



UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
BUREAU OF SPORT FISHERIES AND WILDLIFE
WASHINGTON, D.C. 20240

ADDRESS ONLY THE DIRECTOR,
BUREAU OF SPORT FISHERIES
AND WILDLIFE

JUL 29 1966

The Commandant
U. S. Coast Guard Headquarters
Department of the Treasury
Old Southern Railway Building
1300 E. Street N. W.
Washington, D. C. 20220

Dear Sir:

A recent review of our management responsibilities relating to the Hawaiian Islands National Wildlife Refuge discloses a problem concerning the use of Tern Island by the Coast Guard that we find necessary to resolve as soon as possible. The following information is provided in an effort to solicit your support in arriving at an amicable solution to this matter so as to continue the fine working relationship which has been mutually beneficial to the Bureau of Sport Fisheries and Wildlife and the U. S. Coast Guard.

The Hawaiian Islands Reservation was reserved and set apart by Executive Order No. 1019 dated February 3, 1909, "as a preserve and breeding grounds for native birds." This Order specifically named certain islands and included a map showing the perimeter of the refuge. Tern Island is a part of the French Frigate Shoals as named in the Order. With the exception of Kure Island which was transferred to the Department of the Navy by Executive Order No. 7299 of February 20, 1936, and subsequently to the Territory of Hawaii by Executive Order No. 10413 on November 17, 1952, all of the islands named in the original Order remain in the Hawaiian Islands National Wildlife Refuge and are under the administration of the Bureau of Sport Fisheries and Wildlife.

We have checked our records and find no Bureau permit that would cover the use of Tern Island by either the Navy or the Coast Guard. Also, we were unable to find a permit for the Coast Guard to use East Island where the Loran Station was located prior to its transfer to Tern Island about 1953.

It is our understanding that the Coast Guard has based its occupancy of Tern Island upon a permit issued in 1952 by the Director of Aeronautics for the Territory of Hawaii. We have no information which would indicate that the Hawaiian Aeronautics Commission, through its Director, had any authority to issue a permit to the Coast Guard covering the occupancy of Tern Island, nor that the Navy had a legal

right to occupy the island in 1942 and to later dispose of it; our records do not show that the Territory of Hawaii issued the Navy a license to use the island.

It is our belief that the Hawaiian Statehood Act did not result in the transfer of jurisdiction of the refuge from Federal to State; therefore, any permits of this type must be authorized by the Department of the Interior. Further, we consider the permit issued to the Coast Guard by the Director of Aeronautics at the time Hawaii was a territory as being invalid.

Attempts to resolve this problem at the field level have proven unsatisfactory. In order for us to properly carry out our management responsibilities, to avoid any implications of trespass, and to maintain the present friendly working relationships, we are taking this opportunity to seek recognition by the Coast Guard that Tern Island is a part of the National Wildlife Refuge System. Upon such recognition, it is our intention to issue a permit to the Coast Guard to operate the Loran Station on Tern Island. Additionally, this will benefit our management operations for attaining wildlife objectives and will acquaint military personnel who stop at the Tern Island airstrip with the values and management objectives of the refuge.

We will appreciate your consideration of this matter as soon as possible.

Sincerely yours,

(SGD) JOHN S. GOTTSCHALK

Director

Via TO
~~Chief, Aviation Units Division~~
Chief, Aids to Navigation Division
Chief, Shore Units Division

OSU
11011
3 AUG 1966
Ser: 845

French Frigate Shoals Loran Station

1. The enclosures, which are self-explanatory are forwarded herewith.
2. It is request that your division submit comment and recommendation to this division on which to base a reply.

(signed)

E. A. CROCK

Encl: (1) File on French Frigate Shoals LORSTA ✓

File
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8-15-66

NMAHAN:hmd

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typed 8-3-66

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UNITED STATES GOVERNMENT

Memorandum

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TO : Chief, Shore Units Division

DATE: **AUG 5 1966**

FROM : Chief, Aids to Navigation Division

SUBJECT: French Frigate Shoals Loran Station

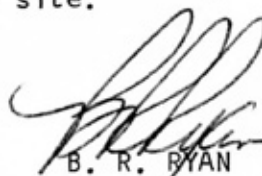
Ref: (a) CL memo 11011 of 13 July 1966 with E endorsement

1. In view of the opinion reached by the Chief Counsel upon review of this matter, this Division can only agree with the recommendation made in the endorsement written by Chief, Office of Engineering. It is felt that any agreement between Commander, Fourteenth Coast Guard District and the Bureau of Sport Fisheries and Wildlife should include the following:

a. provision that the Coast Guard shall be consulted before any permit for use of Tern Island or joint tenancy of the site is granted by the Bureau to any other agency, and

b. revision of the provision for restoration of the site upon termination of Coast Guard occupancy by limiting restoration to removal of Coast Guard facilities only or by specifying that restoration actions shall be those mutually agreed upon.

2. This Division also agrees that it would be preferable if the agreement did not require periodic review and allowed for performance of other Coast Guard missions at the site.



U. S. COAST GUARD

B. R. RYAN

AUG 5 1966

Encl: (1) File on French Frigate Shoals LORSTA OPERATIONS-SHORE UNITS



UNITED STATES GOVERNMENT

Memorandum

U. S. COAST GUARD

AUG 11 1966

CL
DATE: 10 August 1966
11011

TO : Chief, Office of Operations

OPERATIONS-SHORE UNITS

FROM : Chief Counsel

SUBJECT: French Frigate Shoals Loran Station

Ref : (a) Chief Counsel Memo 11011 of 13 July 1966 to Comptroller Via Chief,
Office of Engineering and Chief, Office of Operations

1. The attached letter from the Director, Bureau of Sport Fisheries and Wildlife was forwarded to this office for comment.
2. My recommendations regarding the disposition of this matter are contained in reference (a). Among other things, the view is there indicated that before approaching the Bureau the Coast Guard should determine whether the terms and conditions of the offered agreement are satisfactory. Once this determination is made the Bureau may be advised that the Coast Guard acquiesces in the Bureau's view and that a mutually acceptable agreement will be negotiated at the local level.

K. S. Harrison

K. S. HARRISON

Encl. (1) Bureau Sport Fisheries ltr dtd 29 Jul
1966

