



KŪKULU KE EA A KANALOA
KAHO'OLAWÉ ISLAND RESERVE COMMISSION

811 Kolu Street, Suite 201, Wailuku, HI 96793
Telephone (808) 243-5020 Fax (808) 243-5885
Website: <http://kahoolawe.hawaii.gov>

PUBLIC MEETING MINUTES

Thursday, January 8, 2015

9:00 am

Department of Land and Natural Resources

Boardroom

Kalanimoku Building

1151 Punchbowl St, Room 130

Honolulu, Hawai'i

COMMISSION MEMBERS

PRESENT: Michele McLean, Chairperson; A. Nāmaka Whitehead, Vice Chair; N. Emmett Aluli, M.D.; C. Kaliko Baker, Ph.D.; Hōkūlani Holt

EXCUSED: Carty S. Chang

KIRC STAFF: Michael Nāho'opi'i, Executive Director (ED); Ka'ōnohi Lee, Administrative Officer (AO); Daniel Morris, Deputy Attorney General (DAG); Kelly McHugh, Public Information Specialist (PIS); Paul Higashino, Restoration Program Manager (RPM); Dean Tokishi, Ocean Resources Program Manager (ORPM); 'Ānela Evans, Volunteer Coordinator (VC); Terri Gavagan, Commission Coordinator (CC)

GUESTS: Eric Brundage (Zapata, Inc); Kylee Mar (PKO); Marisa Kaleohano (Hawai'i Pa'u Riders); MJ Mazurek (Island Conservation); Alex Wegmann (Island Conservation); Davianna McGregor, Ph.D. (PKO); Hokulei Lindsey; Stanton Enomoto; Keoni Fairbanks; Rowena Somerville

I. CALL TO ORDER

The meeting was called to order at 9:18 am. Quorum was established with five Commissioners.

II. APPROVAL OF MINUTES

A. Minutes of June 17, 2014 Regular Commission Meeting

MOTION: Commissioner Aluli moved to approve the regular Commission meeting minutes of June 17, 2014. Commissioner Holt seconded the motion.

ACTION: The motion was approved by all Commissioners present.

B. Minutes of June 17, 2014 Executive Session

MOTION: Commission Aluli moved to enter into executive session to consult with the KIRC's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities and liabilities pursuant to HRS§92-4(a)(4). Commissioner Baker seconded the motion.

ACTION: Motion was approved by all Commissioners present.

The Commission resolved into executive session at 9:20 am.

At 9:30 am the Commission rose to report out of executive session. The Commission had discussion with its attorney and no votes were taken.

MOTION: Commissioner Aluli moved to approve the minutes of the June 17, 2014 Executive Session. Commissioner Holt seconded the motion.

ACTION: Motion was approved by all Commissioners present.

III. COMMUNITY AND PUBLIC COMMENTS

No public comments were made. The public was invited to offer comments when each agenda item was discussed.

The Commission decided to move **Item IV.B Review and Approve Legislative Strategy** before **Item IV.A Review and Approve Amended Budget for FY15**.

IV. ACTION ITEMS

A. Review and Approve Legislative Strategy

ED Nāho'opi'i reviewed the main objectives for the current legislative session:

1. General fund appropriation for the KIRC as part of the DLNR's departmental budget:
The KIRC was allowed through DLNR Chair Aila to be part of the department's budget which was sent to the Governor. However, Governor Ige took Governor Abercrombie's flat budget with no additions. DLNR had a meeting scheduled with the Governor's office this afternoon to reinsert items into the departmental budget. The KIRC was the fifth priority for items to be reinserted. The KIRC was asking for \$2.77 million as a general fund request for existing staff and budget. There was a good chance of being placed in the departmental budget. The acting chair of DLNR was very supportive.
2. Conveyance Tax revenue request:
Last year this request was a separate bill introduced by Senator English and Representative Carroll. Staff would find out this afternoon if it would be included as part of the Governor's slate of bills to be submitted to the Legislature. It would have a stronger chance of passing if so. This year the KIRC was asking for 7% of the Conveyance Tax.
3. A bill for direct appropriation from the General Fund for \$3 million for two years:

Staff was asking Senator English and Representative Carroll to submit the bills. There are also a couple of other House members who have volunteered to introduce the bill. Representative Yamane, the Chair of the Water and Land Committee and Senator Shimabukuro were interested in writing a funding bill for Kaho'olawe.

4. Asset forfeiture:

Asset forfeiture was defined as the State's ability to confiscate equipment relating to a crime. This proposal stemmed from the helicopter that landed on island a few years ago. DOCARE cited the helicopter owner. The Maui County Prosecutor's office confiscated it as part of asset forfeiture. The Hawaii State Supreme Court ruled that unless that specific provision was in the statutes or rules, assets could not be confiscated. This was being added to strengthen the KIRC's conservation and enforcement abilities. Last session there was opposition from the Ocean Tourism Coalition which was a lobbying group for the Maui ocean recreation boating community. A negotiated position was reached in which there would be a one mile buffer before the KIRC would execute asset forfeiture. However, the two mile border remained for citation. The Ocean Tourism Coalition offered testimony supporting the compromise. The bill was rewritten too many times and fell apart at the very end. The coalition was still supportive of the bill. It would be unopposed this session.

Commissioner Aluli asked why they wanted the buffer. Staff explained the group was fearful that a boat might be confiscated even if the engine died and accidentally drifted into the Reserve or if the GPS was off. Staff explained there were provisions within the rules that if the boat was in distress or there was an emergency it was allowed to enter the Reserve but must haul in all fishing gear, notify the Coast Guard and once the engine was restored or the emergency was over it must exit the Reserve. The compromise was a way to get asset forfeiture on the books. Commissioner Aluli felt strongly that the Commission needed to put more thought into the legislation since the KIRC would be the first state agency to pursue asset forfeiture for conservation purposes. He wanted to be sure the KIRC was as strict as possible. ED Nāho'opi'i stated the KIRC could be pushing the envelope with asset forfeiture because currently trespassing into the Reserve is a misdemeanor. The other option would be to go through the rule making process. Commissioner Aluli commented that that would allow for more thought. ED Nāho'opi'i responded that the rule making process could provide a greater opportunity to fail.

Chair McLean asked staff if the bill were to pass as it was currently written and someone goes into the Reserve 1½ miles out would they still be subject to regular enforcement. ED Nāho'opi'i explained if they were to go within a mile or closer then the boat could be confiscated.

Commissioner Aluli asked DAG Morris if he had reviewed the bill. DAG Morris stated he had not. Historically it has been a tug between state forfeiture and federal forfeiture. It may be that additional rules would have to be written in addition to statutory language. Procedural protections must be put into place. Staff

had not wanted to introduce it this year because the focus was on funding. However, Sen. Keith-Agaran, the Chair of the Judiciary Committee, requested that he be sent the previous asset forfeiture bill and was interested in introducing it.

Chair McLean asked staff if the KIRC was looking at this as a deterrent, a punishment or as a source of potential revenue. Staff explained the KIRC would not get any revenue. Any revenue would go the Asset Forfeiture Branch of the county's Prosecutor's Office. DOCARE would do the citing and the prosecutor's office would do the confiscation and the prosecution. DOCARE was very supportive of this measure. The Maui Prosecutor's Office provided testimony in person supporting this measure during the last session.

Commissioner Baker asked if the KIRC was doing this just to be scary. ED Nāho'opi'i responded it was to help the KIRC be more effective in its resource management.

Commissioner Aluli wondered if this would be a deterrent to the funding request. He personally would appeal to the interested senators stating that it might hurt the KIRC's chances for funding. AO Lee stated she had been in the meeting with Senator Keith-Agaran who brought it up at the end of the meeting and stated he just wanted to take a look at the bill. Commissioner Aluli stated staff should keep a close eye on this. ED Nāho'opi'i will email the bill to Senator Keith-Agaran and explain the Commission's view about the bill.

Commissioner Baker stated he personally did not like the one mile buffer negotiation. The logic for having the one mile buffer was moot since there were procedures in place for drifting and emergencies. ED Nāho'opi'i stated he explained the procedures to the coalition. It was either negotiate something or the bill would fail. Commissioner Baker stated that it would create two zones. ED Nāho'opi'i responded it only would create a separate zone for asset forfeiture. Commissioner Baker thought the KIRC should wait on this bill and pursue it later.

Commissioner Aluli asked for ORPM Tokishi's opinion. ORPM Tokishi commented that both points were viable. He pointed out an individual was just cited for his fourth violation of trespassing into the Reserve and was fined only \$120. The current rules have no teeth. Asset forfeiture could help enforce the rules. Commissioner Aluli requested that the Commission hear from DAG Morris regarding this proposal in the future.

Chair McLean stated the KIRC could take the position that it only supported a two mile zone. However, there might be a lot of testimony that could make it a lightning rod. It was not necessarily that the Commission liked or wanted the one mile compromise but that maybe the required compromise to get asset forfeiture. Chair McLean asked for any public testimony.

Dr. McGregor (PKO) commented that the focus should be on funding and that the Commission should wait on this proposal for the next session to avoid it being a distraction. ED Nāho‘opi‘i responded it may be introduced outside of the Commission. He added that staff did tell Senator Keith-Agaran that the KIRC’s focus this session was on funding.

