



KŪKULU KE EA A KANALOA
KAHO‘OLAWE ISLAND RESERVE COMMISSION

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COMMISSION MEMBERS

JOSHUA KAAKUA, Ed.D
Chairperson
CARMEN HULU LINDSEY
Vice-Chair

SUZANNE CASE
‘ĀNELA EVANS
SAUMALU MATAAFA
BENTON KEALII PANG, Ph.D
MICHELLE PESCAIA

Michael K. Nāho‘opi‘i
Executive Director

DRAFT PUBLIC MEETING MINUTES

Monday, December 13, 2021

1:30 pm

Online via ZOOM and livestreamed via YouTube

COMMISSION MEMBERS

PRESENT: Josh Kaakua, E.D., Chairperson; Carmen Hulu Lindsey (checked in at 1:40 pm), Vice-Chair; ‘Ānela Evans; Saumalu Mataafa; Benton Kealii Pang, Ph.D; Michelle Pescaia

EXCUSED: Suzanne Case

KIRC STAFF: Michael Nāho‘opi‘i, Executive Director (ED); Matthew Hatakeyama, Administrative Officer (AO); Daniel Morris, Deputy Attorney General (DAG); Terri Gavagan, Commission Coordinator (CC); Margaret Pulver, Public Information Specialist (PIS); James Bruch, Natural Resources Specialist (NRS); Courtney Kerr, Ocean Resources Specialist (ORS); Dean Tokishi, Ocean Resources Program Manager (ORPM); Paul Higashino, Restoration Program Manager (RPM); Cassandra Smith, Volunteer Coordinator (VC); Lopaka White; Grant Thompson

I. CALL TO ORDER

The meeting was called to order at 1:36 pm. Roll call was conducted, and quorum was established with five Commissioners.

II. APPROVAL OF MINUTES

A. Minutes of June 28, 2021 Regular Mission Meeting

MOTION: Commissioner Mataafa moved to approve the minutes of June 28, 2021 regular mission meeting. The motion was seconded by Commissioner Evans.

ACTION: The motion was approved by all of the Commissioners present via roll call: Commissioner Evans-aye; Commissioner Mataafa-aye; Commissioner Pang-aye; Commissioner Pescaia-aye; Chair Kaakua-aye

III. PUBLIC COMMENTS

No public comments were made.

Commissioner Pang inquired about the status of the approved Commission resolutions for Commissioners Ching and Holt. ED Nāho‘opi‘i responded that staff was still in the process of how to get the actual resolution document to Commission members for their

signatures. Once the original resolutions are signed copies will be made and distributed to the legislature and OHA.

IV. ACTION ITEMS

A. Review and Approve Amendment to the FY 2022 KIRC Operating Budget

ED Nāho‘opi‘i requested that the Commission approve an increase of \$19,268.52 in the FY22 budget and redistribute general and trust funds as indicated in the motion memo.

ED Nāho‘opi‘i explained that the recommended motion reflected several changes after the original FY22 budget was approved by the Commission:

- 1) an increase of \$93,000 in the general fund allotment received than was anticipated; \$47,000 of this will be applied to the base camp management contract which will reduce the trust fund amount to be used, part of it will be used for Maui office expenses which were originally to be paid for using non-reimbursable trust funds
- 2) staff reviewed encumbrances and discovered an additional \$10,000 encumbered from FY21 which was available for FY22 which allowed some expenses originally budgeted under non-reimbursable trust fund to be reallocated to general funds
- 3) The North American Wetland Conservation Act (NAWCA) grant and the Department of Health Clean Water Act grant (DOH). These grants both include a total of \$37,190 for boat operations thus allowing boat related expenses to be moved from non-reimbursable trust funds to reimbursable trust funds
- 4) DOH 5 grant project provides \$10,000 for base camp costs in FY22 and the IMLS 4 grant project which can reimburse the KIRC \$18,000 in operation costs, thus allowing staff to move a portion of the base camp management contract from non-reimbursable to reimbursable trust funds
- 5) the cost of permit stickers for the Ocean Program’s permitted trolling permit program were reclassified from non-reimbursable to reimbursable trust fund category because a fee is assessed to participants
- 6) a correction was made to the budget by transferring the NAWCA Small Grant from the Ocean Program to the Restoration Program
- 7) corrections were made to the Ocean Program’s budget due to spreadsheet formula errors

ED Nāho‘opi‘i explained staff was able to reduce the non-reimbursable trust fund amount by approximately \$98,000. The overall budget would be increased by \$20,000.

