Honorable George Ariyoshi  
Governor  
State of Hawaii  
Honolulu, Hawaii 96813  

Dear George:

I wish to take this opportunity to express my personal admiration and appreciation for the sustained joint United States Navy and State of Hawaii attempts to develop procedures for the conservation, reforestation and archaeological restoration and preservation of the Island of Kahoolawe. I believe that the Memorandum of Understanding which culminated from these efforts is a firm first step toward the settlement of the vital and controversial issues surrounding Kahoolawe and congratulate you on its acceptance.

In a March 1, 1978, letter to Admiral Tom Hayward, I stated that, in view of the commencement of State/Navy coordinated efforts relative to the Island, the development and implementation of a formal short and long range Navy/State program seemed appropriate. However, in his reply of March 16, 1978, Admiral Hayward expressed the Navy's position that such actions should await agreement on a Memorandum of Understanding.

Now that the Memorandum has been signed, it would seem that you are in an improved position to define a comprehensive Federal-State conservation program for the lands of Kahoolawe for consideration by the respective legislative bodies, Federal and State. If you can now develop and agree upon this sort of State/Navy project, I shall be pleased to introduce the necessary legislation for the Federal portion thereof.

Such a program could include the continuation and expansion of current Kahoolawe efforts and the development and construction of soil erosion control dams and water retention systems.
I also believe that provisions should be made in the program for the setting aside and clearing of a small portion of the Island of unexploded ordnance and debris. Such a pilot project, maintained over an adequate period of time, would provide important information on the important question of the cost and feasibility of returning the Island to a fairly safe condition. Presumably a standard of safety equivalent to that secured in heavily bombed areas during World War II would be reasonable.

I look forward to hearing from you regarding these possibilities.

Aloha,

DANIEL K. INOUYE
United States Senator

DRI:bhm
MEMORANDUM

TO: SENATOR INOUYE
VIA: DAVE ALVEY & CL. W
FROM: AGREEMENT ON KAHOOLawe
SUBJECT: Bill Thompson, Chairman of the Land Board, has let us see a draft of a State-Navy Memorandum of Understanding "Pertaining to the Island of Kahoolawe," Attachment 1.

In general, the provisions of the agreement appear reasonable and, if asked, it is recommended that they be supported.

Section 9 at the top of Page 4 is unclear in the meaning of "rendered safe for human habitation." Only then will the State "hold the Navy free from any liability."

The Navy prefers a short form Memorandum of Understanding, Attachment 2. In particular, the Navy prefers "reasonable" versus "all transportation" and prefers unequivocal recognition by the State of "the Navy's continued need for use of the island of Kaho'olawe for weapons training for the foreseeable future."

It is unfortunate, in my opinion, that the State Legislature is intervening in the State-Navy negotiations by Special Committee Report No. 13, Attachment 3, and House Resolution No. 548, Attachment 4. I shall recommend to V. Admiral Gravely that he comment on the House Resolution to the Speaker before it comes to floor vote.

ATTACHMENTS
MEMORANDUM OF UNDERSTANDING

Between

UNITED STATES PACIFIC FLEET
U. S. NAVY

and

STATE OF HAWAII

PERTAINING TO THE ISLAND OF KAHOOLAWE
STATE OF HAWAII
MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding made this ___ day of ____________, 19____, by and between the UNITED STATES PACIFIC FLEET, U. S. NAVY, whose post office address is FPO San Francisco, California 96610, hereinafter called "NAVY", and the STATE OF HAWAII, by its Board of Land and Natural Resources, whose principal place of business and post office address is 1151 Punchbowl Street, Honolulu, Hawaii 96813, hereinafter called "BOARD".

