

PRIVACY ACT STATEMENT

AUTHORITY: 5 U.S.C. 301, Departmental Regulations; OPNAVINST 5530.14B, DON Physical Security and Loss Prevention; and E.O. 9397 (SSN).

PURPOSE: To maintain all aspects of proper access control to Pacific Missile Range Facility, Kauai, Hawaii; to issue base access passes; replace lost base access passes; to retrieve passes upon termination of access; to maintain visitor statistics; and collect information to adjudicate access.

ROUTINE USES: In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows: The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

DISCLOSURE: Voluntary. However, failure to provide the requested information will result in not being granted access to Pacific Missile Range Facility, Kauai, Hawaii.

MEMORANDUM OF AGREEMENT 27 MAR 04

Pacific Missile Range Facility (PMRF), Barking Sands, Kauai, in agreement with _____, a **Kauai resident**, grants a one year (renewable, subject to provisions), controlled access to PMRF under the conditions described below:

I understand that proof of Kauai residency will be required prior to issuance of access badges. Proof of residency will consist of photo identification such as driver's license, phone or utility receipts, vehicle registration/insurance, etc.

I voluntarily agree to submit to a **Local Agency Check by the Kauai Police Department**. This check will determine if I have been convicted of a felony violation or are under felony indictment, either of which preclude PMRF access. In the case of a felony indictment, a subsequent acquittal will, absent other felony convictions, permit controlled access to PMRF, consistent with other provisions in this agreement.

I understand that after presenting a certification of "No Record" from Kauai PD, PMRF will issue two plastic ID cards for each access application submitted. One will be surrendered to PMRF security upon admittance to the facility, the other will be retained by the guest. Upon exiting PMRF, the surrendered pass will be returned to the guest. Rationale is to ensure PMRF knows at any time who is aboard the facility.

I understand PMRF surfing and general fishing access will be from 6 AM to 30 MIN after sunset, seven days a week. (unless operations are in progress).

I understand that PMRF Kinikini fishing access is restricted to a maximum of 25 persons, and that fishing is restricted to 6 AM to 30 minutes after sunset, weekends and federal holidays provided no operations are in progress.

Periodically, for reasons such as operational necessity, security, safety, or threat-related intelligence, I understand access to PMRF may be denied or postponed. While every effort will be made to provide community advisories as far in advance as possible, I understand some circumstances are beyond control of PMRF, and advisories may provide minimal lead time.

I understand and will comply with the requirement to ensure my vehicle entering PMRF will have valid, current State of Hawaii vehicle registration/license plates, safety check, and No Fault insurance. I understand vehicles without the documents described above will be denied entry.

I understand entry into and exit from PMRF is via the Housing Gate only.

Upon legitimate entry onto PMRF, I understand visitors are authorized use of Major's Bay only. Housing, Shenanigan's are Off Limits to visitors, unless specifically accompanied at all times by an authorized sponsor. Further, all facilities to include the Navy Exchange, gas station, etc. are off limits. "Authorized sponsor" in this context is someone who, by DOD affiliation (Active Duty, Reserve, or Retired), DOD Civil Service personnel, and/or contractors assigned to PMRF with PMRF-issued credentials. Fishing at Special Use fishing area will be managed via a quota system and passes will be issued at the housing gate.

I understand family pets are not authorized on PMRF. The only exceptions are guide dogs or other specially trained animals required to accompany their owners to provide critical services. Persons responsible for any animal on the premises shall also be responsible for the clean up and proper disposal of animal droppings.

I understand and will comply with the requirement that driver/passengers will, consistent with Hawaii State Law, use seatbelts while driving aboard PMRF. Passengers are prohibited from riding in pickup beds, unless attached seats and seatbelts are used.

I understand travel to/from the Housing gate to the recreation area is by the most direct, authorized means. Driving across the runway at any time is strictly prohibited.

I understand vehicles will obey all traffic rules, posted signs, and commands from security/law enforcement personnel. In accordance with State regulations, driving on the beach is strictly prohibited, as is access to PMRF by either the southern or northern ends of the beach. Pedestrians are likewise prohibited from gaining access to the facility by the beach, ocean, or air.

