

November 9, 2022  
Agenda Item IV.C

To: KIRC Commissioners

From: Michael K. Nāho‘opi‘i, Executive Director

Subject: Request by the Protect Kaho‘olawe ‘Ohana to approve access dates and activities for 2023.

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**RECOMMENDED MOTION:**

Pursuant to HAR §13-261-13 and Section 8 of the Palapala ‘Aelike Kahu‘āina, approve the proposed access dates and activities for the 2023 calendar year requested by the Protect Kaho‘olawe ‘Ohana (PKO) as KIRC approved and authorized activities.

**BACKGROUND & SUMMARY:**

At the July 13, 2012, Stewardship Working Group meeting and as reported at the August 10, 2012, Commission meeting, the KIRC and PKO have agreed to use the following terminology:

- **Authorized Activities** – Activities permitted within the Reserve as specified in HRS 6K.
- **Stewardship Agreement Authorized Activities** – Activities approved in the Stewardship Agreement Section 2.
- **KIRC Approved and Authorized Activities** – Activities that have been formally approved by Commission action taken at a duly noticed public meeting as meeting the criteria of Section 8 of the Stewardship Agreement.

As approved at the February 16, 2012, Commission meeting and amended at the December 17, 2012, and February 16, 2017 Commission meetings, the following table is a summary of “KIRC Approved and Authorized Activities.” Continued approval of these activities is contingent upon satisfactory compliance with the coordination and reporting requirements as specified.

The Palapala ‘Aelike Kahu‘āina signed on June 13, 2019 amended Section 8 so that “volunteers acting in a KIRC approved capacity may be regarded as volunteers under chapter 90 HRS. The Department of the Attorney General has the sole authority to determine whether volunteers will receive representation from the Department of the Attorney General for purposes of chapter 662 HRS. Persons conducting only religious and spiritual activities, including but not limited to those listed in Section 6 of this agreement, might not be deemed volunteers for the purposes of Chapter 90, HRS, as each determination will be made on a case-by-case basis.”

There was no request for any changes to the list of KIRC Approved and Authorized Activities.

Table 1: KIRC Approved and Authorized Activities

<b>Activity Name</b>	<b>Activity Description</b>	<b>Coordination Requirements</b>	<b>Reporting Requirements</b>
PKO Revegetation Projects	Includes Native planting, Invasive weed management,	KIRC staff will provide project for the PKO to	Report after each access documenting observations,

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<b>Activity Name</b>	<b>Activity Description</b>	<b>Coordination Requirements</b>	<b>Reporting Requirements</b>
	erosion control, Hakioawa well maintenance	complete consistent with the Restoration Program	activities, finding, results, and any other relevant information.
Ka 'Ai a Kanaloa - Marine Debris Cleanup	Collecting, sorting, counting, and bagging of beach rubbish	Coordination between KIRC Ocean staff and PKO	See above
Ka 'Ai a Kanaloa - Marine Monitoring	Monitor and document fish and reef conditions	Coordination between KIRC Ocean staff and PKO for a list of project and monitoring sites	See above
Archaeological/Culture Site Mapping, Restoration and Stewardship	Map, stabilize, dedicate, re-dedicate, and use cultural, religious, and historic sites	Activities consistent with the CUP, comply with HRS 6E and applicable HAR. Projects involving construction or erecting new sites require prior Commission approval. Spiritual and religious activities as proposed activities under the Stewardship Agreement are denied.	See above
Practice of Hawaiian Arts and Science	Implementation through observations, recording, documenting, and reporting training of cultural practitioners through the CUP	Activities consistent with CUP. Requires coordination with KIRC Cultural Resources Program Coordinator.	Report after each access documenting observations, information gathered, training conducted, and any other relevant information
Ala Loa	Surveying, flagging, identifying UXO and arch sites, clearing brush with mechanical equipment, power, and hand tools, moving rock to create paths, building/rebuilding ahu sites	KIRC staff will provide site-specific UXO and safety procedures that the PKO must follow. Requires coordination with KIRC Cultural Resources Program Coordinator.	Report after each access documenting their progress, data points (GPS) for surveying, flagging, and identifying UXO.
Trail Stabilization	Evaluate, repair, build, stabilize, align trails, steps, install trail markers/steps and erosion control measures & identify UXO & arch sites, clearing brush with mechanical equipment, power, and hand tools, moving rocks to create paths	KIRC staff will provide site-specific UXO and safety procedures that the PKO must follow. Requires coordination with KIRC Cultural Resources Program Coordinator.	Report after each access documenting their progress, data points (GPS) for surveying, flagging, and identifying UXO.
Hakioawa Hale/Halau Building	Survey, evaluate shore-side site, and prepare materials re-purposed from Hale Halawai	Requires coordination with KIRC Cultural Resources Program Coordinator.	Report after each access documenting their progress

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<b>Activity Name</b>	<b>Activity Description</b>	<b>Coordination Requirements</b>	<b>Reporting Requirements</b>
Kilohoku and Kilo Pae Honua	Worldly and Celestial Observations (approved 12/17/12)		Report after each access documenting their progress
Hakioawa facilities and infrastructure maintenance	Maintenance of Hakioawa camp sites and trails. Repairs to Hakioawa Hale and other built facilities in Hakioawa	Repairs and maintenance to Hakioawa Hale made with prior approval and coordination of KIRC	Report any repairs necessary or made to Hakioawa Hale

Section 9 of the Stewardship Agreement specifies that “access dates and list of activities for the upcoming year shall be submitted prior to the December meeting.”