WITNESSETH:

WHEREAS, the Island of Kahoolawe, State of Hawaii, is a military reservation under the jurisdiction of the Secretary of the Navy, by authority of Presidential Executive Order No. 10436, dated February 20, 1953;

WHEREAS, Presidential Executive Order No. 10436 recognizes the continued use of the Island of Kahoolawe by the United States for naval training purposes, the conduct of a sustained conservation program (by the Territory of Hawaii) and the eradication and/or removal of all cloven-hooved animals from said island;

WHEREAS, the results of a jointly administered experimental planting program during the past seven years points to the feasibility of a sustained conservation program;

WHEREAS, the Navy and the Board are responsible for carrying out the provisions contained in Presidential Executive Order No. 10436;
WHEREAS, both parties to this memorandum are aware of Presidential Executive Order 11593 relating to historical site preservation;

NOW, THEREFORE, in consideration of the covenants set forth below, the Navy and the Board agree as follows:

1. The Navy will eradicate and/or remove all cloven-hooved animals, including but not limited to goats and sheep, from the Island of Kahoolawe within a reasonable period following the date of this memorandum. The Board shall provide support services to the Navy as deemed necessary to accomplish said eradication.

2. The Board shall carry out a soil conservation program which shall include annual planting of suitable vegetative cover of approximately 200 acres.

3. The Board, in consultation with the Navy, shall designate a time period best suited for the annual planting which period will not unreasonably interfere with the activities of the Navy. The Board will submit to the Navy an annual conservation project plan specifying the area to be planted and the requirements for logistic support at least sixty (60) days prior to the designated period.

4. Prior to each conservation planting, the Navy will clear the specified planting and working areas of unexploded ordnance and other hazardous material so as to render the area reasonably safe for the planting program. It is understood that the Board will confine its operations within such cleared areas.
5. The Navy will schedule its activities on the Island of Kahoolawe such that it will cause the least interference with the conservation program.

6. The Board will provide all plant materials and manpower requirements for the conservation planting and for any subsequent inspection and maintenance trips deemed necessary by the Board to assure the success of the planting.

7. The Navy will provide all transportation, required by the Board, to and from the Island of Kahoolawe, from Kahului, Maui, or from any other mutually agreed port of embarkation. Such planting trips, follow-up inspection trips and maintenance trips shall not unreasonably interfere with the activities of the Navy.

8. In compliance with Presidential Executive Order No. 11593, relating to historical site preservation, the historical site survey being conducted by the Board, and upon the mutual understanding of the parties hereto that it is desirable and in the public interest to preserve those significant cultural and historic sites which have been placed on the National Register, the Navy shall plan its operation so as not to disturb such sites. All other sites will be left intact and/or available for salvage and study by the Board or its designated agents.

9. In the future, when deemed desirable to fulfill the purpose of Presidential Executive Order No. 10436 and upon mutual agreement by both parties, the Navy shall assign any unused portion of the island deemed safe for recreational or conservation use to the State, pending return of the
Island to the State. In the event that a portion is rendered safe for human habitation and returned without cost to the State of Hawaii, the State will hold the Navy free from any liability and administer such area at its own expense and exercise sufficient management control over such area so as to not unreasonably interfere with the activities of the Navy.

IT IS MUTUALLY UNDERSTOOD that the activities specified above will be accomplished expeditiously, cooperatively, and with due regard for the spirit and intent of Presidential Executive Order No. 10436. Furthermore, there will be an open exchange of information between the Navy and the Board to the extent practicable to accomplish the objectives of this Memorandum.

This Memorandum may be amended by mutual consent in writing.

IN WITNESS WHEREOF, the parties hereto have executed the foregoing as of the day and year first above written.

STATE OF HAWAII
By BOARD OF LAND AND
NATURAL RESOURCES
By ______________:_____________________
Chairman and Member

By ______________:_____________________
Member

UNITED STATES PACIFIC FLEET,
U. S. NAVY

APPROVED AS TO FORM:

[Signature]
Deputy Attorney General
Dated: December 19, 1977
MEMORANDUM OF UNDERSTANDING
PERTAINING TO THE ISLAND OF KAHO'OLAWE

In a spirit of mutual cooperation, this memorandum of understanding has been signed to set forth common intent and objectives concerning the island of Kaho'olawe. The United States Navy and the State of Hawaii agree to implement the following regarding the Island of Kaho'olawe:

1. The elimination of all cloven-hooved animals from the island;
2. A soil conservation program evolving from the cooperative experimental planting programs jointly conducted by the State of Hawaii and the U. S. Navy since 1970;
3. The identification and preservation of any cultural and archaeological sites which in the future are included in the National Register of Historic Places;
4. Reasonable support services and transportation to carry out the above programs to be provided by the U. S. Navy;
5. Any other programs mutually agreed upon; and
6. The development of specific management plans for performing the above.