Chair McLean summarized that there are two plans. Plan A was a direct DLNR budget appropriation and a portion of the Conveyance Tax revenue or some combination of the two within the DLNR package. Plan B was a request that the Legislature introduce legislation funding the KIRC through a percentage of the Conveyance Tax or through a line item in the state budget. It would all be pulled out of the General Fund but in different ways.

ED Nāho‘opi‘i explained that the budget was taken from the general fund and was controlled by the Legislature. The Conveyance Tax was from special funds. The Legislature controlled only the ceiling on special funds. With appropriations, the Legislature directly controlled the money that would go into the trust fund.

Commissioner Baker stated that under item 1 in the legislative proposal handout the KIRC was asking for \$2.7 million but he noted that the budget for this year was \$2.9 million. ED Nāho‘opi‘i explained the fringe would not come out of the Trust Fund. There was a separate appropriation of state employee fringe. AO Lee explained it was not part of the KIRC’s administrative budget.

Chair McLean suggested that the motion could be to approve legislative strategy items 1, 2 and 3. The position of the Commission regarding item 4 (asset forfeiture) could be not to move it forward this session. If someone requested that the KIRC provide them a draft the KIRC would do so, but let them know that the KIRC does not want to pursue it this session because the KIRC’s focus was on funding. They would also be told the Commission did not want to get into a discussion about the one or two mile buffer zones which could be a distraction this session.

Vice Chair Whitehead asked if anything needed to be added to the motion about the Legislative Working Group (LWG) which the Commission authorized last year to make decisions on any new bills that may come up during the session. Chair McLean stated that something could be added.

AO Lee suggested two separate motions—one to approve the legislative strategy first and policy could be addressed in a separate motion.

MOTION: Vice Chair Whitehead moved to approve legislative strategy items 1, 2 and 3. Regarding item 4 staff is to provide the bill if requested with the position that the Commission does not want to push the asset forfeiture bill this session because the focus is on funding. Commissioner Baker seconded the motion.

ACTION: Motion was approved by all Commissioners present.

The Commission wanted the record to show that the LWG was still authorized by the Commission to consult with the ED on issues that come up when there was not time to have a Commission meeting.

Staff discussed the new Governor's priorities received through feedback from the department:

- Sustainability in which programs find their own funding and are not dependent on General Funds in the long term
- Technology innovation
- Move to paperless offices
- Consolidate and eliminate special funds

Staff also suggested that the Commission may want to look at how the island can generate revenue (not commercialization) in order to sustain itself. There had been discussion about whether revenue generation could be defined in such a way that it was not commercial. The Commission would control the revenue generation activities.

Commissioner Holt asked ED Nāho'opi'i if he was talking about looking at generating revenue in a way similar to non-profit organizations. Non-profit organizations were narrow in how they can get monies into their organizations. As long as it furthered the mission then it could be done. The KIRC could generate revenue to sustain the implementation of 6-K. ED Nāho'opi'i noted the idea of revenue generation was a way to tie into I Ola Kanaloa plans for the island in terms of education centers and schools of knowledge.

Commissioner Baker commented collecting tuition for teaching could be an example. If people came to learn certain protocols on island they could pay a fee or tuition. Those funds were not necessarily commercial—they would be revenue generating. It was similar to a non-profit. Commissioner Holt stated a non-profit sustains itself but did not give profits to its board. DAG Morris stated the non-profit model could be used as a template especially for the Kīhei facility since there was no restriction on commercial activities for that property.

Commissioner Baker stated the Kīhei site would become critical if it became a revenue generating facility. DAG Morris commented that part of the facility could be privatized and also used as a staging area for these non-profit activities that generate revenue. The activities could be approved and controlled by the Commission.

Commissioner Baker asked about the solar plan for Honokanai'a. ED Nāho'opi'i responded that capital improvement money was available and staff had asked for it to be released. The Legislature approved \$2.5 million last year for alternative energy on island. Commissioner Baker felt that the KIRC could be paperless and that it could be a model for others.

B. Review and Approve Amended Budget for FY15

ED Nāho‘opi‘i explained staff was requesting an increase in the budget ceiling for FY15 from \$2.8 million to \$3.2 million. The purpose of the increase was to allow staff to implement reimbursable grants: 1) \$50,000 from Institute of Museum and Library Services (IMLS), 2) Hawaii Tourism Authority grants (2) for a total of \$40,000, 3) Atherton grant of \$10,000 and 4) Alu Like/Hui Kāpehe Continuing Education Grant for \$300,000. Most of the changes were to non-personnel costs. They were to purchase materials related to the grants or cover costs that the KIRC would already be expending for these grants. He also explained that the logistics specialist position had been deleted from the budget.

Chair McLean asked what was the NFWF grant amount since it was not listed in the memo. Staff responded it was \$129,643 and part of the grant was included in the previous budget so it was not a new grant. Chair McLean pointed out in the memo under “Recommended Motion” the budget amount was listed at \$2.892 million but then under “Background” the approved budget amount was listed as \$2.959 million. The approved budget amount was \$2.892 million. The amount listed in the background section of the memo was the initial budget amount requested.

ED Nāho‘opi‘i explained that by increasing the budget there was less impact to the trust fund because more fewer things would be paid for by the trust fund. It was actually a net benefit to the KIRC.

Vice Chair Whitehead stated she thought the memo stated that it reduced the net effect to the trust fund by \$37,000. She asked if it was more than that. Staff determined the discussion on page 2 of the memo regarding the amended net effect on the trust fund should be disregarded. The ending balance of \$636,469 was correct.

MOTION: Commissioner Holt moved to amend the Fiscal Year 2015 Budget from \$2,892,091.63 to \$3,226,682.25 effective through June 30, 2015. Commissioner Aluli seconded the motion.

Discussion: The Commission noted that the budget still needed to be reviewed 6 months from the date of approval at the last Commission meeting. Vice Chair Whitehead asked if this increase in the budget at a time when the KIRC was about to run out of money made the Commission look bad in any way. The net made the KIRC look better but the overall budget was increasing by approximately \$400,000. Commissioner Holt suggested marking the budget with an asterisk and putting an explanation next to it.

ACTION: Motion was approved by all Commissioners present.

The Commission decided to move **Item IV.D Review and Approve I Ola Kanaloa Plan** before **Item IV.C Review and Approve Proposed CY 2015 Access Dates and Activities for the Protect Kaho‘olawe ‘Ohana**. There was a break from 10:35 am to 10:45 am.

C. Review and Approve I Ola Kanaloa Plan

ED Nāho‘opi‘i stated that the Commissioners were sent a link via email to the latest I Ola Kanaloa planning document.

Mr. Enomoto gave the context of the plan. The Strategic Planning Working Group (SPWG) edited the content at their last meeting in mid-December 2014. The SPWG had been meeting monthly since the last Commission meeting in June 2014. Meetings were held statewide and the SPWG received feedback. Some meetings were less well attended than the group would have liked. The comment period was kept open throughout the summer and into the fall. There had been ample opportunity for people to comment on the plan. Some changes were made to the plan based on the feedback. The SPWG also worked with a consultant, Ms. Kina Mahi, regarding the next steps for implementation once the plan had been completed and adopted. This consisted of looking through the list of goals and projects, deciding which of these were more achievable, deciding which should be given a higher priority in the near term to get started, and looking at potential partners and the rough cost of implementation.

Mr. Enomoto stated he felt it was a solid plan and the SPWG was at a good place for the transition to implementation. He hoped the Commission would approve the plan and use it to the extent practical at the Legislature.

The Commission asked who members of the SPWG were. Mr. Enomoto responded: Vice Chair Whitehead, Commissioner Aluli, ED Nāho‘opi‘i, AO Lee, Dr. Davianna McGregor (PKO), Mr. Josh Kaakua (OHA), Dr. Jon Ching (OHA) as well as himself.

ED Nāho‘opi‘i stated there are dual viewpoints—traditional and scientific – which are integrated. There are cultural observations with scientific methodology.

Vice Chair Whitehead stated that it was a good plan and a lot of work was put into it. It was an ambitious plan. Everyone would need to work closer together in order to accomplish it. One of the best things to come out of this process was hopefully a better relationship amongst everyone, especially between the KIRC and the ‘Ohana.

Dr. Davianna McGregor stated she thought it was important to reconnect with the community which had not been done since the KIRC adopted its land use plan in 1994 or 1995. She thought people were encouraged that the involved groups came back out. It gave the KIRC, the ‘Ohana and OHA a better sense of where their strengths and weaknesses were within the community. Everyone who came was very supportive and really wanted to have the island thrive. It was very important that the KIRC and the ‘Ohana work together and be the core group but also to build meaningful partnerships with other groups such as the University of Hawai‘i and other institutions which serve Hawaiians. These groups should feel they are part of the island. The Cultural Plan created by the Edith Kanaka‘ole Foundation should be the centerpiece of this vision of the island flourishing as a cultural learning center where people come to restore the island and in the process are restored themselves.

The island could really be a model for sustainability and for responsible stewardship of the ocean and the land.

AO Lee stated Dr. McGregor captured it well. Her concern was the next steps in building relationships. Who would make sure this plan was achieved? Where does it start? As an overall plan for the island it was very ambitious but it could be done. That was the motivation that needed to be instilled in everyone.

Commissioner Aluli stated he learned much in this process. The depth of discussion could not be redone such as looking at Kanaloa in two forms—he'e and as a plant. Responsibilities have been thought up and written up very nicely. The support received from PIS McHugh was superb. It was important to realize the kuleana being undertaken in light of the island becoming the first piece of property for the Nation.

