

Kaho'olawe Island Reserve Commission

<http://kahoolawe.hawaii.gov/history.html>

Penal Colony Period (1826-1853)

The first missionaries arrived in Hawaii in 1820. During this period, the Protestant faith made great inroads with the Hawaiian royal families and the general population throughout all of the islands. Protestant schools were established, and prodigious numbers of Hawaiians took to the western educational systems, particularly mastering the abilities of reading and writing in the English and Hawaiian languages. Beginning in 1828, a school was established on-island, teaching 28 "scholars" (students). The school remained in existence until 1837. In 1829, Ka`ahumanu, the favorite wife of Kamehameha I, and Kuhina Nui ("prime minister") of the Kingdom, proclaimed her famous "Edict of 1829" in which followers of the Catholic religion were to be banished to Kaho`olawe as one of several identified punishments. Whether or not a penal colony was established on Kaho`olawe prior to, or as a result of, the Edict of 1829 still remains a question. As early as 1832, adults and youth were sent to Kaho`olawe as part of their sentencing. Men were sent to Kaho`olawe (women were sent to the island of Lanai) for such crimes as "rebellion, theft, divorce, breaking marriage vows, murder, and prostitution." Headquarters for the penal colony was located at Kaulana Bay. On May 2, 1853, the law which established Kaho`olawe as a penal colony was repealed. (Kaho`olawe Island Conveyance Commission, 1991).

Early Ranching Period (1858-1910)

In 1848, Kamehameha III initiated the land reform known as the "Great M'hele." The traditional Hawaiian concept of land stewardship was replaced by the western legal concept of land ownership. Ownership of lands was divided between the King and his Ali`i (nobles), with portions set aside for government use and processes established for private individuals to be awarded land. Kaho`olawe was considered land of the government ("Government Lands"). In 1858, the government issued the first of many ranch leases for the island. The number of sheep and wild goats (introduced prior to 1858) soon grew to be a problem as soon as 1875, many parts of the island were denuded due to overgrazing. Under the joint resolution of annexation, approved July 7, 1898 (30 Stat. 750) and pursuant to the Hawaii Organic Act of 1900 (31 Stat. 141), the island was ceded and transferred from the Republic of Hawaii to the United States. Title to Kaho`olawe was held by the United States after Hawaii's annexation in 1898. Under the Organic Act of 1900, the territorial government was authorized to use and possess the island until the federal government acted. Kaho`olawe continued under territorial management with a ranch lease until 1910. Cattle and sheep were introduced to the island within the first 50 years of ranching. Goats were introduced to the island more than 60 years before the

ranching period. Throughout the ranching periods, the uncontrolled grazing of cattle, sheep, and goats had a serious impact on the environment of the island and substantial loss of soil through accelerated erosion. As an example, by the late 1890's, there were 900 cattle and 15,000 sheep on the island.

Forest Reserve (1910-1918)

The Territorial Board of Agriculture proclaimed the island a Forest Reserve in August 1910. Revegetation efforts were met with little success, and since the Forest Reserve designation prohibited the hunting of goats on the island, the proliferation of goats continued to degrade the island. Realizing that the goats represented the major threat to the island and that forestry efforts were futile in the presence of goats, the Territorial Governor withdrew Kaho`olawe from its Forest Reserve designation in 1918 and transferred the island to the Commissioner of Public Lands for management purposes.

Late Ranching (1918-1952)

In December 1918, the Commissioner of Public Lands leased the island to cattle ranchers -- Eben Low and Agnus MacPhee. Low, MacPhee, and Harry Baldwin (a Maui businessman) formed Kaho`olawe Ranch, which continued as leasee until 1952. In an effort to control the goat population and soil erosion, the Commissioner of Public Lands required Kaho`olawe Ranch to eliminate the goats, limit cattle to no more than 200, and encouraged the use of the non-native tree, kiawe (*Prosopis pallida*), in revegetation efforts. The ranch headquarters was built at Kāsheia and a water system of cisterns was established.

