

ORDER NO. 3224

SIGNATURE DATE: January 18, 2001

Subject: Palmyra Atoll National Wildlife Refuge.

Sec. 1 Purpose. The purpose of this Order is to provide for the civil administration of Palmyra Atoll (Palmyra) in accordance with Executive Order No. 10967 of October 11, 1961, 26 Fed Reg. 9667 and to establish the Palmyra Atoll National Wildlife Refuge (Refuge). The Refuge is established to protect and preserve the natural character of fish, wildlife, plants, coral reef communities and other resources associated with the tidal lands, submerged lands, and waters of Palmyra.

Sec. 2 Authority. The authority for this Order is derived from 1) Section 48 of the Hawaii Omnibus Act of July 12, 1960, 74 Stat. 411; 2) Executive Order 10967 of October 11, 1961; 3) 43 U.S.C. '1458; 4) Presidential Proclamation No. 5928 of December 27, 1988, 54 Fed. Reg. 777; 5) the National Wildlife Refuge System Administration Act of 1966, as amended, 16 U.S.C. ' ' 668dd; 6) Reorganization Plan No. 3 of 1950; 7) the Fish and Wildlife Act of 1956, 16 U.S.C. '742f; and 8) Executive Order 13089 of June 11, 1998.

Sec. 3 Administrative Jurisdiction. All executive, legislative, and judicial authority vested in the Secretary of the Interior for the administration of Palmyra by Executive Order No. 10967 is hereby vested in the United States Fish and Wildlife Service except for those areas provided in Section 4. Executive, legislative, and judicial authority of these excluded areas shall remain in the Office of Insular Affairs until such time the Director of the United States Fish and Wildlife Service accepts jurisdiction in writing. For purposes of this Section, APalmyra@ includes the entirety of the area set forth in Section 5 of Executive Order 10967. This delegation supersedes any and all prior delegations of the Secretary=s civil jurisdiction over Palmyra.

Sec. 4 Excluded Areas Defined. The areas not vested in the United States Fish and Wildlife Service are the tidal and submerged lands (but not the water above such tidal and submerged lands) containing munitions, vessels, or other materials generally believed to be located within nine (9) circles which are defined as follows and depicted in the attached two (2) maps made part of this Order. Excluded tidal and submerged lands are within the twelve (12) nautical mile Territorial Sea Boundary surrounding Palmyra or within the lagoon. The baseline of the tidal and submerged lands is the high water mark.

Area 1, as shown on Map I, and whose location is believed to be those tidal and submerged lands located within a circle, whose center is at Latitude 5° 53' 6.24" North and Longitude 162° 6' 11.81" West, and with an approximate radius of 394 feet. Area 1 is located in the western sub-lagoon of West Lagoon. The area is believed to be a dump site for drums with unknown chemical contents and metallic debris.

Area 2, as shown on Map I, and whose location is believed to be those tidal and submerged lands located within a circle, whose center is at Latitude 5° 53' 48.81" North and Longitude 162° 5' 16.91" West, and with an approximate radius of 821 feet. Area 2 is located in the southeast portion of the West Lagoon, off of the western end of the former fighter strips, and is believed to contain a sunken vessel of unknown origin and contents, whose exact location is estimated based on discussions with a former landowner.

Area 3, as shown on Map I, and whose location is believed to be those tidal and submerged lands that are located within a circle, whose center is at Latitude 5° 53' 16.48" North and Longitude 162° 5' 21.85" West, and with an approximate radius of 558 feet. Area 3 is located in the northeast side of West Lagoon adjacent to the deep draft dock. It is a miscellaneous dump site that is believed to consist of military trucks and other debris.

Area 4, as shown on Map I, and whose location is believed to be those tidal and submerged lands that are located within a circle, whose center is at Latitude 5° 53' 19.02" North and Longitude 162° 3' 38.32" West, and with an approximate radius of 394 feet. Area 4 is located on the current Aquail Islet on the northeastern portion of the atoll islets, and is part of and adjacent to a landfill and possible chemical waste dump, also known as Black Lagoon. Seen in this area are ammunition casings, possible unexploded ordnance, and piles of miscellaneous debris.

Area 5, as shown on Map II, and whose location is believed to be those submerged lands within the approved Refuge boundary and that are located within a circle, whose center is at Latitude 5° 45' 10" North and Longitude 162° 20' 4" West, and with an approximate radius of 7.77 miles. Area 5 is believed to be a military explosives dumping ground far offshore whose location is depicted on National Oceanographic and Atmospheric Administration charts.

Area 6, as shown on Map I, and whose location is believed to be those tidal and submerged lands within the approved Refuge boundary and that are located within a circle, whose center is at Latitude 5° 52' 39.38" North and Longitude 162° 6' 27.95" West, and with an approximate radius of 329 feet. Area 6 is the location of a grounded vessel by the entrance channel.

Area 7, as shown on Map I, and whose location is believed to be those tidal and submerged lands within the approved Refuge boundary and that are located within a circle, whose center is at Latitude 5° 53' 24.43" North and Longitude 162° 5' 59.07" West, and with an approximate radius of 329 feet. Area 7 is located in an intertidal area on Strawn Islet. It

is a miscellaneous dump site that is believed to consist of military debris.

Area 8, as shown on Map I, and whose location is believed to be those tidal and submerged lands within the approved Refuge boundary and that are located within a circle, whose center is at Latitude 5° 53' 26.76" North and Longitude 162° 3' 51.36" West, and with an approximate radius of 329 feet. Area 8 is located in an intertidal area on Aviation Island. It is a miscellaneous dump site that is believed to consist of military debris.

Area 9, as shown on Map I, and whose location is believed to be those tidal and submerged lands within the approved Refuge boundary and that are located within a circle, whose center is at Latitude 5° 52' 29.83" North and Longitude 162° 5' 10.06 West, and with an approximate radius of 394 feet. Area 9 is located at the southern portion of West Lagoon. It features miscellaneous debris at Kaula Islet.

Sec. 5 Palmyra Island National Wildlife Refuge. Palmyra Island National Wildlife Refuge is established on the tidal lands and on the submerged lands and waters within the lagoon and out to the twelve (12) nautical mile Territorial Sea Boundary surrounding Palmyra except for those areas provided in Section 4. Any areas excluded in Section 3 shall become part of the National Wildlife Refuge System as such time as the Director of the United States Fish and Wildlife Service accepts jurisdiction in writing. The authority of the Secretary for the management of the Refuge under all applicable laws, policies and regulations that govern the National Wildlife Refuge System is hereby delegated through the Assistant Secretary, Fish and Wildlife and Parks to the Director, United States Fish and Wildlife Service.

Sec. 6 Effective Date. This Order is effective immediately.

/s/ Bruce Babbitt
Secretary of the Interior

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