No other public comments were offered.

Commissioner Holt thanked the SPWG for all of their hard work. This presentation was important not only because of the words but also because of the pictures. It was important to take the document out to people who may never have seen or experienced any of this. The document's layout, which was very clear and systematic, helped to communicate the vision and goals.

Commissioner Baker also thanked the SPWG. He supported what everybody said. As he was reviewing the meeting agenda he thought he was glad to be an observer of the process. A trail for indigenous planning was being blazed. He thanked Mr. Enomoto for his expertise.

Chair McLean also thanked the SPWG and stated it was a wonderful document. She felt achievability was an important aspect. There were a couple of projects that she wanted to ask about and perhaps add a little flexibility into the text. She wanted the document to be optimistic. She also stated that the SPWG members deserved acknowledgement in the document. Commissioners Baker and Holt agreed.

Commissioner Baker also acknowledged their right not to be acknowledged or have that sort of praise put upon them individually. Chair McLean agreed. Commissioner Holt commented they should put their names in the document because it was work to be proud of and they deserved to be recognized for doing a lot of hard work. Hopefully it would also say they stand for this document.

Commissioner Aluli stated that this was the last thing the SPWG discussed but no decision had been made. He thanked the other Commissioners for the encouragement. He also stated that the working group saw themselves representing the 'Ohana and the Commission.

Commissioner Baker suggested their names or explanation of the groups involved in the planning could be included in a methodology statement.

Ms. Mar commented that including the names of the working group would provide an added dimension to the document.

Commissioner Aluli explained that part of the hesitancy was that the document still needed to be presented to the KIRC staff and members of the 'Ohana for their feedback.

Commissioner Baker commented it was always good to have the authors' names included in the document. He suggested a little narrative about the method so that this process could be duplicated. The SPWG said the method was already in the document and that this document was a shortened version of a much longer document which goes through the methodology.

Chair McLean suggested that there should be some sort of conclusion or thanks to the SWPG members at the end of the document. Commissioner Baker suggested an 'ōlelo no'eau could be inserted there.

Chair McLean offered the following questions and comments about the document:

- On page 18, the quoted text should have references cited--either the person who wrote it or the document from which it came.
- On page 16, there was a question of achievability of building kauhale and ho'omoana— whether there would be a pilot project or the SPWG foresees building more than one of these during this period. She understood the concept of it being a network. AO Lee explained that this would be done in phases according to the needs of the other projects like the Ala Loa. Chair McLean suggested putting a qualifier in the text such as “as other projects develop.” The SPWG noted it was in the implementation section.
- On page 14, the establishment of schools for Hawaiian knowledge & practices and research stations sounded ambitious. It was not clear to her if these would be brick and mortar facilities or a program not a facility. AO Lee clarified that this would mean using existing facilities and establishing programs. Chair McLean suggested clarification.
- Was the big layout of programs and activities in any particular order? The SPWG replied perhaps it should be clarified somewhere that the actions are in no particular order. AO Lee added it was hard to prioritize when some programs and activities overlap.
- On page 10, the timeline was confusing. The numbers on left side go from the future down to the past and the blocks on the far right go in the opposite direction. The SPWG explained the blocks on the far right represent the growth of a tree upward.
- On page 9 in the last paragraph “Looking ahead, the path of the twelve-year plan. But our work will be guided by a shared vision to honor the fifty years of the movement in 2026 and preserve the Kanaloa as place of cultural practice and refuge for future generations.” Perhaps there could be a little more explanation. Perhaps it could say “by this shared vision.” Where it said “a shared vision” was it the plan that was that vision? Dr. McGregor responded it was the vision and goals of the Kaho'olawe Island Reserve

Commission. Chair McLean suggested maybe it could read “the vision and goals of this plan” because it was unclear to her what that vision referred to. Dr. McGregor suggested it could read “the shared vision.” She also stated the “the” before Kanaloa would be deleted.

- On page 5, there is a section about gathering information using the four questions posed to the focus groups. Questions #1 and #4 regarding a cultural reserve were not presented in the sessions Chair McLean attended. Those sessions did not specify Kaho‘olawe as a cultural reserve. She did not think the input was any different because of it. All the comments had a cultural concept to them. Dr. McGregor responded the meetings on the other islands had these questions and they were posted on the I Ola Kanaloa website and in handouts at the meetings she attended. She commented that was why the legal foundation was at the back and why the historical timeline was handed out because it explained how the island was established as a cultural reserve. The legal foundation explained why the island was a cultural reserve in law both at the federal and state levels. She did not know why it was not included in the Maui meetings. ED Nāho‘opi‘i explained that open-ended questions were asked at the meetings on Maui so that the audience was not steered in a particular direction. It was left up to the audience to come up with ideas regarding Kaho‘olawe.

Chair McLean stated the section listing the questions asked at all the meetings was not accurate. Vice Chair Whitehead suggested “variants of these questions were asked.” She stated that there were some differences in the meetings. On Hawai‘i Island people completely rejected the questions. They gave their mana‘o in a different way. Dr. McGregor stated it would be inaccurate to state that these questions were not asked. Commissioner Baker asked ED Nāho‘opi‘i if the handouts were given at the meetings. ED Nāho‘opi‘i replied that everything was done online. There were QR codes to the Kanaloa website. Everyone was referred to the website. Commissioner Baker stated the Maui people would have had access to these questions.

Chair McLean suggested that it might be more accurate to list the questions at the end of that section because the rest of the text refers to the questionnaire and the website.

Vice Chair Whitehead stated that she felt that the SPWG should take Chair McLean’s mana‘o and wordsmith a sentence that would make it accurately reflect the meetings. The SPWG agreed.

Vice Chair Whitehead stated Commissioner Baker identified many spelling errors. There was also wordsmithing that needed to be done at the bottom of page 1 as it was repetitive.

Commissioner Aluli stated that the SPWG could help ED Nāho‘opi‘i prepare to present this to the legislators. Commissioner Holt stated there were multiple uses for

this document. It was important for it to come from the Commission when it was ready to be presented to individual groups.

Chair McLean noted that the agenda item was for review and approval. Given the comments and discussion perhaps the motion could be for the SPWG to take the comments into consideration and make revisions as appropriate.

ED Nāho‘opi‘i stated after the agenda had been posted he and Mr. Enomoto had a discussion in which they decided it was more appropriate to have a support motion since there were still edits to be done.

The Commission asked what the SPWG’s timeline was. Mr. Enomoto responded the sooner the Commission “approves” the document it allows the document, not withstanding corrections, to be finalized so it could be used at the Legislature or for other purposes. The Commission action could be to “bless” the document contingent on the incorporation of the comments which were discussed today. When it was finalized, hard copies could be distributed.

Dr. McGregor stated she felt it was inappropriate for the KIRC to have the last word on the wordsmithing because it was a joint document of all the organizations. She did not know if it should be contingent on any particular wording because other groups may want to have other changes.

Commissioner Baker suggested that it could be adopted as the KIRC’s plan similar to the Cultural Use Plan. Commissioner Holt suggested support in concept.

Dr. McGregor suggested the Commission could support the vision, goals, programs and projects of the I Ola Kanaloa Plan. Commissioner Baker commented that would allow the Commission to use it as it saw fit.

Chair McLean suggested that since the Commission discussed the plan and provided comments that was all that the Commission needed to do today. The SPWG would finalize the document after getting input from the other participants. Once the document was finalized, it could be posted on the KIRC agenda for the Commission to determine what the document would mean for the KIRC.

Commissioner Holt asked if that could not be done today—that the Kaho‘olawe Island Reserve Commission supported I Ola Kanaloa as a working plan for the future of Kaho‘olawe.

Commissioner Baker commented he did not think that the document would be changed greatly even with input from the other organizations. He thought that the Commission could do a support motion today.

Commissioner Holt commented if the staff needed to use it as leverage the Commission needed to support this document. Commissioner Baker agreed stating

that the LWG needed as many tools in their pouch as possible. He thought it was a great tool and they should have it.

ED Nāho‘opi‘i stated it would be good to have a support motion today because a response was due back to the auditor’s office about having a plan for the future.

MOTION: Commissioner Holt moved that the Kaho‘olawe Island Reserve Commission support the I Ola Kanaloa Plan. Commissioner Baker seconded the motion.

Discussion: Commissioner Baker asked if the LWG and ED Nāho‘opi‘i were able to use the plan with that language. Staff said yes.

ACTION: The motion was approved by all Commissioners present.

D. Review and Approve Proposed CY2015 Access Dates and Activities for the Protect Kaho‘olawe ‘Ohana

ED Nāho‘opi‘i explained the first recommended motion was: Pursuant to HAR §13-261-13 and Section 8 of the Palapala ‘Aelike Kahu‘aina, approve the proposed access dates and activities for the 2015 year as requested by the Protect Kaho‘olawe ‘Ohana as KIRC approved and authorized activities with the exception of the November 11-15, 2015 Opening Makahiki and February 10-15, 2016 Closing Makahiki and the Ka‘apuni portion of the June 30 – July 3, 2015 access request. He explained that those activities were listed in Table 1 of the memo and the dates and corresponding activities were listed in Table 2. Staff requested that the Commission approve all of these dates and activities as KIRC approved and authorized. The second motion was to approve the activities of Makahiki and Ka‘apuni excepted in the first motion as authorized only. This exception had been discussed previously. ED Nāho‘opi‘i explained it was based on the difference between authorized and approved activities and activities for which the PKO was authorized to go into the Reserve.