PKO Access Coordinator Kylee Mar submitted the following dates and corresponding activities for 2023.

Table 2: PKO Access and Activities Request for 2023

<b>Month</b>	<b>Dates</b>	<b>Notes</b>
January 2023	January 13– 16	Makahiki Prep (Honokanai‘a)
February 2023	February 15 – 20	Closing Makahiki (Hakioawa to Honokanai‘a)
March 2023	March 12 – 15 March 15 – 18	Spring Break (Hakioawa)
April 2023	April 20 – 23	Hakioawa
May 2023	May 25 – 29	Hakioawa
June 2023	June 19 – 22 June 22 – 25 June 28 – July 2	Ke Ala Polohiwi a Kāne (Honokanai‘a) Hakioawa Hawaiian Canoe Club (Honokanai‘a)
July 2023	July 13 – 16	Hakioawa
August 2023	August 17 – 20	Hakioawa
September 2023	September 14 – 17	Hakioawa
October 2023	October 9 – 12 October 12 – 15	Kaholokalani (Honokanai‘a) Hakioawa
November 2023	November 23 – 27	Opening Makahiki (Hakioawa)
December 2023		
January 2024	January 12- 15	Makahiki Prep (Honokanai‘a)

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<b>Month</b>	<b>Dates</b>	<b>Notes</b>
February 2024	February 14 – 19	Closing Makahiki (Hakioawa to Honokanai‘a)

**METHODS & DISCUSSION:**

The attached PKO Huaka`i schedule was forwarded to the KIRC for approval. Additional dates for Ala Loa and other projects may be submitted at a later date and administratively approved by the KIRC Executive Director.

The activities listed in the PKO request (Table 1) are consistent with approved and authorized activities (Table 1).


**LEGAL AUTHORITY:**

Pursuant HRS §6K-6(1), the KIRC shall establish criteria, policies, and controls for permissible uses within the island reserve.

Pursuant HRS §6K-6(5), the KIRC may enter into curator or stewardship agreements with appropriate Hawaiian organizations such as the ‘Ohana.

Pursuant to HAR §13-261-13, the KIRC will allow activities for the preservation and practice of all rights customarily and traditionally exercised by native Hawaiians for cultural and subsistence purposes; allow activities which are educational, and which relate to native Hawaiian cultural practices or to the natural or cultural resources of The Reserve.