It is understood that the activities included in the management plans shall be accomplished speedily and cooperatively.

The State recognizes the Navy's continued need for the use of the island of Kaho'olawe for weapons training for the foreseeable future with ultimate transfer to the State of Hawaii in accordance with Federal Law.

GEORGE R. ARIYOSHI
GOVERNOR, STATE OF HAWAII

SAMUEL L. GRAVELY, Jr.
VICE ADMIRAL, UNITED STATES NAVY
COMMANDER THIRD FLEET

APPROVED AS TO FORM:

STATE OF HAWAII
ATTORNEY GENERAL
DATED: ____________________
The Honorable James Wakatsuki  
Speaker, House of Representatives  
Ninth State Legislature  
Regular Session, 1978  
State of Hawaii

Sir:

Your Ad Hoc Committee on Kaho'olawe and Similar Hawaiian Concerns appointed by Speaker James Wakatsuki and directed to conduct a comprehensive review of the Kaho'olawe situation, begs leave to report as follows:

LEGISLATIVE HISTORY

Interest in Kaho'olawe has simmered for many years. While various individual legislators had been interested in the matter of Kaho'olawe for some time, mass legislative interest was rekindled only after George Helm (of the Protect Kaho'olawe 'Ohana) addressed the members on the Floor of the House of Representatives during the 1977 legislative session.

The address on the Floor prompted a group of representatives to learn more about the Kaho'olawe issue as explained by George Helm and other members of the 'Ohana. It gave them the opportunity to talk to the 'Ohana as a group and to investigate some of their concerns in subsequent meetings.

Legislative interest remained keen and the representatives continued their investigative meetings. After contact with Hawai'i's congressional delegation an Ad Hoc Committee on Kaho'olawe was appointed by Speaker James Wakatsuki to serve with that appointed by President John Ushijima for the same purpose.

ORGANIZATION

Your Committee consisted of Representative Jann L. Yuen, who served as chairman, and the following Representatives who served as members: Representative Richard L. Caldito, Representative Minoru Inaba, Representative Kinau Boyd Kamalii, Representative Richard A. Kawakami, Representative Daniel J. Kihano, Representative Henry Haalilio Peters, and Representative Calvin K. Y. Say.
COMMITTEE APPROACH AND OBJECTIVES

The Ad Hoc Committee decided that public input and free communication with interested parties was essential in the understanding of the issue. It agreed to conduct a factual investigation of the issue and to seek objective and valid answers to questions that were usually emotionally posed. Throughout the investigations, the Committee agreed to keep a low profile, conducting research and looking for answers without any publicity.

The Committee then hoped to review the information garnered; determine how damaging, if at all, it may be to the relationship between the military and the local residents; and to transmit this information and relevant recommendations to the President of the United States and the United States Congress for further action.

The publication of an informative document on the issue of Kaho'olawe was intended as a final goal of Committee activity.

METHOD

The Committee conducted a series of meetings with people all over the State. Persons of varied ages and different economic, occupational, social, educational, and ethnic backgrounds were included in the meetings. Because of the participants expressed concern over press coverage of the meetings, the meetings were held with very little fanfare in the communities. Community leaders and others interested in the subject were invited to participate. In this way an atmosphere of free and open discussion was created.

Both the military and the 'Ohana members were given separate forums before the Committee in order that other members of the public would not feel "pressured" or "unwilling" to express their sincere opinions because of the presence of parties with notably strong views.

The Committee continuously sought candid discussions on the subject from people representative of the general public and not simply one segment with a particular interest. At the beginning of each meeting, the Chairman explained that the Committee's purpose was to listen to the views being presented without argument or judgment and that the opinions expressed would be recorded and used in the final study.
In addition to the statewide meetings, the Committee conducted a literature search, met with various resource people familiar with the Island (kupuna, archaeologists, historians, foresters, etc.), the Navy, and the 'Ohana. Throughout the study, the Committee's role was one of fact finding and objective investigation of the issue.

The results of the Committee investigations and interim activities are included in the comprehensive study entitled, Kaho'olawe: Aloha no...A Legislative Study of the Island of Kaho'olawe.