ED Nāho‘opi‘i explained that there were no changes with personnel costs. All non-reimbursable Commission costs such as Commission travel would be charged to the general fund budget. The carryover from FY 21 was utilized for administrative costs

to eliminate non-reimbursable administrative costs. Only non-reimbursable operations expense is the base camp contract.

ED Nāho‘opi‘i noted in the original Restoration Program budget there was a full year of having a KIR II Specialist who was funded by the DOH grant. The person started one quarter later so one quarter of the personnel budget for this person will be moved to the FY23 budget.

ED Nāho‘opi‘i explained that the overall impact to the trust fund is that its ending balance will be approximately \$60,000 more than originally projected.

Commissioner Mataafa thanked ED Nāho‘opi‘i for the explanations and asked how the increased funds for the Ocean Program would be used. ED Nāho‘opi‘i explained that \$10,000 was found in contracts and the cost of the permit stickers was moved from non-reimbursable to reimbursable trust fund because the fees pay for the cost of the stickers. A correction was made, assigning the PIRO grant to the Restoration Program rather than the Ocean Program.

ED Nāho‘opi‘i noted that the original budget was submitted prior to potential CARES Act funding. Staff will look at the remaining non-reimbursable costs if the CARES Act funding is approved.

MOTION: Vice Chair Lindsey moved to approve the KIRC FY22 budget increase of \$19,268.52 and the redistribution of general and trust funds as detailed in Table 1 of the budget memo. Commissioner Pang seconded the motion.

ACTION: The motion was approved unanimously by roll call: Commissioner Evans-aye; Vice-Chair Lindsey-aye; Commissioner Mataafa-aye; Commissioner Pang-aye; Commissioner Pescaia-aye; Chair Kaakua-aye

Chair Kaakua appreciated that staff was pursuing other ways to reduce non-reimbursable expenses.

B. Review and Approve Legislative Positions for 2022 Session

ED Nāho‘opi‘i explained that the staff wanted to make four legislative requests during the 2022 Session:

- 1) Add \$100,000 in general funds to the KIRC budget to restore eliminated due to COVID—ED Nāho‘opi‘i explained that this funding request was included in the governor’s budget. This funding would be used either for boat operations or base camp operations.
- 2) Fund a new Cultural Resource Specialist II position--ED Nāho‘opi‘i explained this request was also included in the governor’s budget.

- 3) Request to increase the KIRC's general fund appropriations in LNR 906 by \$500,000 for KIRC's on-island operations and logistical support. ED Nāho'opi'i explained that this funding was to be used for materials and supplies for base camp. He informed the Commission that this request did not make it into the governor's budget. ED Nāho'opi'i stated he will ask legislators to submit a bill to the legislature for this request.
- 4) Request \$72,000 in general funds in LNR 906 for a Kaho'olawe Island Reserve Specialist II (KIR II) and Kaho'olawe Island Reserve Specialist III (KIR III). ED Nāho'opi'i explained the KIR II position is currently filled and is being funded by the DOH grant. Staff would look to make this position permanent. He further explained that there is an increased need for help on the boat and on island for safety purposes. This request also did not make it into the governor's budget. He will also ask legislators to introduce a bill for this request.

Commissioner Pang asked if this was informational or did the Commission need to approve these legislative positions. Chair Kaakua responded that unless Commissioners wanted to address each request separately the Commission could vote on the entire slate of requests.

Commissioner Mataafa requested that the position description for the CRS II position be sent to him.

