit future habitation by a vessel owner aboard a boat in any State small boat harbor. One bill would allow the Department of Transportation (DOT) to appoint voluntary patrol officers. Several bills cover vessel loans and one covers DOT policy regarding abandoned vessels moored in harbors.

#### BUDGET

A number of budget-related bills would appropriate money for operating State government, capital improvements, public facilities maintenance, new programs, and special funds. Several bills also authorize issuance of bonds to finance capital improvement projects. Most of the bills are "short form" bills with no specific line items or specific amounts. These bills will either be used as "vehicles" for budget legislation or be filed in committee. It should be noted that budget bills are important to follow as they make possible: marine relating programs affecting such areas as boating, commercial fisheries development, aquaculture, and recreation; and capital improvements for harbors, flood control, beach parks, research facilities, and other projects.

#### COASTAL ZONE MANAGEMENT

resolutions call for a review of the State marine education appropriations for a student symposium, the establishment of an aquaculture education program in the Department of Education and at the University of Hawai'i, environmental education programs, and reduced rates for students traveling on a water carrier.

#### ENERGY (OTEC)

A large package of bills arose from State emphasis on energy research and development--particularly in projects involving ocean-derived energy--and provide funds for these purposes. One bill would establish the Natural Energy Laboratory at Ke-Ahole, Hawai'i. To encourage commercialization of new energy systems, a bill proposes establishment of a revolving loan fund, while another would provide funds to study using deep ocean water for air-conditioning Waikiki hotels.

#### ENVIRONMENT, CONSERVATION, AND MARINE RESOURCES

Several bills concentrate on making resource management more effective, taking various approaches. One major proposal is to appropriate funds to DLNR to inventory all marine resources, particularly those with development potential in mariculture. Attempts to strengthen environmental impact statement processes take form in a bill to extend EIS requirements to any action within 300 feet seaward of the shoreline, and all actions which may deplete energy resources. Increasing value of coastal minerals is the subject of two conflicting bills: one would allow removal of sand, coral, rock or other beach material for beach sand replenishment, while another would prohibit such removal except with written permission. Other bills would remove unagi eels from the restricted species list; restrict fishing in such areas as the Northwest Hawaiian Islands and Pokai Bay; reestablish a bounty for sharks; and require studies of storm drain effects on coastal reefs, of uses and ownership of geothermal resources, and of education and enforcement of DLNR rules and regulations.

#### FISH AND GAME; COMMERCIAL/RECREATIONAL FISHING

Bills addressed to the DLNR Fish and Game Division include proposals to improve enforcement, delete requirements for public records of monthly commercial catch reports, and make fishing and hunting in the Northwest Hawaiian Islands illegal. Generally, bills

Hawaii's Coastal Zone Management (CZM) Program submitted a bill to establish a permanent boundary for the area under the program's jurisdiction. This boundary would now enclose all waters from the shoreline seaward to the limit of the State jurisdiction, and all land areas except the State forest reserves. Only developments in a coastal "special management area" (SMA) would need a special permit. Another bill introduced by request of county planners would take the inland portion of islands out of CZM jurisdiction, leaving only the SMA strip around each island.

#### CONSTITUTIONAL CONVENTION AMENDMENTS

Marine-related Con Con bills stem from amendments establishing the right to a clean and healthful environment and naming the State as public trustee of natural resources. Aquaculture and mariculture concerns are reflected in a bill to exclude any fishpond, artificial enclosure or mariculture operation as a public fishing ground.

#### EDUCATION

Several bills dealing with allocations for the Waikiki Aquarium, a proposed new aquarium, and one on the Big Island have been introduced. Other bills and

would promote fishery development through expansion of the State large fishing vessel loan program, funds for small fishing boat loans, establishment of a cooperative fisheries program with the Pacific Islands Development Commission, and an appropriation for "aggregation buoys" to attract fish. Other bills would set a minimum size for marketable slipper lobster, fund a flash-freezing unit, and make it illegal to sell speared fish (an opposing bill would legalize this practice, however).