ED Nāho‘opi‘i noted that the PKO summary was included in the Commission packet. It provided the dates of the accesses, the annual huaka‘i reports, and the summary of accomplishments. He felt the KIRC and the ‘Ohana were working well together administratively. There were some issues that need to be worked on such as the Lua in Hakioawa. Chair McLean commented that the layout of the PKO summary was really good.

Chair McLean asked Mrs. Mar if she had any comments. She had none.

MOTION: Vice Chair Whitehead moved to approve the proposed access dates and activities for the 2015 year as requested by the Protect Kaho‘olawe ‘Ohana as KIRC approved and authorized activities with the exception of the November 11-15, 2015 Opening Makahiki and February 10-15, 2016 Closing Makahiki and the Ka‘apuni portion of the June 30 – July 3, 2015 access request and authorize access for the

Protect Kaho‘olawe ‘Ohana request for access in November 11-15 2015, Opening Makahiki; February 10-15, 2016, Closing Makahiki and the Ka‘apuni portion of the June 30 – July 3, 2015 access is authorized only. Commissioner Holt seconded the motion.

Discussion: It was noted by Vice Chair Whitehead that the dates in the listed in part B of the recommended motion memo were incorrect.

ACTION: The motion was approved by all Commissioners present.

E. Adopt Resolution for William J. Aila, Jr.- In Recognition Of His Contributions Toward the Healing of Kanaloa, Kaho‘olawe

ED Nāho‘opi‘i explained this item was a resolution to recognize the outstanding contribution and dedication of former Commissioner William J. Aila, Jr. Mr. Aila is now Deputy Director of Hawaiian Homes. The acting chairperson for DLNR was Carty Chang who would be on the Commission temporarily. Mr. Chang was not at the meeting because he had to meet with the governor. ED Nāho‘opi‘i read the proposed resolution:

WHEREAS, the term of William J. Aila, Jr. as the Chairperson of the Department of Land and Natural Resources on the Kaho‘olawe Island Reserve Commission (KIRC) came to an end on December 31, 2014 after serving four noteworthy years; and

WHEREAS, William J. Aila, Jr. grew up in the moku of Wai‘anae and earned a B.A. in General Tropical Agriculture from the University of Hawai‘i at Mānoa; and
WHEREAS, he first served the Department of Land and Natural Resources as Wai‘anae Boat Harbor Harbormaster and later appointed as Chairperson by the Honorable Governor Neil Abercrombie; and

WHEREAS, during the tenure of Commissioner Aila, the KIRC began the development of sustainable infrastructure for Kaho‘olawe through the Model Sustainable Living Remodel of one of the Honokanai‘a Base Camp’s berthing structures, the installation of a pilot photovoltaic electrical system and the construction of the Hakioawa Shelter project; and

WHEREAS, Commissioner Aila, as the chairperson the Department of Land and Natural Resources supported the KIRC’s legislative initiatives including legislation seeking to strengthen its resource enforcement capabilities through an asset forfeiture bill, funding support for the future through a conveyance tax bill and a successful cost and time saving limited procurement exemption bill; and

WHEREAS, Commissioner Aila participated in several meetings with fellow Commissioners, KIRC staff, Protect Kaho‘olawe ‘Ohana and Office of Hawaiian Affairs representatives and other stakeholders, to develop a new plan, *I Ola Kanaloa*, for the future of Kaho‘olawe, Kanaloa that consisted of numerous state-wide public meetings and community focus group sessions that developed a pathway for the island’s continued restoration and use for the future; and

WHEREAS, Commissioner Aila has dedicated his time to personally sit on the steering committee for an important future project to return native seabirds to the main island of Kaho‘olawe and to further the island restoration through the eradication of invasive mammals from the island; and

WHEREAS, Commissioner Aila has brought about a stronger working relationship and understanding between DLNR Divisions and the KIRC;

NOW, THEREFORE BE IT RESOLVED by the Kaho‘olawe Island Reserve Commission, gathered in its meeting on Thursday, January 8, 2015 in Honolulu, O‘ahu, that it recognizes the leadership of William J. Aila, Jr. who has contributed to the restoration of Kaho‘olawe as a rich, cultural and environmental resource for all of the people of Hawai‘i, but especially as a model of Native Hawaiian stewardship, management and governance; and

BE IT FURTHER RESOLVED that William J. Aila, Jr. has served the KIRC with dignity and dedication; and

BE IT FURTHER RESOLVED that William J. Aila, Jr. in his service to the KIRC, has provided continuity in its vision for the future of Kanaloa; and

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to Hawai‘i’s congressional delegation, the Governor of the State of Hawai‘i, members of the Protect Kaho‘olawe ‘Ohana, the Mayor of the County of Maui, and the Chairperson and Trustees of the Office of Hawaiian Affairs

MOTION: Vice Chair Whitehead moved to adopt the resolution for William J. Aila, Jr. in recognition of his contributions toward the healing of Kanaloa, Kaho‘olawe. Commissioner Holt seconded the motion.

Discussion: Commissioner Aluli wanted to discuss some changes. He felt Mr. Aila’s main contribution was bringing science to culture. There had not been a DLNR Chair like him before. He wanted this contribution added to the resolution. There was a discussion about whether the Commissioners wanted to sign the resolution now, sign it when the addition was completed or if a cover letter addressing his ability to bring science to culture should be sent with the proposed resolution to the parties listed in the last paragraph. Commissioner Baker commented he felt Mr. Aila’s ability to weave being a cultural practitioner to his job was worthy of being cited in the resolution. Vice Chair Whitehead added that she thought it would mean more to Mr. Aila if this attribute was recognized.

Vice Chair Whitehead stated that ED Nāho‘opi‘i could get signatures from the people on Maui and from Commissioner Baker on O‘ahu and she could commit to sending the resolution back to the office within two days. Chair McLean suggested that the resolution could be brought to the SPWG meeting.

ACTION: Commissioner Holt withdrew her second. Vice Chair Whitehead withdrew her motion.

MOTION: Vice Chair Whitehead moved to adopt a resolution for William J. Aila, Jr. including a “whereas” clause that recognizes the integration of culture and science and what he did as a cultural practitioner for resources in Hawai‘i in recognition of his contributions toward the

healing of Kanaloa, Kaho‘olawe. Commissioner Aluli seconded the motion.

Discussion: Chair McLean stated the Commission would adopt the resolution today and staff would include the appropriate language and circulate it to the Commissioners for their signatures.

ACTION: The motion was approved by all Commissioners present.

There was a break from 12:05 pm to 12:20 pm.

V. ADMINISTRATIVE BUSINESS

A. Executive Director’s Report

ED Nāho‘opi‘i reported there was a budget variance within the Culture Program in non-personnel cost. The expected spending level should have been at 42% as of November 2014 but the actual spending level was at 62%. The cause for the increase was now corrected because of the previously approved motion. It was due to additional expenditure in order to implement the various grants for the Culture Program. The budget was not exceeded.

KIRC PIS McHugh provided an update on grants. A handout detailing the six grants received since the annual report was distributed to the Commission. The staff had applied for eight different grants since the last Commission meeting. The KIRC received six out of the eight grants:

- 1) Continuation of photovoltaic energy for Kaho‘olawe Base Camp through Maui County; KIRC NRS Abbott was the project manager and was about to complete a second PV system that would provide solar electricity for Hut 12 at Base Camp
- 2) Continuation of the Alu Like grant for the Hui Kāpehe Program of \$269,113; it complements \$302,837 received last year; it was the paid college internship program for Native Hawaiian students; the KIRC had partnered with the University of Hawai‘i Maui College; the focus last year was on students on Maui, this year the funds would be used to bring students in from other islands and house them on Maui while they were doing their internships
- 3) Two grants had been received to launch the KIRC Virtual Museum Pilot Program; KIRC CC Gavagan would be the project manager; staff would be working with a library science expert who would be offering her time in kind to the KIRC to take a sampling of the vast collection of photographs; staff surveyed constituents and the majority wanted to see photographs; it would complement the current small library of books at the KIRC office—a computer station would be established with a searchable database which would also be available on the web; approximately 200 photos would be properly archived ; one grant of \$49,935 was from the Native Hawaiian Museum Services (NHMS), Institute of Museum and Library Services (IMLS), the other grant of \$5,000 was from the Hawai‘i Council for the Humanities—it was a small grant for the KIRC but was very symbolic of trying to adopt a humanities component to the project; it would allow the

- KIRC to publish a printed guide to complement the virtual museum which would enable people who might not have access to computers to obtain that information; this was a good opportunity to respond to requests from the public about the KIRC's holdings
- 4) Extension of CPEP Program grant through the Hawai'i Community Foundation Community Restoration Partnership Program; the program manager was KIRC NRS Lopaka White; the KIRC had a two-year grant with them previously for \$80,000; this grant was for one year at \$50,000; work would continue in six acres in Honokanai'a
 - 5) CPEP grant through the Hawai'i Tourism Authority (HTA) and Maui County Product Enrichment Program; CRPC Gapero will be leading full moon events from May through November, talk story sessions through the new trail, hale and native plant nursery at the Kīhei property which was established with the support of HTA last year; the Institute of Hawaiian Music offered its time in kind to perform after the talk story sessions, trail hikes and full moon events; the monthly volunteer work days would also continue due to this funding; it was a good outreach program

One grant application was deferred and one was rejected. The deferred grant application was to the Cooke Foundation. It was for a monk seal education program. PIS McHugh still needed to adjust the proposal so that a reapplication could be made. An attempt to get a continuation of the work through the HTA for the Kukulu O La Program was made in which rock walls were to be built at the Kīhei site. It was rejected because it was not seen as a tourist activity.