MOTION: Vice-Chair Lindsey moved to approve all four legislative requests. Commissioner Pang seconded the motion.

ACTION: The motion was approved by roll call: Vice Chair Lindsey-yes; Commissioner Evans-aye; Commissioner Mataafa-aye; Commissioner Pang-aye; Commissioner Pescaia-aye; Chair Kaakua-aye.

C. Review and Approve Proposed CY2022 Access Dates and Activities for the Protect Kaho'olawe 'Ohana

ED Nāho'opi'i stated that the recommended motion was: "Pursuant to HAR §13-261-13 and Section 8 of the Palapala 'Aelike Kahu'āina, approve the proposed access dates and activities for the 2022 calendar year requested by the Protect Kaho'olawe 'Ohana (PKO) as KIRC approved and authorized activities."

ED Nāho'opi'i provided background regarding the 'Aelike agreement (stewardship agreement) for the new Commissioners as outlined in the motion memo. The purpose of meeting about dates and activities and their appropriate categories was to address potential issues of indemnification of volunteers on Kaho'olawe during PKO accesses so that the Attorney General's office could review the involved activities and determine if the State would defend the volunteers should a lawsuit be filed.

ED Nāho'opi'i reported that there was a meeting last Friday and that no changes to activities were requested by the Protect Kaho'olawe 'Ohana (PKO) for next year. He

referred to the dates submitted by the PKO, and the dates included in the motion memo. There are slight differences. The KIRC would be unable to support the requested PKO Honokani‘a access in April because the KIRC will be supporting spring break. There was also a request for a Honokani‘a access in September, but it does not fall within the KIRC’s availability block for that month. Some locations still needed to be determined. ED Nāho‘opi‘i can administratively approve changes in dates. Commissioner Pang asked if the executive director could cancel or change access dates due to weather. ED Nāho‘opi‘i responded yes. Staff does notify PKO of potential storms. Staff was still awaiting Ala Loa access dates and those will be administratively added in.

The Commission requested that the stewardship agreement be posted on the KIRC’s website.

Vice-Chair Lindsey asked if the Commission was required to approve PKO’s access dates since the executive director has the authority to approve changes in dates. Commissioner Pang stated it was his understanding from a legal point of view it was good for the Commission to approve the proposed dates for legal liability. DAG Morris stated it was appropriate for the Commission to have an agreed upon position at the outset. He also stated a starting position that starts as an agenda item such as legislative positions or access dates need to be approved. If there are changes, it may have to come back but he thought this step was important. Commissioner Mataafa asked if the Commission was giving up its ability to respond to potential date changes if this motion is approved. ED Nāho‘opi‘i responded the dates will correspond to the access that is listed but the administrative change is usually having the access go out a day later or staying out a day later. Staff can ask the PKO to submit their proposed Ala Loa dates by the next KIRC meeting and modify this motion with those dates added in so that the Commission can approve them.

MOTION: Vice Chair Lindsey moved to Pursuant to HAR §13-261-13 and Section 8 of the Palapala ‘Aelike Kahu‘āina, approve the proposed access dates and activities for the 2022 calendar year requested by the Protect Kaho‘olawe ‘Ohana (PKO) as KIRC approved and authorized activities. Commissioner Pescaia seconded the motion.

ACTION: The motion was approved by roll call: Vice Chair Lindsey-yes; Commissioner Evans-aye; Commissioners Mataafa-aye; Commissioner Pang-aye; Commissioner Pescaia-aye; Chair Kaakua-aye

D. Authorize Executive Director to write a letter to Bishop Museum Supporting the Protect Kaho‘olawe ‘Ohana’s request to search for the missing iwi kupuna from Kamohio

ED Nāho‘opi‘i stated the recommended motion was “Authorize the KIRC Executive Director to send a letter to Bishop Museum, on behalf of the Kaho‘olawe Island Reserve Commission (the KIRC) , to request the repatriation of iwi removed from Kaho‘olawe; recognize the Protect Kaho‘olawe ‘Ohana (PKO) as the recipient

organization, authorize the reinterment of the iwi on Kaho‘olawe and approve the coordination of the KIRC and PKO to conduct the reinterment.”