FINDINGS AND RECOMMENDATIONS

After conducting numerous meetings throughout the State, and after input from both the Navy and the 'Ohana on the first draft of the study, the majority of the recommendations made by these groups regarding the study were incorporated in the final draft.

The Ad Hoc Committee's major finding is that the Navy has not presented sufficient data to uphold their claim to the entire Island of Kaho'olawe for military use. While the Navy has orally declared their cooperation, they have not provided the Interim Committee with enough hard data. Your Interim Committee finds that when the record is reviewed, the Navy appears contradictory in its positions; and Culebra and Miloli'i are prime examples of these shortcomings.

After a thorough study of this issue, your Ad Hoc Committee makes the following recommendations, with the note that while some may seem rather general at this point, the Ad Hoc Committee holds itself responsible for developing guidelines for the implementation of each recommendation and will oversee progress in these areas. A close working relationship with the executive branch on these matters has already been established and should be conducive to reaching an amicable solution to the problem at an early date.

Recommendation 1

Plans for opening a portion of the Island for shared civilian-military use on a limited and controlled basis should begin immediately with a schedule for hunting, fishing, and religious ceremonial use.
Recommendation 2

A volunteer program should be established so that the talents of archaeologists, historians, or others may be contributed to the project on a voluntary basis.

Recommendation 3

Additional staff should be hired to aid the archaeological team in its investigation of Kaho'olawe; and the use of Hawaiian historians should be encouraged.

Recommendation 4

The $50,000 appropriated by the 1977 legislature for the archaeological study of Kaho'olawe should be released for use by the Department of Land and Natural Resources.

Recommendation 5

Archaeological work in the target area should be expedited.

Recommendation 6

Processing of applications for registering eligible sites with the National Register of Historic Places should begin immediately rather than waiting until the whole Island has been surveyed.

Recommendation 7

Kama'aina witnesses (meaning native born persons familiar with the culture and life-style of an area), selected by the Department of Land and Natural Resources, should be used as resources by the archaeologists and historians. (NOTE: During a visit by the Committee to the Island, one such witness was able to explain things to the archaeologist and to point out matters of interest to the visiting party that may otherwise have gone unnoticed or in some way have been misinterpreted.) The Committee recommends the careful selection of such witnesses and the selective use of their resources by the archaeologists and historians.

Recommendation 8

As negotiations progress at the State or Congressional level, keep all concerned citizens informed. Many have stated their interest and deserve to be kept aware of official progress toward a solution.
Recommendation 9

The heiau and ko'a on the Island should be preserved and restoration encouraged.

Recommendation 10

A review of the data presented by the Navy indicates that Kaho'olawae is important primarily to the Navy and the Marine Corps. It appears that the Army, the Submarine Force Pacific, the Air Force (other than the Tactical Air Support Squadron), and the Coast Guard could do without the use of Kaho'olawae as a target island. The Committee recommends that the Navy and Marine Corps look into scheduling and coordinating activities in other areas and begin a decrease of training activities on Kaho'olawae because though this is said to be going on now, improved coordination is indicated.

Recommendation 11

The Navy should accurately define the role of Kaho'olawae in terms of its place within the total military training plans in the State.

Recommendation 12

Because of the lack of supporting data, the lack of standard criteria, and the attempt to justify the existing rather than seriously examine alternatives for the future; the Third Fleet study on the Island of Kaho'olawae should no longer be represented to the public and the Congress as a valid study on the military need for Kaho'olawae.

Recommendation 13

Because the stated needs of the military presently require the use of only a portion the Island, plans for clean-up procedures and safety guidelines to permit the opening of other areas of the Island on a shared but controlled use basis should be initiated.

Recommendation 14

When considering alternatives to Kaho'olawae, the Navy should look into a number of different areas which, with the proper scheduling and coordination, could satisfy their total training needs.
Recommendation 15

A compromise, whereby aircraft training need not be moved to San Clemente but shared in other training areas, should be arranged. At the same time, ship bombardment could be concentrated at San Clemente and coordinated, for homeported ships, with cruises.

Recommendation 16

The military should consider increased training by simulator.

Recommendation 17

The Navy should clean-up by increments, moving inland from the seashore areas. Clean-up plans should be expedited.

Recommendation 18

While the bombing continues, the Navy should determine and record the locations of suspected unexploded missiles or other ordnance.