PIS McHugh stated she had 17 grant prospects for the KIRC to explore. Many are from committed partners. Staff was looking at the Disney Worldwide Conservation Fund. The Disney Resort in Honolulu recently did an interview with ED Nāho'opi'i about culture and restoration of Kaho'olawe. Staff would also be applying for funds from First Hawaiian Bank, Goodfellow Brothers, Makana Aloha, A & B, Bank of Hawaii and all of the KIRC's current partners. Many of those deadlines were in the next 2-3 months.

ED Nāho'opi'i noted that most grants pay for a lot of the program or project costs but not infrastructure, overhead, and administrative activities.

ED Nāho'opi'i noted that the long range schedule was included in the Commission packet. Staff was not scheduling any accesses past June 2015 right now. Names were being taken but nothing was being scheduled on the calendar until staff knows about funding.

ED Nāho'opi'i provided an update on the status of Commissioners. The current list of Commissioners and their terms was included in the Commission packet. Commissioner Aluli's term will expire June 30, 2015. The Office of Hawaiian Affairs (OHA) seat was still vacant. ED Nāho'opi'i received a phone call from OHA which was currently in the process of completing the application to fill the seat. Staff recommended that the parent organization contact the Governor's Boards &

Commissions staff for the Commissioners whose terms expire this year so that they could learn what the procedure would be. Last year it was on-line. Staff did not know what the current procedure was. Chair McLean asked if the OHA nominee would have to go before the Senate for confirmation. ED Nāho‘opi‘i stated yes. Commissioner Aluli asked if three names still needed to be submitted to the Governor and if the Governor picked from that list. AO Lee said the number was determined by how many applied. It was fully electronic so anyone could apply. Staff would get feedback from OHA regarding the process because they were currently contacting Boards & Commissions. It would be best to contact Boards & Commissions early.

ED Nāho‘opi‘i reported staff met with Sens. Baker, Keith-Agaran, Galuteria, and Tokuda (who was the Chair of Ways and Means), and Reps. Ing (who was the Chair of Hawaiian Affairs, Oshiro, Yamane (who went to the island and will be the Chair of Water and Land) and Keohukalole (who was on Finance). Staff was scheduled to meet with: Sens. Kahele, Shimabukuro (staff met with her yesterday), Thielen (who was the Chair of Water and Land) and English, and meet again with Reps. Yamane (who wanted to get feedback regarding the KIRC being in the budget), Nishimoto (who was the Vice Chair of Finance), and Luke (who was the Chair of Finance). Traditionally KIRC bills would go through Senate Water and Land and Senate Hawaiian Affairs which was chaired by Sen. Shimabukuro before it goes to Ways and Means. KIRC House bills would go through Water and Land chaired by Rep. Yamane and Ocean, Tourism and Hawaiian Affairs chaired by Rep. Ing. Staff met with the Chairs of the committees they would be seeing this year. There had been some positive feedback. Staff was still waiting to see who would be on Finance.

ED Nāho‘opi‘i reported that the department has a budget hearing on January 13 with Ways and Means and Finance. Staff will attend that meeting. Staff also has a meeting with the Lt. Governor on Monday. The staff’s objective was to continue to meet with legislators throughout the session, especially the chairs.

The update on Fey v. State of Hawaii, KIRC, et al was skipped because it had been addressed during the executive session.

ED Nāho‘opi‘i provided an update on the status of the Honokanai‘a Alternative Energy Project. The Legislature approved a CIP award of \$2.5 million last year for alternative energy to the KIRC. Staff was working with DLNR Engineering to get the funding released. The original intent of the funding was 1) to reduce energy consumption and increase efficiency in camp by looking at the camp’s biggest energy users such as the entire galley system, the reverse osmosis system, and the huts and making them more efficient and 2) building an alternative energy system of either PV, small wind, ocean or a combination of all three. If all this was done then the only items needing fossil fuel would be the vehicles. Some of the CIP money could also be used to purchase small electric Polarises. There was still the issue of larger vehicles such as trucks and heavy equipment. Staff did have a meeting with Mr. Hank Rogers from the Blue Planet Foundation regarding conversion of existing large vehicles to hydrogen fuel base and utilizing the excess energy created from the PV/wind system for hydrogen fuel cells which could be utilized in the heavy

equipment. It would take the island totally off fossil fuels without a major investment. It would be a good way to tie into grant money being developed for hydrogen systems. Staff was looking to develop a partnership with Blue Planet.

Commissioner Baker asked how the vehicles would be converted. ED Nāho‘opi‘i explained it was similar to how propane could be burned in diesel engines by changing the carburation and the ignition system. Hydrogen would be burned in the trucks instead of propane. The only gas coming out of the vehicle would be water vapor. Hydrogen is very flammable in a gaseous form but in the fuel cell form the hydrogen bonds to other metals and a converter could be used to change it back to gas as it burned. The hydrogen would come from excess electricity generated by the PV system. The excess energy could be used to take fresh water and break it into oxygen and hydrogen. The hydrogen would be stored. Staff was looking at Blue Planet to do demonstrations on the island. They could provide funding to bring some of the equipment to island and modify the equipment on island. The KIRC would provide data as feedback. The KIRC could be part of the development of this technology.

ED Nāho‘opi‘i reported there are significant infrastructure issues within Base Camp. One was the communication system. A microwave link between Lāna‘i and Kaho‘olawe provides internet and phone service. This system was put in by the Navy in 1997. The technology and equipment are very old. If the KIRC receives funding staff had budgeted for an upgrade for the system in order to improve communication to the island. Another issue was the absence of a back-up generator. Mr. Brundage (Zapata, Inc.) explained the donated generator was not meant to be a full-time generator. It dated from the 1960s and had been used a lot. Parts are not available for it. Repair documentation was nonexistent. His recommendation was to get another generator to match the generator most recently purchased. The newer one could be put on-line while the older one was taken off and parts from the older generator could be cannibalized if needed. Another issue was the reverse osmosis generator which was very inefficient. The rate of efficiency was only 20%. Fortunately, the parts were pretty simple. ED Nāho‘opi‘i pointed out two of the three problems could be fixed with the CIP money. Eventually, the main generator would probably back-up the PV power grid which would be the main generation system.

ED Nāho‘opi‘i commented that staff had been contacted by senators about putting small wind turbines within Base Camp. There are actually three already on island which are utilized for moving water and charging the communication equipment. One suggestion was using vertical axle wind turbines that are camouflaged as coconut trees. The wind blows in the trunk of the tree similar to Dyson fans. The trunk moves around and sucks in wind. The University of Hawai‘i was supposed to be looking at designing something similar.

Another infrastructure issue was the lua in Hakioawa. Staff had been discussing possible solutions. One idea was to stabilize the dune from drifting by planting ‘aki‘aki grass on the makai side of the dune now that there was a water surplus at Hakioawa as well as putting branches and twigs there. It would not stop the drifting but would slow it down. Staff was working with Zapata to take the lua apart, dig it,

put a new floor in and reassemble it. Mr. Brundage added that it really needed to compost down prior to digging to be safe. Dr. McGregor stated it had not been used for six months.

ED Nāho‘opi‘i referred to the KIRC Base Notification Call List which was included in the Commission packet. One of the follow up items from the previous Commission meeting was notification of cultural practitioners relating to a deceased or injured marine mammal stranding with no immediate request for access. In the Executive Policy Manual, the whole section regarding marine mammals was an access request process. If there was a marine mammal that was diseased, entangled, injured or distressed with a request for immediate access, that whole procedure would be followed and the ED would be notified. The policy manual listed who he would notify if there was an access request. The Ocean Program would get notified first if there was a marine mammal stranding with no access request. The Ocean Program would contact the ED and he would contact Commissioner Baker.

Vice Chair Whitehead stated she thought at the last meeting, when discussing RIMPAC specifically, it was decided to have the KIRC contact a cultural practitioner from the PKO. She thought the list should state that. She did not think it should be a PKO Commissioner but it should be a cultural practitioner designated by the PKO. ED Nāho‘opi‘i responded if there was an access request, then there was a list of people he was supposed to call. If there was no request for access, ED Nāho‘opi‘i would leave Commissioner Baker a message or send him a text. ED Nāho‘opi‘i and Commissioner Baker agreed that Commissioner Baker would do the distribution to the appropriate people.