I understand that as a security precaution, entry onto PMRF means the vehicle is subject to searches at any time. PMRF uses Military Working Dogs trained in the detection of explosives and narcotics. If contraband is detected, offenders will be detained, and the case turned over to the United States Attorney or Kauai Police Department for determination of prosecution. The offending vehicle may be seized until the case is adjudicated or dismissed.

I understand that failure to comply with all regulations can result in temporary or permanent removal of access authorization, and may further lead to prosecution by state or federal authorities.

Even when access to PMRF is granted under the conditions described in this Memorandum of Agreement, I understand the following are prohibited at all times:

- * Use, possession, sale, distribution, or introduction of any narcotic, dangerous drug, or controlled substance and alcohol. I understand that over the counter drugs or prescribed medications used in conjunction with medical conditions are authorized for use by the patient.
- * Use of model airplanes, remotely piloted vehicles, transmitters of any kind (excluding cellular telephones and pagers).
- * Leaving trash or dumping trash in other than authorized containers.
- * Nudity, lewd, lascivious or otherwise inappropriate behavior (fighting, excessive noise, reckless or dangerous behavior).
- * Although most implements used for fishing are authorized, possession of spear guns, firearms, explosives, destructive devices, fireworks, incendiaries, or any type of weapon.
- * Vandalism of government property.
- * Destruction of plant life.
- * Open fires.
- * Loitering or lingering in vicinity of buildings/structures.
- * Introduction of animals and reptiles (e.g. dogs, cats, birds, snakes, etc.) to PMRF.

In consideration of my accessing PMRF, I, the undersigned, intending to be legally bound hereby waive for myself, parents, guardians, heirs, executors, assigns and administrators any and all rights and claims for damages, demands, and other actions whatsoever, including that which I may have against any of the following entities: PMRF; Navy Region Hawaii; Department of the Navy; Department of Defense; the United States Government; and all Navy Region Hawaii and PMRF military and civilian personnel; and these entities' representatives, successors and assigns, arising out of my accessing PMRF, including any and all injuries or illnesses suffered by me as a result of my being on PMRF. I further verify that I have full knowledge of the risks involved in accessing PMRF, an active military installation, and dangers of being in and around the ocean, especially without the presence of lifeguards.

Children under the age of 18 may not access PMRF unless accompanied by an adult, at least 18 or above, who will monitor the child at all times.

By virtue of my signature below, I hereby acknowledge receipt of this Memorandum, and compliance with the regulations specified above. I further acknowledge that failure to fully comply with these regulations will result in loss of PMRF access. Finally, I acknowledge that PMRF access is a privilege, not a right, and access may be withdrawn at any time at the sole discretion of Commanding Officer, PMRF. Furthermore, periodically access may be denied.

I understand the deliberate falsification of information on this form is a violation of Title 18 U.S.C. § 1001, a felony offense, and can result in a prison sentence of five years, \$250,000 fine, or both.

Applicant's full name (printed)

PMRF Security Officer

Applicant's Date, Place of Birth & SSN

KPD Certifying Official

Names/DPOBs of Children below 18 years of age:

I have read and agree to abide by the following PMRF rules and regulations as a condition of base access:

Rules revision dated 26 March 2004
PMRF Expands Beach Access to 7 Days a Week
KiniKini fishing access to Weekends and Federal Holidays

PMRF is expanding beach access for fishing and surfing to seven days a week effective immediately. The following rules and explanations will be provided, upon request, at the Housing Gate at PMRF and will be issued to all guests authorized beach access as they come on base. Additionally, these rules will be distributed to all military personnel, base employees, and visitors. These rules supercede all other rules and regulations regarding beach access:

1. Beach access is authorized seven days a week for the following persons:

A. All authorized Beach Access cardholders. A Beach Access card holder is defined as a Kauai resident who has completed a background investigation with local authorities and provided written confirmation of completion, has signed a Memorandum of Agreement between themselves and PMRF, possesses a valid drivers license, current proof of automobile insurance, a current vehicle registration and safety inspection, and proof of Kauai residency. Individual beach access cardholders must be at least 18 years of age. Children under 18 years of age must be escorted by an adult, at least 18 years of age or older, who will escort the child at all times.