Recommendation 19

Concentrate on clearing those areas which can be opened on a controlled basis for civilian use for such activities as hunting and sustenance fishing, with consideration given to the people of Makena for non-commercial fishing.

Recommendation 20

Immediate plans for the opening of Hanakananaea and Hakioawa beaches for limited and controlled public use, with security measures coordinated with Maui County, should be made.

Recommendation 21

Whenever available, use of military personnel (EOD's) in the clean-up, primarily in the beach areas, should be considered, thus reducing projected costs.

Recommendation 22

Use of the Island for demolition training, not in terms of destruction but in terms of clean-up, including underwater demolition training, and get rid of some of the
problem ordnance (unexploded) in the process. Ilio Point is one area that may be considered for this kind of clearance.

Recommendation 23

The Navy should base their projections on the economic impact to Hawai'i of removing Kaho'olawe as a target Island on actual facts and hard data. Otherwise, their projections must be regarded as invalid guess work.

Recommendation 24

A major replanting effort on the Island should begin immediately, with the military supporting State efforts in this area.

Recommendation 25

The State Department of Land and Natural Resources should be given reasonable access to replant and to maintain the replantings.

Recommendation 26

The Department (DLNR) should be provided transportation by the military to and from the Island while planting and then periodically thereafter for maintenance.

Recommendation 27

The planting of native vegetation in the shore areas outside the target range should begin.

Recommendation 28

For elimination of goats, establish a public hunting program in conjunction with Maui County and the Department of Land and Natural Resources and the Navy with the understanding that the hunters go on the Island at their own risk.

Recommendation 29

Consider a live roundup of goats which could later be sold at public auction.

Recommendation 30

Annual environmental impact statements should continue while the Navy retains control of the Island.
Recommendation 31

With the Committee setting guidelines and overseeing procedures, the Navy and representatives of the State should enter into serious negotiations to:

(a) Establish a schedule of activities concerning Kaho'olawe.

(b) Determine which areas can be opened for limited, controlled civilian use.

(c) Reach an amicable settlement and together plan for the future of the Island with public input assured by Committee procedures, such as public hearings.

Recommendation 32

Recognize Kaho'olawe as one of the symbols of the Hawaiian renaissance and a key to the roots of Hawai'i.

Recommendation 33

Oral history studies concerning Kaho'olawe should be continued and suitably recorded.

Recommendation 34

The original Hawaiian place names for various areas of the Island should be maintained.

Example: Hanakanaea, rather than "Smugglers' Cove"

Recommendation 35

As a long-range project, a plan should be developed, utilizing Kaho'olawe as an educational tool for students whereby Hawaiian history and culture may be learned in a first-hand manner with visits to the heiau, ko'a, village sites, religious areas, and so forth.

Recommendation 36

The Committee should look into producing, through grants from agencies like the Hawaii Committee for the Humanities, an educational television program which gives an objective view of the many facets of the Kaho'olawe issue.
Recommendation 37

Recognize the value of the ancient philosophy and concepts as they might apply to the present-day life-style (including ho'oponopono, 'ohana, pule, and others).

Recommendation 38

The Committee should establish guidelines and terms for the negotiating efforts, and otherwise keep a close watch over all proceedings regarding Kahoolawe and its future. The Committee should provide for procedures whereby community input will be assured, possibly through public hearings.

The concern of the public and that of the members of your Ad Hoc Committee is genuine and clear. In the future, we will continue our efforts toward assuring the clean-up and eventual return of Kahoolawe to the people of Hawaii.

Respectfully submitted,

JANN L. YUEN, Chairman

RICHARD CALDITO, JR., Member

MINORU INABA, Member

KINSAU BOYD KAMALIT, Member

RICHARD A. KAWAKAMI, Member

LRB 197-2005
REQUESTING CONTINUED MONITORING OF THE KAHO'OLAWE SITUATION.