Military Period (1941-1993)

In May of 1941, Kaho`olawe Ranch signed a sublease for a portion of the island with the U.S. Navy for \$1.00 a year up to 1952 when the Ranch's lease expired. Seven months later, on the day following the Japanese attack on Pearl Harbor (December 8, 1941), the Territory of Hawaii was placed under martial law. The military took over the entire island, and ranching operations ended. Ship-to-shore bombardment of the island commenced in 1941 and intensified starting on October 21, 1943, when the USS *Pennsylvanian* conducted rehearsals for the Gilbert Islands invasion. In preparation for additional landings across the Pacific, the Navy ran ship-to-shore fire control training operations at Kaho`olawe. From 1942-1943, American submarine commanders tested torpedoes by firing them at the shoreline cliffs at Kanapou. Additional torpedoes were test fired from 1943 to the 1960's. Under Executive Order 10436 (signed on February 20, 1953), President Dwight D. Eisenhower reserved the island for the use of the United States for naval purposes, except for 23.3 acres on the southern end previously reserved for lighthouse purposes. The Order directed the Navy to eradicate, or reduce to less than 200, all cloven-hooved animals; to allow the Territory of Hawaii to initiate soil and reforestation studies; and when the island was no

longer needed for naval purposes and without cost to the Territory of Hawaii, to render the island reasonably safe for human habitation. During the Korean War era, weapons usage shifted from naval projectiles to air-dropped, general purpose bombs. Targets and mock airfields were built on-island for practice air attacks and strafing runs. The Statehood Admission Act of 1959 recognized the Territory of Hawaii as the 50th state of the United States. Operation Sailor Hat was an underwater and surface high-explosive test program conducted in 1965 by the U.S. Navy Bureau of Ships (BuShips) under the sponsorship of the Defense Atomic Support Agency (DASA). This program consisted of two series of underwater explosions, three surface explosions at San Clemente Island, California, and three surface explosions at Kaho`olawe Island, respectively. The three 500-ton Trinitrotoluene (TNT) charges were constructed on the beach above the water line on the southwest coast of Kaho`olawe. The crater resulting from the first detonation was subsequently back filled and is no longer visible. The second and third detonations were conducted at the same site; the result is the present "Sailor's Hat" crater. Sailor's Hat crater has formed an aquatic ecosystem which has become habitat for two endemic species of shrimp: *Halocaridina rubra* and *Metabataeus lohena*. By 1967, Kaho`olawe was a testing and training range for the air war over Vietnam. The need for protection from North Vietnamese surface-to-air missiles led to the construction of surface-to-air targets and target airfields on the island. The entire island was used as a weapons range with no restrictions on target locations. By the late 1960's, additional portions of the island were equipped with various types of targets for both ships and aircraft. However, the accidental dropping of bombs on Maui, coupled with numerous complaints of noise from the live fire activities, led the Navy to re-evaluate the on-island target placements. This led to the designation of the Naval Gun Fire Range on the northern slope and the relocation of the practice air fields and aerial bombardment targets to the central southern third of the island. The dividing lines between these areas were the troop safety lines which demarcate the impact area, leaving the target zone to include the central one third of the island. These targets varied in size from six foot rock pyramids to mock airfields covering acres. In 1976, the members of the Protect Kaho`olawe `Ohana (PKO) filed suit in Federal District Court, Aluli et al. V. Brown (civil suit no. 76-0380), seeking to enjoin the Navy's bombing activities on Kaho`olawe. In 1977, the Federal District Court ordered a partial summary judgment in favor of the Aluli et al., and the Navy was required to conduct an environmental impact statement and supply an inventory of, and protect, the historic sites on the island. In 1980, a settlement Consent Decree and Order was reached in the Aluli et al. vs. Brown civil suit. Under the Consent Decree and Order, the Navy agreed to survey and protect historic and cultural sites on the island, clear surface ordnance from 10,000 acres, continue soil conservation and revegetation programs, eradicate the goats from the island, limit ordnance impact training to the central third of the island, and allow monthly PKO accesses to the island. Through those monthly accesses, the PKO has regularly visited the island for religious and cultural purposes, as well as revegetation and conservation programs. On March 18, 1981, the entire island was listed on the National