B. All active/retired/reserve duty military personnel, their DOD ID cardholding family members, and their guests.

C. All PMRF Base Contractor and Civil Service personnel and their guests.

2. The following hours of access must be adhered to: Beach and general fishing access is from 0600 until 30 minutes after sunset daily. (KiniKini ditch-Weekends and federal holidays only). Official sunset times will be posted at the PMRF Housing Gate along with these rules. This allows for PMRF Security personnel to confirm beach/fishing access cardholders and their guests have departed the base prior to darkness.

3. Definitions of the recreation area:

A. The only authorized area for general beach recreation is the Majors Bay Recreation Area. This is also the only area for parking of vehicles for beach access cardholders and individuals that elect to recreate in the waters immediately adjacent to the PMRF housing area, Majors Bay or the Special Use fishing areas. Parking is not authorized at Shenanigans or in the Family Housing area. **The Family Housing area is for residents and official visitors only.** For security reasons, beach access cardholders and their guests are not permitted to enter the housing area to "drop off" equipment or personal gear for use at the beach. The Major's Bay recreation area is defined as the area extending from the southern end of the dry ditch (Kawaiele) to the northern end of the housing beach. This area is clearly marked with signs.

B. The Special Use Fishing Area is from "Kawaiele Ditch northwards up to the southern-most windsock adjacent to the runway."

(1) A maximum of 25 persons will be authorized access into the this Special Use Fishing Area for the purpose of fishing on a first-come-first served basis. Access to the fishing area will be controlled by passes issued at the security gate. These passes will include a photo of the authorized area and a copy of the rules and regulations.

(2) Fishing must be from the beach. Boaters, surfers, and watercraft operators, for their safety, are requested to remain outside the aircraft approach zone (an area approximately 1500 feet either side of the runway centerline and extending 3000 feet offshore from the approach end of the runway).

(3) Personal gear authorized are fishing poles, tackle boxes, and coolers. Spear guns are not allowed aboard the PMRF. Umbrellas, tents and other similar shelters are not permitted due to risk to approaching aircraft.

(4) Access to the Special Use Fishing Area will be from the Majors Bay Parking lot only.

(5) Fishermen must observe Hawaii State fishing regulations and statutes.

(6) Surfing/water sport activities are not permitted in the fishing area.

- (7) For safety and/or security purposes, fishermen within the Special Use Fishing area must be prepared to immediately vacate the fishing area upon notification by PMRF Security personnel or signaling device.

C. The Family Housing beach area is authorized for Family Housing residents and their authorized guests (whom are escorted at all times) only.

D. Those persons that have beach access authorization and are not Family Housing area residents are required to use the Majors Bay recreation or Special Use Fishing Areas.

4. Surfing rules: Surfing is permitted in the Majors Bay area as well as the area in front of the PMRF Housing area. The Housing area is defined as the area extending from the northern end of the housing beach down to the southern end at Shenanigans. Again, this area is clearly marked with signs. Access to and from the water immediately in front of Housing is authorized ONLY by walking the surf line back and forth to Majors Bay. No items are permitted on the beach area in front of Housing (coolers, vehicles, chairs, tents, etc.). Driving on the beach is not permitted at any time.

5. Fishing areas: Fishing is allowed throughout the defined Majors Bay area, and Special Use Fishing Areas only.

6. Prohibited activities:

- (1) Although most implements used for fishing are authorized, possession of spear guns, firearms, knives, explosives, destructive devices, fireworks, incendiaries, or any type of weapon.
- (2) Use, possession, sale, distribution, or introduction of any narcotic, dangerous drug, controlled substances and alcohol. Over-the-counter drugs or prescribed medications used in conjunction with medical conditions are authorized for use by the patient.
- (3) Use of model airplanes, remote-piloted vehicles, transmitters of any kind (excluding cellular telephones and pagers).
- (4) Nudity, lewd, lascivious or otherwise inappropriate behavior (fighting, excessive noise, reckless or dangerous behavior).
- (5) Vandalism of government property.
- (6) Destruction of plant life.
- (7) Open fires.
- (8) Loitering or lingering in vicinity of buildings/structures.
- (9) Littering
- (10) Introduction of animals and reptiles (e.g., dogs, cats, birds, snakes, etc.) to PMRF.

7. Conditions of base access:

- a. Vehicles may be subject to search at any time.
- b. Cardholders must present their card to the gate sentry at the housing gate for entry approval.
- c. Jet ski's must remain a minimum of 500 feet off shore.

Applicant's Signature

Date of Certification