	<b>Malama</b> [2023 Hui Maui Ola]	<b>Kaulana Mahina</b>	<b>Days of the Week</b>	<b>Dates</b> (# of days)	<b>Location(s):</b> "Based-out-of/additional support"			<b>Holidays/Events/Notes</b>
					Hakioawa	Honokanai'a	Ala Loa	
								New Year's Day (01/01/2023) HIDOE Resumes (01/04/2023) <b>Kaho'olawe Nine (01/04/1976)</b> UH Resumes (01/09/2023) Martin Luther King Day (01/16/2023)
	Mahina app: *Jan. 5 Hoku *Jan 13 - 16, 'Olepau - Kaloapau	Pō'alima, 6 Ianuali - Hoku	Fr/Sat/Sn/Mon	January 13 - 16, 2023 (4 days)		X		
	Mahina app: *Feb. 4 Hoku *Feb. 9 - 14, Lā'aupau - Kaloakūlua	La Pule, 5 Pepeleuli - Hoku	W/Th/F/St/Sn/Mon	Feb 15 - 20, 2023 (6 days)	X	X		President's Day (02/20/2023) 40th Closing Makahiki
								Spring Break: HIDOE (03/13-17/2023) Spring Break: UHM (03/13-17/2023)
	Mahina app: *March 5 Hoku *March 23 - 27, Kūkahi - 'Olekūkahi	Pō'alua, 7 Malaki - Hoku	Th/F/St/Sn/M	March 12-15 (Sn-W) March 15-18 (W-St) (Back-to-Back)	X			Piko o Wākea (03/20/2023/Lono) <b>Hau'oli lā hānau e George Jarrett Helm (03/23/1950)</b> Kūhiō Day (03/27/2023)
	Mahina app: *April 4 Hoku *April 20 - 23, Hilo - Kūlua	Pō'akolu, 5 'Apelila - Hoku	Th/F/St/Sn	April 20-23 (4 days)	X			Good Friday (04/07/2023) Merrie Monarch (04/12-15/2023)
								UH Last Day of Instruction (05/03/2023) <b>State of Hawai'i receives the Deed to Kaho'olawe from the U.S. Navy (05/07/1994)</b>
	Mahina app: *May 3 Hoku *May 25 - 29, 'Olekūkahi - Huna	Pō'alima, 5 Mei - Hoku	Th/F/St/Sn/M	May 25-29 (5 days)	X			UH Commencement (05/13/2023) UH Summer Session I Starts (05/22/2023) HIDOE Ends (05/26/2023) Memorial Day (05/29/2023)
								Typically Alumni Week (6/5-10/2023) Pualele: Tournament (6/10-11/2023) Kamehameha Day (06/12/2023)
	Mahina app: *June 2 Hoku *June 19 - 22, Hoaka - Kākolu *June 22 - 25, Kākolu - 'Olekūlua	Pō'aono, 3 Iune - Hoku	M/T/W/Th Th/F/St/Sn	June 19 - 22 (4 days) June 22 - 25 (4 days) June 28- July 2 (4 days)		X X X	X X X	Pualele Father's Day Tournament (6/17-18/2023) Ka Ala Polohiwa A Kāne (06/21/2023/Mahina) Tuesday 6/21 "Longest Day" UH Summer Session I Ends (06/30/2023)
	Mahina app: *July 1 Hoku *July 13 - 16, Kāne - Muku	Pō'akahī, 3 Iulai - Hoku	Th/F/St/Sn	July 13-16 (4 days)	X			U.S. Independence Day (07/04/2023) UH Summer Session II Starts (07/03/2023) La Ho'iho'i Ea (07/31/2023)
								HIDOE Starts (08/07/2023) UH Summer Session II Ends (08/11/2023)
	Mahina app: *July 31 Hoku *August 30 Hoku *August 17 - 20, Hoaka - Kākolu	Pō'alua, 1 'Aukake - Hoku Pō'akolu, 30 'Aukake - Hoku	Th/F/St/Sn	August 17-20 (4 days)	X			Admissions Day (08/18/2023) Pualele: Lanai Rendezvous Tourney (8/18-20/2023) UHM Starts (08/21/2023)
	Mahina app: *Sept. 29 Hoku *Sept. 14 - 17, Muku - Kūkahi	Pō'alima, 29 Kepakemapa - Hoku	Th/F/St/Sn	September 14-17 (4 days)	X			Labor Day (09/04/2023) HI International Billfish Tourney Piko o Wākea (09/23/2023)
								HIDOE Fall Break (10/09-13/2023) Molokai Hoe
	Mahina app: *Oct. 28 Hoku *Oct. 9 - 12, Kāloakūlua - Lono	Pō'aono, 28 'Okakopa - Hoku	Mn/T/W/Th Th/Fr/Sat/Sn	October 9-12 (5 days) October 12-15		X X		Lahaina Jackpot *Ceremony: 10/11/2023 (Wednesday) Honokanai'a

	<b>Malama</b> <i>[2023 Hui Maui Ola]</i>	<b>Kaulana Mahina</b>	<b>Days of the Week</b>	<b>Dates</b> (# of days)	<b>Location(s):</b> "Based-out-of/additional support"			<b>Holidays/Events/Notes</b>	
					Hakioawa	Honokanai'a	Ala Loa		
								First Ka Holo Ka Lani Ceremony 10/11/2003	
								Stopped the Bombing (10/22/1990)	
	<i>Mahina app:</i> *Nov. 10 Lono *Nov. 27 Hoku	Lā Pule, 26 Nowemapa - Hoku						Puka o Makali'i	
									HOLD-First Makahiki ceremonies held on Kaho'olawe since early 1800s (1982)
				November 23-27		X			Transfer of access control is returned from the U.S. Navy to the State of Hawai'i in a ceremony at 'Iolani Palace (11/11/2003)
									Election Day (11/07/2023)
									Veterans' Day (11/10/2023)
									Thanksgiving Day (11/23/2023)
									La Ku'oko'a (11/28/2023)
		Pō'akahi, 26 Kēkēmapa - Hoku						Consent Decree (12/02/1980)	
								Kaho'olawe is sequestered by the U.S. Navy for use as a live ordnance training area at \$1.00 per year. (12/08/1941)	
								UH Commencement (12/16/2023)	
								Ka Ala Polohiwa A Kanaloa (12/##/2022)	
								HODOE Winter Break (12/22/23-1/5/24)	
								Christmas Day (12/25/2023)	
								New Year's Eve (12/31/2023)	
		Pō'ahā, 25 Ianuali - Hoku		January 12 -15, 2024 (4 days)			X	New Year's Day (01/01/2024)	
								UH Resumes (01/08/2024)	
								HODOE Resumes	
								Martin Luther King Day (01/15/2024)	
		Pō'alima, 23 Peleluali - Hoku		February 14 - 19, 2024	X		X	President's Day (02/19/2024)	
<b>Holding space for: Wa'a, Malama kuleana, Ala Loa, etc.</b>									