Vice Chair Whitehead wondered about what would happen if there was not a cultural practitioner from the PKO on the Commission in the future. She stated it did not resolve her problem with the notification issue. She thought instead of the Commissioners being notified, there should be a cultural practitioner notified. ED Nāho‘opi‘i stated he would notify Commissioner Baker that day. CRPC Gapero would contact the cultural practitioner when he made his next notification. Vice Chair Whitehead stated she recommended at the last meeting changing that access procedure and creating a procedure for when there was not an access request which would require notification to a cultural practitioner immediately. In the past, ED Nāho‘opi‘i could not get hold of Commissioner Baker so he called Vice Chair Whitehead and she did not know she was the only person contacted. Other people found out that something had happened and were very upset that no one was notified. She thought the problem would be solved if the ‘Ohana provided a list of cultural practitioners, then someone from the top of that list would be notified and they would be responsible for letting others know. ED Nāho‘opi‘i stated that he thought he agreed to notifying one person. Vice Chair Whitehead stated maybe more discussion was needed, as this did not satisfy what was requested at the last meeting. ED Nāho‘opi‘i stated he thought it was a courtesy notification. Staff was required to notify the Commission and if the organization within the Commission chooses to disseminate the information to their constituency, they could do so.

Chair McLean asked Vice Chair Whitehead if it would alleviate her concern if an acknowledgement of notification was received. Vice Chair Whitehead replied she wanted a cultural practitioner to be notified. Commissioner Baker and Vice Chair Whitehead added it should be specified in this procedure (KIRC Base Notification Call List). Vice Chair Whitehead stated it should be added to the access policy. ED Nāho‘opi‘i commented that this was not time-critical response policy. That was a completely different process because the focus was on ensuring the animal stayed alive. This particular procedure applied only if the animal was deceased and there was no request from anyone to do any access. Vice Chair Whitehead stated the access procedure needed to be cleaned up. The problem was that members of the Cultural Working Group (CWG) were not always defined and so there were some situations in the past where the Commission did not know who was on the CWG. The CWG could be replaced with a short list of practitioners to be compiled by the ‘Ohana. A list of three cultural practitioners could be submitted to the ED by the PKO Commissioners. Vice Chair Whitehead commented the KIRC Base Notification Call List was a great document and she thought it was a good idea to have the procedure clearly spelled out. She added it was a time-sensitive issue when there was a deceased animal found because usually some kind of action would need to be taken and there may be some input that could be provided by the cultural practitioner. There may be no access but an action may be taken such as burying the animal or taking it out to sea. ED Nāho‘opi‘i commented if it was a health or safety issue to others, then an action would need to be taken and there might not be time to timely notify everyone.

The Commission decided to make this a follow up item for the next Commission meeting in order for other people to provide their mana‘o.

Commissioner Baker commented what Vice Chair Whitehead was saying access required did not only mean NOAA or the KIRC had to go. Access required might mean that the PKO or a practitioner might need to go which would be access and action. Not only the science world has action but the cultural world has action, too. ED Nāho‘opi‘i asked if the practitioners would be coming under the KIRC, the PKO or under their own access. It would become an access request issue which would go back to the policy in the Executive Policy Manual. Commissioner Baker stated it would probably be a PKO access since it would be a PKO person. ED Nāho‘opi‘i pointed out that there already was a PKO access procedure. Commissioner Baker stated, for example, if a whale beached and was still alive, NOAA would want to access quickly under a KIRC access. If there were remains and one of the practitioners felt that it necessitated his/her going, there would need to be a process to make that possible. He thought the call list should have something on it that would expedite that process. ED Nāho‘opi‘i responded that the call list indicated that the day the staff finds the remains the ED would be notified by the end of that day. Commissioner Baker stated he trusted that ED Nāho‘opi‘i would communicate with him in some way. He hoped he would be within reach at that time. He remembered there was one time when he did not remember being notified directly but indirectly. ED Nāho‘opi‘i explained at that time there was not a process so Commissioner Baker was notified in the updates. Commissioner Baker responded that should not happen again.

This call list will be used for updates pending Commission action at the next meeting. ED Nāho‘opi‘i stated that staff also needed to be notified if any mammals are found on island by the ‘Ohana.

Vice Chair Whitehead asked for an update on the Kīhei Executive Order. ED Nāho‘opi‘i responded there was a memo in the FYI section of the Commission packet which was sent to the DLNR Chair requesting a status update on the executive order. ED Nāho‘opi‘i had not heard back from the DLNR Chair. Vice Chair Whitehead suggested that another memo might be sent now that there was a new chair.

The Commission decided to hear **Item VI. Program Status Updates** before **Item V.B Review Current Month’s Expenditure Reports** and **Item V.C Discussion of Alternative FY2016 Demobilization Plan.**

VI. PROGRAM STATUS UPDATES

A. Status Update on current and planned Restoration Program Projects: DOH 3; HCF/NOAA; Hawaii Conservation Alliance Conference

KIRC RPM Higashino briefed the Commission on current Restoration Program Projects. The Restoration Program worked with 376 volunteers from June through December. The YCC Program from Honolulu was a large portion of this. Other groups included: Laupāhoehoe Public Charter School, Four Seasons Resort Maui at Wailea, various O‘ahu school groups, and Hawaii Nature Center. During this period a lot of work was accomplished in the Department of Health (DOH) 3 work area in Wailuna. The work consisted of putting plants on the ground since it was Tier 1 so no digging was allowed. The success was astounding. These groups helped the program meet all of its volunteer goals for the DOH 3 project. They also helped the program achieve its goals for the Hawaii Community Foundation (HCF)/(NOAA grant which consisted of weed control, cutting back kiawe trees at Honokanai‘a and putting in at least 3,000 plants this year. All of those plants were donated by either Four Seasons Resort Maui or Queen Lili‘uokalani Children’s Center (Maui). The DOH 3 Project work consisted of plant establishment, putting out erosion control barriers in the ditches and the small gullies, putting out wattles, throwing out seeds and taking care of irrigation lines.

In July KIRC NRS Abbott and NRS Bruch attended the Hawaii Conservation Alliance Conference in Honolulu. They presented a poster on the DOH 3 project. Staff was able to retrieve 6 out of 9 sediment tubes off of Hakioawa and Kukui Point for this project.

The KIRC had contracted with Keala Pono Archaeological Consulting to look at the impacts of work in the Wailuna area. They gave staff some very valuable feedback on how staff can stabilize some of the sites in the area. Staff’s impact had been minimal so far. The consultants have one more visit to island scheduled.

NRS Abbott was finishing up the DOH 3 Project. He completed the monitoring of soil erosion pins and the vegetation monitoring transects. He was finalizing the billing. There was approximately \$30,000 left to spend for this project. Staff was looking at purchasing a new Polaris, equipment, potting soil, and burlap bags for erosion control.

The HCF/NOAA Project was completed. NRS White was finishing the final report. There was approximately \$2,000 left to spend on that project. Both projects had been well managed.

NRS Bruch visited the kanaloa plant earlier this month. It was very difficult to get helicopter services to access the plant. Some of the pilots did not want to do the 'Ale'ale landing anymore. Staff found a route up the cliffs from the ocean. The most difficult part was getting from the water onto the shelf due to the ocean surge. The pictures of it indicated that the plant was dormant and did not look encouraging. Some people wanted to dig around the plant and look for seed or take cuttings from it. RPM Higashino preferred to leave it for another year or so to respond to the heavy rains the island experienced this past year. Air layering of the plant at Maui Nui Botanical Gardens had been attempted unsuccessfully. Grafting had also been attempted. Staff was still waiting for the results. Material was still being collected and sent to Lyon Arboretum for tissue culture. The difficulty in getting the plant established through micropropagation was a foliar fungus which they were still trying to treat. Pollen was being collected and some of will be stored at a cryogenic storage facility in Fort Collins, Colorado.

Commissioner Aluli asked why the pollen would be stored. RPM Higashino responded it would be stored for future use. Commissioner Aluli asked why it would be stored at Fort Collins. RMP Higashino responded it was the best facility staff had been able to find to store it. Commissioner Aluli asked if the KIRC would have control of the pollen. RPM Higashino responded NRS Bruch was currently working on a MOU with the facility. The pollen has not yet been sent out. ED Nāho'opi'i still needed to approve the transfer.

Commissioner Aluli asked who else went up to 'Ale'ale and what equipment they used. RPM Higashino responded KIRC KIR Specialist Grant Thompson also went, and they had the proper equipment. There were also safety measures in place. Commissioner Aluli asked if it was common for plants to go dormant or was that a nice way of saying it was dead. ED Nāho'opi'i pointed out that the wiliwili trees at the NIFTAL project looked dead but he had just gone up there last week and they are growing again. The ma'ō fields were looking dead but have also come back. RPM Higashino stated he would like give it another year or so. Very little was known about the kanaloa plant—history, longevity, etc. He suggested keeping the area intact as much as possible for the next year or so.

Mr. Alex Wegmann (Island Conservation) asked if staff saw any rodent damage on the plant. RPM Higashino responded there was some rodent damage on it from the previous mouse bloom.

Vice Chair Whitehead asked if the route up allowed staff to take water if it did dry up. Staff responded that there was no safety plan for that activity. Commissioner Baker commented staff could get proper training.

Commissioner Baker asked RPM Higashino about the long range plan for the Wailuna side. RPM Higashino responded the grant project would close at the end of March. The staff still planned on continuing work in the area until they receive their next grant which hopefully would be in October or November. The plan was still to head down toward the Wailuna trail head. Staff was less than a ¼ mile from there. Staff would apply for another DOH grant in order to go either up the other side of the Hakioawa watershed on the Lāna‘i side of the gully or to the Kaulana watershed area.