ED Nāho‘opi‘i explained that the PKO was seeking to repatriate iwi kupuna which were removed from Kamohio in 1914 by the Stokes’ expedition. These were deposited in Bishop Museum. The KIRC recognized the PKO as the recipient organization authorized to coordinate with the KIRC to reinter the subject iwi back to Kaho‘olawe in 1998. There were supposed to be three boxes of iwi remnants, but only two boxes were found during the initial search with the third box being lost in the Bishop Museum’s archives. The PKO was seeking the KIRC’s support in requesting that the Bishop Museum conduct another search for any iwi originating from Kaho‘olawe for repatriation. Additionally, the PKO was requesting to be recognized as the recipient organization and to work in conjunction with the KIRC to reinter the iwi to Kaho‘olawe. The KIRC has been recognized as the Burial Council for Kaho‘olawe per HRS 6K-6 (8).

Commissioner Pang asked why the KIRC does not go directly to the Bishop Museum and request the search. If it is found, then the Commission could go to the next step and recognize the PKO as the recipient organization. Chair Kaakua responded that the KIRC was doing this. The PKO cannot go directly to Bishop Museum and make the request. The KIRC, as Burial Council for Kaho‘olawe, will make the request of Bishop Museum.

MOTION: Commissioner Mataafa moved to Authorize the KIRC Executive Director to send a letter to Bishop Museum, on behalf of the Kaho‘olawe Island Reserve Commission (the KIRC), to request the repatriation of iwi removed from Kaho‘olawe; recognize the Protect Kaho‘olawe ‘Ohana (PKO) as the recipient organization, authorize the reinterment of the iwi on Kaho‘olawe and approve the coordination of the KIRC and PKO to conduct the reinterment. Vice-Chair Lindsey seconded the motion.

ACTION: The motion was approved by roll call: Vice Chair Lindsey-aye; Commissioner Evans-aye; Commissioner Mataafa-aye; Commissioner Pang-aye; Commissioner Pescaia-aye; Chair Kaakua-aye.

V. ADMINISTRATIVE BUSINESS

A. Executive Director’s Report

ED Nāho‘opi‘i reported there was no budget variance with the new budget.

ED Nāho‘opi‘i explained the Commission to the long-range schedule was provided in the Commission packets.

ED Nāho‘opi‘i reported the Commissioner Pescaia was now starting a new term. None of the Commissioners’ terms end in 2022. Commissioner Case’s term will expire at the end of the governor’s term.

ED Nāho‘opi‘i reported that Meghan Dunn was hired for the Kahoolawe Island Reserve Specialist II (KIR II) position which was being funded by the DOH 5 grant project.

ED Nāho‘opi‘i updated the Commission on COVID-19 procedural changes based on the governor’s emergency proclamation requiring verification of vaccination status for vendors and visitors. Vendors and volunteers in state facilities were required to complete attestation form and provide proof of vaccination or a negative COVID test. ED Nāho‘opi‘i stated that the Deputy Attorney Generals have also notified him that this applies to volunteers. PKO volunteers were also complying with the governor’s mandate. Staff reviewed the current CDC’s guidelines for hotels and summer camps. Current CDC guidelines state a facility needs to be shut down for 24 hours if a person suspected of having COVID was in the building. Both volunteer cabins have been opened and volunteers would be able to use every other bed. The current maximum limit for volunteers was 10 which reflected the base camp contractual limits to reduce costs.

ED Nāho‘opi‘i reported that the legislative island visits were cancelled due to the delta variant. Staff was still in communication with both the House Finance Committee and the Senate Water and Land Committee. These visits may occur after the legislative session.

ED Nāho‘opi‘i reported staff was working with US Senator Brian Schatz’s staff to submit a request for a legislative earmark of \$1 million in the upcoming federal budget, specifically for the construction of an on-island field storage facility, fire harden the current base camp buildings and conduct plantings and seed dispersal of native species to support the KIRC’s fire recovery plan. The senator’s office notified staff that the earmark did not make it into the federal budget.