WHEREAS, Kaho'olawe, one of Hawaii'i's eight major islands, has become a prominent issue for residents of the State within the past two years; and

WHEREAS, military bombs, a stream of native trespassers, and the desolate beauty of a long forgotten island have caused a number of people to focus their thoughts on and seek an amicable solution to the enigma, Kaho'olawe; and

WHEREAS, during the last year, the Senate and House Joint Committee have investigated the issues surrounding Kaho'olawe thoroughly, their findings published in the report, Kaho'olawe: Aloha no, a Legislative Study of the Island of Kaho'olawe; and

WHEREAS, the study was completed only after conducting meetings throughout the State with governmental officials, military representatives, 'Ohana members, resource people, and the general public; and

WHEREAS, the Committee found that the Navy has not presented sufficient data to uphold their claim to the entire Island of Kaho'olawe for military use; and

WHEREAS, they further recommended that plans begin for the reforestation of the Island, for the removal of goats and other cloven-hooved animals, for area clean-up programs, and for controlled use of particular areas for specific activities (such as religious ceremonies); and

WHEREAS, the study stands as a statement by the governing bodies of this State regarding the issue of Kaho'olawe; and

WHEREAS, pursuant to the recommendation of Senator Daniel Inouye, the completed report should be presented to the members of Hawaii'i's congressional delegation and to the President of the United States; and

WHEREAS, to assure the proper implementation of various recommendations, the legislature should keep a close watch on any state and Navy activities in this area; now, therefore,
BE IT RESOLVED by the House of Representatives of the Ninth Legislature of the State of Hawai‘i, Regular Session of 1978, that this body does hereby request the President of the Senate and the Speaker of the House to establish an interim committee to continue overseeing the activities in this area, to present the study to the Congress and the President, to help develop ways for implementing the recommendations of the Study, and to assure input by the various concerned groups and general public; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Speaker of the House of Representatives and the President of the Senate.

OFFERED BY:

MAR 22 1978

Calvin K. Y. Say
The State of Hawaii and the Navy have agreed on a memorandum of understanding for the island of Kahoolawe.

Announcement of the memorandum was made by Governor George R. Ariyoshi and Vice Admiral Samuel L. Gravely, Jr., Commander of the U.S. Third Fleet, who is responsible for Kahoolawe matters.

The document is the basis for a series of management plans by which the Navy and the State will cooperate in archaeological and conservation programs.

The memorandum says that "The State is aware of the position of the United States Navy that there is continuing need for the island of Kahoolawe. The State is also aware, however, of the special concerns of various organizations and individuals regarding land use of the island of Kahoolawe. The United States Navy is also aware of the State's desire for the ultimate transfer of the island of Kahoolawe to the State in accordance with federal laws."

The memorandum resulted from a series of planning sessions between Navy staff officers and State of Hawaii officials. It also comes in the wake of a series of public meetings held by a special legislative committee on Kahoolawe, chaired by Representative Jann Yuen.
3. A program wherein the Navy and the State will continue to cooperate in inventorying archaeological sites on Kahoolawe.

4. The careful planning of operations by the Navy to avoid creating hazards to such sites.

According to the opening paragraph of the document, the memorandum was created in a spirit of mutual cooperation, and was signed to set forth common intent and objectives concerning the Island of Kahoolawe.
In commenting on the Memorandum, Governor Ariyoshi said: "The historic agreement signed today between the State of Hawaii and the United States Navy concerning the Island of Kahoolawe is a very vital first step toward the eventual return of this land to the jurisdiction of our State.

"This is not the end of our actions regarding Kahoolawe, but rather the beginning.

"As chief executive of this State, my administration negotiated with the Navy on behalf of all of our people. We negotiated with credibility and with fairness, and we have accomplished what was achievable at this time.

"At an early opportunity, I intend to visit the Island of Kahoolawe to see first-hand what this agreement will accomplish."

Admiral Gravely called the memorandum "an important step toward reconciling differences in the Kahoolawe controversy." He said:

"Throughout this difficult period, the Navy has taken some extraordinary steps to accommodate our civilian neighbors without sacrificing the readiness mission we have been given. The memorandum of understanding is a sound basis for continuing cooperative efforts with the State for the future of this small but important island."

The memorandum calls for a series of management plans to include, but not be limited to the following:

1. A program already begun by the State of Hawaii and the U.S. Navy to rid Kahoolawe of all cloven-hooved animals as a necessary step toward rehabilitation of Kahoolawe.

2. A soil conservation program evolving from the cooperative experimental programs jointly conducted by the State of Hawaii and the U.S. Navy since 1970."