#### FLOODING

Bills were introduced to appropriate funds for flood control and damage projects in most flood districts. One bill would provide funds to create standards and guidelines acceptable by the National Flood Insurance Act for buildings within tsunami and coastal high hazard flood zones. Related to this bill was a resolution requesting the Insurance Administrator to delay implementing the National Flood Insurance Act. Another resolution would request DLNR to keep the Waipio waterbed clear of debris. Several capital improvement appropriations were proposed for drainage in several areas.

as on State dry docks would also be funded through Harbor, Kaneohe, Kaula, and Nawiliwili as well as ferry systems. Facilities at Barber's Point, Honolulu an appropriation to private enterprise for interland support facility construction, with one bill to repeal and amendments concerning water carrier hearings and securities. Other bills included fund appropriations to support agricultural commodity shipping and aid programs for water carriers to ship farm produce. Also covered by bills are freightage sub- reduce taxes for, and promote competition among carriers. Bills on water carriers sought to deregulate, WATER TRANSPORTATION, SHIPPING, WATER CARRIERS

plant in Honolulu. ment of Health to seek funds for a sewage treatment water operators, while a resolution requests the Department sewer at Makapu'u, and would certify waste- would provide funds for planning and construction of an in the cost of sewer improvement districts. Other bills city for the state of church organizations and the State County of Honolulu is included money to reimburse the Out of a \$1.5 million appropriation to the City and WATER QUALITY; SEWAGE

following public hearings. Board of Water Supply and DLNR approve such petitions that their plan serves public interest and that the petitioners for conservation land zoning changes show to the State General Plan and a requirement that neighbor island harbor plans. Also proposed are coastal projects as the Barber's Point deep-draft harbor, Honolulu Harbor improvements, and various Most legislation concerns development of such major conservation land through public initiative procedures. One major bill would allow zoning changes of URBAN PLANNING

destinations. to study ways to further improve the quality of visitor and another by requesting the House Tourism Committee House committees to review status of current projects, on finding ways to improve Waikiki -- one by requesting a State tourism functional plan. Resolutions center The only tourism-related bill calls for adoption of TOURISM

MARKING MAMMALS plans, sponsor workshops, and perform related duties. nodule mining and processing to coordinate development money would go to establish the office of manganese research and development in processing. Part of this in this category focuses on setting aside funds for ganease nodule processing equipment costs, legislation except for a bill to provide tax credits for manganese nodules

historical park. Tahiti, and for land acquisition at Lapakahi for a neesian Voyaging Society to sail on the Hokule'a to progress of the Historical Preservation functional resolution calls for House committees to review the high commercial aquaculture potential. Another House agencies of ancient fishponds and designate those with inventories from legislative committees and State A series of resolutions in both houses request HISTORIC PROGRAMS

eight National Weather Service stations in the Pacific. Office of Management and Budget to reconsider closing Legislation in both houses request the federal GOVERNMENT; WEATHER SERVICE

property. water area surrounding all islands. Another bill act would have the effect of giving State agencies jurisdiction to include "archipelagic waters." This implementation of a Con Con amendment to redefine the State Legislation in this category aims primarily to GOVERNMENT; BOUNDARIES

of the US Sea Grant College Program. Marine Affairs Coordinator, and one calls for review Others request refining the operations of the State ting citizens to testify on any commission business. caption in Land Use Commission processes by partic- countries. One bill would allow greater public parti- better land use and planning control efforts by coordination of marine programs in the State and Several bills and resolutions call for improved GOVERNMENT

#### GOVERNMENT

Several bills and resolutions call for improved coordination of marine programs in the State and better land use and planning control efforts by counties. One bill would allow greater public participation in Land Use Commission processes by permitting citizens to testify on any commission business. Others request refining the operations of the State Marine Affairs Coordinator, and one calls for review of the UM Sea Grant College Program.