RPM Higashino introduced Mr. Alex Wegmann and Ms. MG Mazurek from Island Conservation. They were there to answer any questions about the plan to remove small mammals from the island and the bait trials the staff would be conducting in September. ED Nāho‘opi‘i explained for the NFWF grant, there was a steering committee. It was slowly working through a combination environmental document, planning document and funding document. One thing that came up was the issue of rodenticides. The issue on island was mice. Staff was looking at doing a small scale demonstration bait trial to try three different toxicants. Mr. Wegmann stated that all three were currently being used in the United States. One was not being used for conservation purposes. Staff and Island Conservation were currently speaking with DOH staff about experimental permits to test out toxicants which could be more effective to mice so that there would be no need to put out more toxicants than necessary on the island and minimize the cost as well as the impact. The people on Ni‘ihau had issues with toxicant aerial broadcast. The steering committee was in the process of inviting Ni‘ihau residents to come and observe the tests to see their effectiveness and their impacts. Soil samples would be taken, wildlife surveyed and blood samples taken from animals living in those areas. After the application process, staff would go back and determine the effectiveness of the toxicant and any impact it would have to the environment by taking soil and ocean water samples, and monitoring for fish die off and taking samples to determine if any of the toxicant entered blood streams. Most of the funding could come through existing funds.

Commissioner Aluli asked for clarification of existing funds. Mr. Wegmann responded it was most likely the project would be able to borrow funding from the National Fish and Wildlife Foundation (NFWF) grant for the eradication of rats on Lehua. Island Conservation saw this bait trial on Kaho‘olawe serving that purpose in that it would advance the tool set that could eventually be used for Lehua while at the same time answering a lot of important questions for the removal of rodents from Kaho‘olawe. It would not be borrowing in the sense it would need to be paid back; it was just taking advantage of existing funds.

Commissioner Aluli asked for clarification of the collaboration with Ni‘ihau. ED Nāho‘opi‘i explained that there was reluctance on the part of Ni‘ihau residents to move forward with the broadcasts on Lehua. They seemed to be more comfortable

that the KIRC was interested in doing a similar type of eradication on a broader scale. Hopefully this collaboration would result in getting community support for the Lehua project. Commissioner Aluli responded that made sense.

Commissioner Aluli asked if Mr. Wegmann was based in Santa Cruz. Mr. Wegmann responded he was based on Honolulu. He explained he was the program manager for Island Conservation in Hawai'i. Ms. Mazurek was a project manager. Island Conservation partners with resource managers to identify, design, secure funding for and implement eradication projects that benefit native species. Island Conservation had partnered with the KIRC to work on the NFWF seabird restoration grant to explore the process of eradicating cats, mice and rats from Kaho'olawe. This bait trial was a necessary step in the assessment process. It would be done for any eradication project of this scale to understand what the environmental impact would be for the larger project. It would also help to identify what would be the best tools that would maximize the probability of removing the rodents while minimizing the impact on the environment. It would also give everyone a good sense of the necessary operation logistics. Commissioner Aluli asked if the toxicants would be left in the container. Mr. Wegmann stated they would be spread on the ground. He explained there would be a hopper attached underneath a helicopter and the helicopter would fly a set route using GIS coordinates and spread the toxicant at a set rate. It was an agricultural tool which has been adapted to this work. It has been used all over the world for the last 20 years. Commissioner Aluli asked if there had been any side effects on weeds, birds or plants. Mr. Wegmann responded that the rodenticides that were being looked at have zero effects on plants. They were not water soluble so the plants could not take in the compounds at all. It made it hard to get into fresh water systems. Commissioner Aluli asked if they were like beads. Mr. Wegmann responded they look like cylindrical pellets. One of the toxicants was manufactured by a company which also made dog food so they look like dog kibbles. He also stated even though mice are smaller than rats they are more tolerant to rodenticides. The same rodenticide which may be effective at removing rats may have low toxicity to birds and other animals. Commissioner Aluli asked what would happen if a cat or a pueo ate the dead rat. Mr. Wegmann responded it would depend on what type of rodenticide being used. The different rodenticides provide different risks to secondary animals. One that was most popular and effective had a residue period within mammals of several months. If a pueo ate a mouse that died from consuming this bait there was a very high probability that the pueo would be exposed. The effect on the pueo would depend on the number of mice it had eaten and what was the rodenticide concentration in those mice. This would be the same for a cat. Another rodenticide being looked at had a residue period in the body for just a few weeks. However, this made it less effective. The purpose of these trials was to get a good understanding of what was going to work and what would be the environmental impact. All three trials would be done at one time since that would be mean having the same environmental conditions—weather conditions, ocean conditions and wind conditions. Staff had noticed pueo during high mice season but none during low mice season. A possibility was that the pueo population on Kaho'olawe could be migratory. Mr. Wegmann added that behavior had been seen elsewhere in the islands. Staff would be targeting the low mice season in August and September depending on the island conditions. He

explained that it really needed to be done after the mouse population had peaked. He stated there was no pathway for the rodenticide to the whales. Whales do not eat when they are in Hawai'i. The calves feed on the mothers' milk and the mothers are not eating anything while they are here.

ED Nāho'opi'i stated preparatory work would include designation of test areas, collection of terrestrial and marine samples and installation of poles so that pilots can see where the test areas are. Staff was looking at the west end of the island towards Kaukaikapapa or Kealaikahiki. ED Nāho'opi'i explained that Base Camp would not be included because it has attractants such as food which would skew the data. Staff wanted to go far away from camp and places that people normally go to. Staff would have to stay away and not disturb the areas by bringing food in which would attract mice into the area. Commission Aluli asked if they would be looking at the cliff areas. ED Nāho'opi'i responded staff was looking at the coastal areas on the western side of the island which are flatter and sandy.

ED Nāho'opi'i explained staff wanted to brief the Commission because staff believed that it was within the scope of the faunal restoration program. Staff would keep the Commission informed about its progress. The Commission would be invited to the island to take a look at the project as it proceeded.

The Commission thanked Mr. Wegmann and Ms. Mazurek for their attendance.

B. Status Update on current Ocean Program Projects: NOAA Marine Debris Removal Grant; DOH III Grant; HCF Grant; Fields Survey/Access; Conferences and Outreach; Trolling Report

ORPM Tokishi highlighted some of the activities of the Ocean Program. The biggest grant project was the NOAA Marine Debris Removal project. Eight tons had been collected. Seven tons were removed just from Kanapou. One more run still needed to be done from Puhianenu. The grant obligation of ten tons should be easily met. The staff had been working with Kīhei Charter Schools through CRPC Gapero to sort through the marine debris and discuss the effects of it. Some of it was used by the students for art projects. Ocean staff assisted the Restoration staff in the DOH III project by changing and removing sediment traps. There are three traps still in Hakioawa. They were unable to be removed due to water conditions. The sediment was so bad staff could not find the traps. Senator Shimabukuro came to island and participated in non-native fish dissection and gut analysis as well as in-water surveys. The HCF grant obligation of the removal of 500 pounds of roi had been met. Nearly 800 pounds had been removed from the Honokanai'a and Kealaikahiki areas.

KIRC ORS VanderVeur and an intern attended a conference hosted by the International Union for the Conservation of Nature (IUCN) in Australia through the Hui Kāpehe grant.

Staff assisted DoBOR staff with buoy installation at Hanakao'o Beach.

A monk seal pup was born to a mother who was also born on Kaho‘olawe. This was the mother’s third pup. Commissioner Aluli asked if it was anticipated these pups would return to the island. ORPM Tokishi responded staff hopes so. It normally takes 6-8 years for monk seals to become sexually mature. Commissioner Aluli wondered about Uncle Les’s concern about the carrying capacity of monk seals on Kaho‘olawe. ORPM Tokishi stated that there were two pup seals born on Kaho‘olawe a year in contrast to Kaua‘i which had approximately 12-15 born a year. Monk seal dynamics were a lot different on Kaua‘i compared to what is seen on Kaho‘olawe. His personal opinion was that it was disheartening to see monk seals being slaughtered because of what people might view as a threat. Kaho‘olawe could be a place where a managed environment could sustain both the monk seals and humans. Commissioner Aluli commented the KIRC would need to pay attention and discuss what was more important: a monk seal refuge or a sustainable reef fishing community. ORPM Tokishi responded monk seals are not staying in one area as shown through satellite tagging. They are widely migratory. One that was tagged on Kaho‘olawe went around Moloka‘i twice, to Lāna‘i to Ka Lae (South Point) and out approximately 200 miles and back. He understood it was a very contentious subject but it was really not different from the kanaloa plant. We really do not want to see either disappear on our watch. A balance definitely needed to be struck. Commissioner Aluli thanked staff for being aware of that.

C. Status Update on current and planned Cultural Program Projects: Pōkāneloa Update; Hui Kāpehe Program, Kīhei Trail and Nursery Project

KIRC VC Evans briefed the Commission on the status of Cultural Program projects because CRPC Gapero was on island with Hui Kāpehe interns. The site stabilization plan for Pōkāneloa was submitted to the State Historic Preservation Division (SHPD) at the end of last year. The plan recommended erecting a drystack wall to stabilize the stone and the area surrounding it. Staff had been working with volunteers to install check dams and erosion control wattles in the Pōkāneloa area. She was out there last week in between the heavy rains. There were new sprouting seeds, mostly kou and a‘a‘li‘i. Staff had been taking ‘uala cuttings from the māla in Luamakika and placing it in the ground around there and they look promising as well. Hui Kāpehe interns had also helped plant in that area. Staff was still waiting to hear from SHPD whether the site stabilization plan had been approved. Upon approval, CRPC Gapero estimated it would take one access (five days) for the wall to be erected. VC Evans acknowledged this was an ambitious timeline. The stabilization of the area would ultimately allow more time for cultural experts to gather and assess the relocation of the stone. An alternative relocation plan was still being drafted. Data collection and assessment still needed to be conducted in order for the right determination to be made.

