

OAV ROUTING		
RECEIVED	ACTION	INITIAL
	1	<i>W. H. Cox</i>
	2	<i>J. S. Cox</i>
APR 2 1959	3	<i>PA</i>
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OFFICE OF OPERATIONS  
 U. S. COAST GUARD  
 FILE

NO/607/008  
 Serial 44  
 31 March 1959

From: Commander, 14th Coast Guard District  
 To: Commandant (0)

Subj: Use of French Frigate Shoal Loran Station property  
 for commercial fishing operations

- Ref: (a) Mid-Pacific Airways ltr 2/25/59 to CCGDI4  
 (b) CCGDI4 ltr 3/20/59 to Mid-Pacific Airways,  
 Serial 30010  
 (c) Mid-Pacific Airways ltr 3/26/59 to COMDT  
 (d) File of other pertinent papers

1. Copies of references (a), (b), and (d) which are self-explanatory, are forwarded herewith for Headquarters' information.

2. On receipt of reference (b), Mr. William H. Cox and Mr. Happy C. Cockett, associated in Mid-Pacific Airways, called on the District Commander and requested a hearing on the subject of reference (a). The District Commander explained to them that the use of a Coast Guard shore unit by a private interest, except under stress of bona fide emergencies, is prohibited by Coast Guard Regulations. Mr. Cox inquired as to whether or not the District Commander had any objection to Mid-Pacific Airways presenting their case to the Commandant, and the District Commander replied that he had absolutely no objection to such action by them, but that he did not feel he was justified in recommending to the Commandant a waiver of the effective regulation in this case. Mr. Cox then delivered to the District Commander a copy of reference (c) and indicated that he planned to call on the Commandant about 1 April. The District Commander suggested that he apply to Commandant (0) for a hearing in the case. It is assumed that Mr. Cox will do so within the next day or two.

3. The District Commander does not feel justified in recommending a waiver in the effective rule in this case for the following reasons:

(a) The runway at French Frigate Shoal is short (about 3100 feet) and is susceptible to severe cross winds during a significant portion of the time. Since there is only one narrow runway, a crash on landing or takeoff very possibly would obstruct the runway, and it is doubtful that the obstruction could be expeditiously cleared. The loran station is very close to the runway, so that in case of a crash followed by fire in the vicinity of the loran station buildings, the possibility of destruction of the loran station by fire can be foreseen. A crash

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on, particularly in heavy cross winds, a ground loop close to the loran station also raises the possibility of the destruction of the transmitter room or effective portion of the loran station by impact of the airplane. It thus appears to the District Commander that a crash by a commercial plane might endanger either the logistic support of the actual operation of the loran station, or both.

(b) Since there are no crash fire truck, ambulance, hospital, or significant medical or surgical facilities available at this station, or suitable facilities for evacuating personnel from wrecked aircraft, the hazard to personnel, both Coast Guard and civilian, seems obvious. The hazard to personnel would be multiplied, of course, if the crash resulted in fouling the runway so that evacuation by air of injured personnel was made impossible.

(c) Although it may be argued that the runway could be closed by the Coast Guard to the commercial air operation during adverse wind or weather conditions, the District Commander can foresee practical difficulties arising in such cases by reason of the fact that, presumably, a boatload of fresh fish would be lying at the wharf awaiting air transportation of the perishable cargo while the field was closed. In such case, indubitably, argument with the permittee would arise as to the necessity for closing the field and thus preventing air lift of the fish before the latter spoiled. A mere assurance by the permittee that Coast Guard action in such case would be considered final and acceptable from the viewpoint of Mid-Pacific Airways does not disabuse the District Commander of the feeling that such situations, multiplied as conditions might require, ultimately would result in considerable dissatisfaction and loss of revenue to Mid-Pacific Airways, leading to continued pressure on the Coast Guard to keep the runway open even under minimal landing and takeoff conditions.

(d) The District Commander understands that several fishing boats, on the order of 65 feet in length, 35 tons each, would be involved in the actual fishing operation. Presumably these boats would proceed with their loads in to the small wharf on the N.W. corner of the island. Although this wharf is fairly sturdily constructed, it appears manifest that the boats, riding up against it in heavy northerly weather, would create some maintenance and repair problems beyond those which IACGD currently experiences. Moreover, since the sea crowds with considerable force across the reef lying just northward of the little wharf, there is a very real possibility that the boats would damage themselves by pounding on the wharf, thus raising the possibility of claims for damages against the Coast Guard. Moreover, this particular corner

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of the island has given considerable concern to the District Commander because of the difficulty of holding it against erosive action of the sea. It has recently been reinforced against such action at considerable effort and expense. The possibility that a fishing boat might ram the bulkhead, either under power or by coming adrift from the wharf and being thrown against the bulkhead, hazards the District's efforts to hold this exposed corner of the island from damaging erosion.

(e) Although this station is an extremely isolated one, the commanding officer, with the support of the District, manages normally to maintain a high state of morale and good discipline among the members of the crew. Under the peculiar circumstances engendered by its isolation, the District Commander feels that the introduction of itinerant fishermen among the personnel of the station would create social forces disruptive of the existing good discipline and morale. The Coast Guard has no means of selecting the fishermen who would be used on this proposed operation, and it must be presumed they would be ordinary, average fishing people. After a long cruise on the shoal, they might well be expected to "kick up their heels" in their brief run ashore, and in this period, influenced by alcoholic beverages, which the District Commander has no reason to believe would not be on board their boats, it is conceivable that their ebullience would bring them, in some instances at least, into conflict with members of the Coast Guard station crew. The commanding officer has enough problems without loading upon him the problem of maintaining law and order among visitors to the island, of enforcing an island prohibition law, or of policing the actions of any other persons than those under his own immediate command and responsibility. The District Commander feels that the foregoing situation, therefore, would be disruptive of good order and discipline on the island and that this disruptive effect could be controlled adequately only by personal activity on the part of the commanding officer which would manifestly distract him from his normal and very important duties.

(f) Although Mid-Pacific Airways indicates a willingness to post a performance bond and to carry some sort of public liability and property damage insurance to the amount of one million dollars while their desired license is in effect, the District Commander feels any claims arising out of the usage of this remote island for commercial purposes would, regardless of bonds and insurance policies, create an undesirable addition to the District legal workload, for which no legal personnel are presently, or in the foreseeable future, available to handle.

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4. The District Commander is of the opinion that the foregoing factors are unacceptable and that they will not be offset by the one tangible advantage that would accrue to the Coast Guard from the granting of the desired license, namely, increased frequency of air transportation of supplies, mail, and passengers to and from French Frigate Shoal. The district is currently adequately equipped and manned to handle the logistic support of French Frigate Shoal loran station, and the additional air lift provided by Mid-Pacific Airlines would thus be in the nature of a luxury rather than of a necessity.

5. In view of the foregoing, the District Commander is unable to recommend that the Commandant waive the effective regulation in this case and grant Mid-Pacific Airlines the license they desire.

S. H. EVANS

Incl:

- (1) cc ref (a)
- (2) cc ref (b)
- (3) cc ref (d)