#### GOVERNMENT: BOUNDARIES

Legislation in this category aims primarily to implement a Con Con amendment to redefine the State jurisdiction to include "archipelagic waters." This act would have the effect of giving State agencies more control over the resources derived from the water area surrounding all islands. Another bill deals with the seaward boundaries of oceanfront property.

#### GOVERNMENT: WEATHER SERVICE

Legislation in both houses request the federal Office of Management and Budget to reconsider closing eight National Weather Service stations in the Pacific.

#### HISTORIC PROGRAMS

A series of resolutions in both houses request inventories from legislative committees and State agencies of ancient fishponds and designate those with high commercial aquaculture potential. Another House resolution calls for House committees to review the progress of the Historical Preservation functional plan. Several bills would provide funds for the Polynesian Voyaging Society to sail on the Hokule'a to Tahiti, and for land acquisition at Lapakahi for a historical park.

#### MANGANESE NODULES

Except for a bill to provide tax credits for manganese nodule processing equipment costs, legislation in this category focuses on setting aside funds for research and development in processing. Part of this money would go to establish the office of manganese nodule mining and processing to coordinate development plans, sponsor workshops, and perform related duties.

#### MARINE MAMMALS

One House resolution and a matching concurrent resolution make up this category, and request President Carter to invoke the Pelly Amendment of the federal Fisherman's Protective Act which discourages trade with nations hunting whales.

#### PARKS AND RECREATION

Bills would appropriate funds to develop Rainbow Bay Recreational Park in Pearl Harbor; beach parks at West Beach, Hapuna, Hawai'i, Honomuni on Moloka'i, He'eia State Park; and others. Bills would also request completion of Waimanalo Regional Park and provide funds for three Honolulu City and County lifeguards. Several resolutions concerned recreational planning, including requests for a progress report on the DLNR functional plan, and new master plans for He'eia State Park and Honomuni Beach Park. Other resolutions would ask the federal government to return Bellows field to the State to help meet Hawai'i recreational demands.

#### TOURISM

The only tourism-related bill calls for adoption of a State tourism functional plan. Resolutions center on finding ways to improve Waikiki — one by requesting House committees to review status of current projects, and another by requesting the House Tourism Committee to study ways to further improve the quality of visitor destinations.

#### URBAN PLANNING

One major bill would allow zoning changes of conservation land through public initiative procedures. Most legislation concerns development of such major coastal projects as the Barber's Point deep-draft harbor, Honolulu Harbor improvements, and various neighbor island harbor plans. Also proposed are revisions to the State General Plan and a requirement that petitioners for conservation land zoning changes show that their plan serves public interest and that the Board of Water Supply and DLNR approve such petitions following public hearings.

#### WATER QUALITY; SEWAGE

Out of a \$1.5 million appropriation to the City and County of Honolulu is included money to reimburse the city for the share of church organizations and the State in the cost of sewer improvement districts. Other bills would provide funds for planning and construction of an interceptor sewer at Makapu'u, and would certify wastewater operators, while a resolution requests the Department of Health to seek funds for a sewage treatment plant in Honoka'a.

#### WATER TRANSPORTATION; SHIPPING; WATER CARRIERS

Bills on water carriers sought to deregulate, reduce taxes for, and promote competition among water carriers. Also covered by bills are freightage subsidy programs for water carriers to ship farm produce, and amendments concerning water carrier rehearings and securities. Other bills included fund appropriations to support agricultural commodity shipping and support facility construction, with one bill to repeal an appropriation to private enterprise for interisland ferry systems. Facilities at Barber's Point, Honolulu Harbor, Kawaihae, Kaunakakai, and Mawiliwili as well as on State dry docks would also be funded through passage of several bills. Resolutions request review of special transportation funding, findings of a study on interisland cargo transportation, and a review of Public Utilities Commission regulation impact on interisland surface transportation.