B. Review Expenditures as of October 31, 2021

ED Nāho‘opi‘i noted that the expenditure report was included in the Commission packet. The newly approved budget was not in this report so the comparisons between expenses and budget were going to be off. It will be updated for the next commission meeting.

VI. PROJECT STATUS UPDATES

A. Status Update on Current Restoration Projects: *Kanaloa kahoolawensis* Working Group; Pacific Birds Habitat Joint Venture Project; DOH 5 Project

RPM Higashino reviewed the Restoration Program’s current projects. Currently there are 37 seedlings propagated from the parent *Kanaloa* plant. A grant application was submitted to the Hawai‘i Housing Authority (HTA) to build new planter boxes for the new seedlings.

RPM Higashino reviewed a new project, “Soil enrichment Trials in Degraded Coastal and Wetland Sites on Kaho‘olawe,” which looks to develop techniques that will improve the soil health on Kaho‘olawe. It was funded by through Ducks Unlimited and USFWS. Soil samples would be collected before and after the project.

RPM Higashino reported that an extension was granted for the DOH 5 grant due to the delay in filling the KIR II position. There were 53 volunteers who planted 2000 native grasses, shrubs and trees and installing 11 check dams in the project state as of November 30, 2021.

B. Status Update on Current Ocean Program Projects: NOAA PIRO Marine Educational Training (MET) Grant; Marine Science Education and Training from a Hawaiian Perspective on Kaho‘olawe: A Pilot Program for Maui Youth; NOAA NFWF Nets to Energy Marine Debris Removal Grant; Removal of Derelict Fishing Gear from Keoneuli Beach in Kanapou Bay on Kaho‘olawe, Hawai‘i; Cooke Foundation Grant: Engaging Hawai‘i communities through Kaho‘olawe culture, history, and coastal restoration

ORMP Tokishi reported 24 marine science students from Maui High School, Lahainaluna High School and King Kekaulike High School accessed Kaho‘olawe to experience and utilize cultural and scientific lessons learned in the classroom in conjunction with the NOAA PIRO Educational Training (MET) Grant.

ORMP Tokishi reported that approximately three to four tons of plastic debris during October 2021 was removed from Keoneuli Beach in conjunction with the NOAA NFWF Nets to Marine Debris Removal Grant. Two more accesses will be scheduled in 2022 for future marine debris removal.

ORMP Tokishi also reported 6,000 native plants were planted and seven beach surveys were conducted from June 2021 to November 2021 in conjunction with the Cooke Foundation Grant project, “Engaging Hawai‘i communities through Kaho‘olawe culture, history and coastal restoration.”

ED Nāho‘opi‘i noted that staff had applied for numerous grants from HTA Aloha ‘Āina Program; HTA Kūkulu Ola Program, the Bureau of Reclamation as well as NEA Rescue Plan Funding.

VII. ANNOUNCEMENTS/FYI

Vice Chair Lindsey thanked the staff and wished everyone Happy Holidays.

VIII. NEXT MEETING AND FOLLOW UPS

The next Commission meeting would probably be scheduled for February to update the Commission about the legislative session. It was confirmed that Vice Chair Lindsey and Commissioner Mataafa would remain part of the Legislative Working Group. Additional agenda items would be three resolutions (for Cami Kainoa-Wong, Les Kuloloio and Bobby Lu‘uwai) and potential budget revisions.

Chair Kaakua stated that it was up the Commissioners to set vision for Kaho‘olawe. If the Commissioners had concerns or ideas in between meetings, they could contact Chair Kaakua and ED Nāho‘opi‘i.

Commissioner Mataafa thanked the staff and requested that staff provide the Commission with more contextual information about the grant projects for each program, including goals and deliverables.

IX. ADJOURNMENT

The meeting adjourned at 3:21 pm.

DRAFT