Register for Historical Places and designated the Kaho`olawe Archaeological District. The Kaho`olawe Archaeological District contains 544 recorded archaeological/historical sites and over 2,000 features, as well as previously unrecorded features associated with traditional and historic Hawaiian land use, ranching, and military activities. In 1990, President George Bush issued a Memorandum to Secretary of Defense, Richard Cheney, which directed the Secretary to discontinue use of Kaho`olawe as a weapons range effective immediately. Section 8118 of Public Law 101-511, enacted by Congress in 1990, established the Kaho`olawe Island Conveyance Commission to recommend terms and conditions for the conveyance of Kaho`olawe from federal jurisdiction to the State of Hawaii. The law prohibited the use of the island for weapons delivery training until after the final Kaho`olawe Island Conveyance Commission report was delivered to Congress. The Commission submitted its final report with findings and recommendations to Congress in March 1993, and dissolved six months later in September 1993. During the same period, the Navy in consultation with the State Historic Preservation Office, the Protect Kaho`olawe `Ohana, and the County of Maui met and developed a Cultural Resources Management Plan for the Kaho`olawe Archaeological District. That document was finalized in January 1995. (Ogden Environmental, 1995)

Current Period (1993-Present)

In 1993, Senator Daniel K. Inouye of Hawaii sponsored Title X of the Fiscal Year 1994 Department of Defense Appropriation Act (PL 103-139, 107 Stat. 1418. 1479-1484). Title X authorized conveyance of Kaho`olawe and its surrounding waters to the State of Hawaii. It also provided for the "clearance or removal of unexploded ordnance" and environmental restoration of the island, to provide "meaningful safe use of the island for appropriate cultural, historical, archaeological, and educational purposes, as determined by the State of Hawaii." Hawaii Revised Statutes, Chapter 6K, created the Kaho`olawe Island Reserve Commission (KIRC) to have policy and management oversight of the Kaho`olawe Island Reserve. The statute requires that the island (including waters extending seaward two nautical miles from the shoreline) be used solely and exclusively for the following purposes: 1) Preservation and practice of all rights customarily and traditionally exercised by the native Hawaiians for cultural, spiritual, and subsistence purposes 2) Preservation and protection of its archaeological, historical, and environmental resources 3) Rehabilitation, revegetation, habitat restoration, and preservation 4) Education Additionally, the island is to be preserved in perpetuity for the above uses; commercial uses are strictly prohibited. As directed by Title X, a Memorandum of Understanding (MOU) between the Navy and the State of Hawaii was prepared to govern the conveyance of the island to the State of Hawaii with six specific agreements (regulatory framework; its protection; public participation; security; emergency communication; and regular interval clearance and removal of newly discovered, previously undetected ordnance). The Navy and the Governor of the State of Hawaii executed the MOU on May 6, 1994. Pursuant to Title X and the MOU, title

to the island of Kaho`olawe was transferred to the State of Hawaii on May 9, 1994. Under the MOU, the Navy retains access control to the island until clearance and environmental restoration activities are completed, or November 11, 2003, whichever comes first. The State, through the KIRC, is the primary stakeholder and landowner, responsible for the long term restoration and management of Kaho`olawe for appropriate cultural, historical, archaeological and education purposes. The State holds statutory, regulatory, and enforcement interest in the protection of public health and the environment. The MOU further provides in Section VIII.C(5)(b) that "The access to Kaho`olawe that was afforded under the 1980 Consent Decree, described at Section I.C., remains in effect so long as that Consent Decree remains in effect." The regulatory process set forth in the MOU maintains that the Navy shall proceed with the cleanup in consultation with the KIRC and in a manner consistent with the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Section 300 et seq. On December 13, 1996, the Naval Facilities, Engineering Command, Pacific Division, solicited a Request for Proposals entitled, Cost-Plus-Award-Fee Contract for the Unexploded Ordnance Clearance Project, Kaho`olawe Island Reserve, Hawaii (Solicitation No. N62742-95-R-1369). to conduct unexploded ordnance clearance and environmental restoration of Kaho`olawe Island (Clearance Contract). The Clearance Contract was awarded to the Parsons-UXB Joint Venture (PUXB) on July 29, 1997. On November 11, 2003 the access control was transferred from the US Navy to the State of Hawaii. The transfer was recognized in a commemoration ceremony a day later on November 12, 2003 on the grounds of Iolani Palace.