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#### MAJOR LEGISLATIVE DEADLINE COMING

The next major deadline faced by legislators is March 12, when all bills must make the first "crossover." That is, all House bills must be approved by the House and all Senate bills must be approved by the Senate; they then "cross over" for approval by the other side of the Legislature. The deadline for approving all budget bills for "crossover" is March 14.

Marine Bills '79 is funded in part by the Office of Sea Grant and the Marine Affairs Coordinator. The following Marine Advisory Program staff assisted in the project: Mark Suiso, researcher; Gail Urigo, resource center; Vicki Viotti, production; Ray Tabata, project manager.

**HOTLINE: 948-6914**

PICK-UP WORK SHEET

DATE 3/9

HB

SB

Hearings have been held 3/7

Hearings held 3/8 - no decision  
Testimony attached

HR 172 - Foguchi committee  
Ocean Marine 548-7857  
Recommends adoption

SR 133 Hara Committee  
Ecology, Environment and Recreation

HCR 53- " " "  
" " "  
~~Recommends~~ decided  
to hold on to resolution

SCR 27 " " "  
" " "

REPORTS  
HOUSE SCR:

SENATE SCR

CONFERENCE COMMITTEE REPORTS:

OTHER INFORMATION:



(To be made one and seven copies)

THE SENATE

...TENTH..... LEGISLATURE, 19 79

STATE OF HAWAII

S.C.R. NO. 27

## SENATE CONCURRENT RESOLUTION

REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO TAKE IMMEDIATE ACTION TOWARD THE ACQUISITION AND RETURN OF TERN ISLAND AND ITS FACILITIES TO THE STATE OF HAWAII.

WHEREAS, Tern Island, French Frigate Shoals, discovered on November 6, 1786, was formally annexed by the Republic of Hawaii by President Dole on July 13, 1895; and

WHEREAS, Tern Island is historically recognized as a part of the Territory of Hawaii as noted in the Organic Act of 1900; and 1909 ?

WHEREAS, in 1952, the Territory of Hawaii surrendered possession of Tern Island to the United States for its wartime operations during the Second World War; and

WHEREAS, after its return to the Territory of Hawaii in 1946, the United States Coast Guard was issued a license by the Territorial Department of Agriculture, permitting its use of the island for a LOQAN (long range aid to navigation) facility; and

WHEREAS, the U.S. Coast Guard intends to cease operations on Tern Island in July of 1979; and

WHEREAS, the State of Hawaii fully supports and endorses the accelerated development of its local commercial fishery operations; and

WHEREAS, the waters around the Northwestern Hawaiian Islands are known to hold great potential in much needed fishery resources; and

WHEREAS, with the advent of the 200-mile Fishery Conservation Zone around the islands and the present intensified scientific research around the islands, the chances for a rapid growth of domestic fisheries (have) never been better; and

WHEREAS, Tern Island lies in the middle of the island chain, approximately half way between Kauai and the Midway Islands; and

WHEREAS, possessing the only airplane landing strip in more than 1,000 miles, it has potential for aiding in emergencies such as medical evacuation of injured or sick fishermen or supplying of spare parts to disabled vessels; now, therefore,

BE IT RESOLVED by the Senate of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, the House of Representatives concurring, that the Governor of the State of Hawaii take immediate action in initiating negotiations to arrange cooperative agreements with the Coast Guard Commandant of the Fourteenth District and the Secretary of Interior for the return of Tern Island and its facilities to the State of Hawaii; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor of Hawaii, members of the Hawaii Congressional Delegation, the Coast Guard Commandant of the Fourteenth District, the Secretary of Interior and the Director of Land and Natural Resources.

OFFERED BY:

*Makumano*  
*Gary H. Lopez* *Mamoru Miyama*  
*Rochester* *Henry Taketani*  
*Stanley H. Hsu* *Joe Kuroki*  
*Patric. Gong*  
*Kalshly*  
*[Signature]*

2/13/79