The Hui Kāpehe Program completed its first year of funding. Within the first year, 25 interns completed the program. Staff’s goal was 60 interns within the two years of the project. There were currently 15 interns active in the program. Staff has until August 2015 to fulfill this goal. The funding was approximately \$300,000 per year for two years. Staff had been working with UH Maui College and recently brought on board Honolulu Community College to give students hands-on training in all areas of operation—Restoration, Ocean, Operations and Administration. VC Evans also noted

that there were also students from UH Mānoa in the summer. Commissioner Baker thought there were limitations only to community colleges. Staff responded it was a preference but not a limitation because vocational education was involved. ED Nāho‘opi‘i explained the program included a consortium of the community colleges, which had vocational education programs, and the KIRC, which was the only field site. The KIRC was taking care of the technical field application. The colleges were handling the class work. Commissioner Baker asked why UH Mānoa’s Hawaiian Studies Program would not be able to participate. AO Lee responded that the students coming from UH Maui College were in a certification program, not the four year college program. Commissioner Baker pointed out that Ms. Kalei Guth was in a four year college program. VC Evans commented that there have been exceptions. Commissioner Baker stated he was thinking the Hawaiian Studies’ Mālama ‘Āina track at Mānoa would line up perfectly with this program. ED Nāho‘opi‘i explained that they are not in the program through their own choice. VC Evans commented that in previous recruitment, CRPC Gapero had been focusing on Maui and recently Ms. Renee Simpson had been brought aboard to work on recruitment and retention as the Hui Kāpehe liaison and was contracted through UH Maui College.

VC Evans reported that CRPC Gapero had been working on the HTA grants for the Kīhei Boat Ramp site. The Kīhei Site Trail and Nursery Project was almost finished; it was about 80% complete. Staff had been working with Kīhei Charter School students every Wednesday and Thursday to work on the trail, clean the area and put in plants. There have also been community work days on Saturdays for volunteers to come and help cut down and chip kiawe. CRPC Gapero was waiting for the purchase order to go through for the building materials. Once the materials were acquired, he estimated that it would take approximately one week to complete the construction of both the nursery and the hale. VC Evans presented the graphic of what the site was supposed to look like to the Commission.

Vice Chair Whitehead asked when staff expected to hear back from SHPD. VC Evans responded they were not sure. ED Nāho‘opi‘i explained staff pushed to send the plan to SHPD before Dr. Theresa Donham retired. They did speak to her about it, trying to make sure that it got fast tracked for review. Chair McLean asked if it got referred to the Maui office. Staff did not know; however, staff took the Maui archaeologist to look at the site.

VC Evans reported that CRPC Gapero was waiting for Uncle Maka to coordinate his work crew for the mua. It was 80%-85% complete. ED Nāho‘opi‘i explained the same crew that would do the pōhaku would also do the finish work on the mua. The crew should be able to get the work done quickly. There was no need for more volunteer groups to help. They would be needed later when staff started to work on the landscaping around it. A lot of cleaning up would be needed. Future accesses could be organized for that.

Commissioner Aluli asked Dr. McGregor if she wanted to add anything to the restoration section of the update. She responded that the PKO did have the grant from the National Park Service (NPS) to develop the model of the pōhaku. She was

working with Pualani Kanahale to develop a Request for Proposals to companies about helping PKO with the model. She had also spoken to Dr. Donham who wanted the LIDAR to be done before the model was done so they would know what they were working with. In the stewardship meeting, it was discussed that since the KIRC had been having trouble going through official channels with NPS, then maybe the 'Ohana would have a better chance of getting cooperation. ED Nāho'opi'i explained that the problem was that, in order for NPS employees to officially come to Kaho'olawe, the KIRC would have to enter into a MOU and the two parties disagreed on the terms of the MOU. Dr. McGregor stated once the LIDAR was completed, they would see which of the two companies had a better way of developing the model. Once the model was completed, they would be observing the solstice and the equinox at different locations and bring cultural practitioners to assist in those observations. She did not know if Commissioner Holt would be available but Pualani would come. She had spoken to Uncle Les but did not know if he would come. Commissioner Aluli asked if the model would also have the petroglyphs on it. Dr. McGregor stated yes; it would be a complete model. The idea of relocating the pōhaku was to be able to stabilize it without impacting the stone. If the stabilization proceeds that would be good. If the pōhaku was moved it would be brought back.

Chair McLean asked, if the preservation plan was approved by SHPD, would there be any reason not to go forward with implementing it and waiting for the model. Dr. McGregor responded no; the more work to stabilize it, the better.

Commissioner Baker wanted to echo the desire for the LIDAR and digital modeling before the casting of the stone was done. No one knows what would happen when the stone was casted. Flakes on the top might be lost. Dr. McGregor stated they would have to do it without putting something on the surface. ED Nāho'opi'i commented it might have to be 3-D printing or CAD. Dr. McGregor stated that one of the companies stated that it could do it without putting something on the surface. She invited anyone who was interested to help them review the data and help them so the pōhaku was protected. Vice Chair Whitehead commented the model would help with the relocation plan. Dr. McGregor added if that step was needed. Vice Chair Whitehead stated she thought CRPC Gapero needed to continue working on those aspects of the relocation plan that he could without the model, so that if the stabilization does not work, the KIRC could be ahead of the game.

Dr. McGregor stated the main fear of relocating the pōhaku would be that such a large helicopter would be needed that it would have a negative impact on the overall site. Getting the LIDAR and model would give a better sense of what the weight was and what would be needed to move it. Ultimately, the pōhaku was only going to move if it wanted to.

V. ADMINISTRATIVE BUSINESS

B. Review Current Month's Expenditure Reports

There were no questions from the Commission about the current month's expenditure reports.

C. Discussion of Alternative FY2016 Demobilization Plan

ED Nāho‘opi‘i explained, based upon his best estimation, at the end of this fiscal year the KIRC would have approximately between \$700,000 and \$1.5 million. There was a push for the programs to finish grants, bill and get the reimbursements to put back into the trust fund. Staff needed to de-obligate money that was currently encumbered for various contracts that the KIRC no longer had.

Volunteer accesses would stop in May if it was certain that there was no funding coming from the Legislature. This would save the KIRC a significant amount of money in terms of food, repair costs, wear and tear on the island. The focus during the following six months would be to create a priority list of things to either demobilize from the island or put into storage. Spare parts and anything still in packaging would be taken off island and sold, and the proceeds put back into the trust fund. The Commission would still exist. The ability to access the island would be severely hampered.

Chair McLean asked about the KIRC’s grant obligations. ED Nāho‘opi‘i responded the staff would fulfill them. The only one which extended past this fiscal year was Hui Kāpehe. Chair McLean stated it was possible to stop a grant. ED Nāho‘opi‘i stated staff would have to look at the obligations and either fulfill them if they are very quick or negotiate new terms.

Staff would demobilize as much as possible from the island to recover the cost of those items. The Polarises and the trucks could be sold. The iron might be difficult to get off the island. There would be runs to island to keep things open enough to prepare items for shipment off the island. Hakilo would be sold right away since it was inoperable. The ‘Ohua would be the last thing sold since it would be the last tie to the island.

Staff would have to engage with the AG’s office about access and what the State’s position would be about access to the island. The existing infrastructure, the UXO sweeps, the access guide oversight and the KIRC Base obligations would be reduced during the six month phase out period.

Once demobilization occurred, he did not think that the island could be brought back up again. It would be very expensive and the learning curve would be very difficult to overcome.

Commissioner Aluli asked if the KIRC could actually keep the money from the selling of equipment. ED Nāho‘opi‘i explained that the KIRC did have an SPO exemption for that because all the equipment was purchased by the trust fund. Commissioner Aluli stated that, in addition to demobilization plans, there needed to be scenarios should things get better either short-term or long-term. ED Nāho‘opi‘i responded if the KIRC did not receive anything this session from the Legislature and did a partial demobilization, there would not enough to go for even two years. Commissioner Aluli thought the minutes reflected that ED Nāho‘opi‘i thought that there would be another year outside of 2016.

Chair McLean stated she thought that was because the trust fund figures are from Fiscal and they look at the unencumbered cash value. There were a lot of significant encumbrances. The figure in the budget memo was the amount that the trust fund really had. Normally staff spends under the budget and the amount in the memo was assuming full expenditure. Chair McLean thought she was looking at the unencumbered amount. Vice Chair Whitehead stated she expected the trust fund to have hardly anything which was why she had been so critical at every budget meeting that the KIRC try to cut as much as possible. The one good thing about this was that it made a very strong case at the Legislature to be able to say if money was not appropriated this year the KIRC would start to shut down as soon as the session closed. ED Nāho‘opi‘i noted this message had been in the KIRC’s newsletters and annual reports. The reason why he was talking about shut down was to recover enough money to keep the Commission active in the long term. If the Commission gets to the point where staff cannot function, the Commission would only be able to have meetings.

Commissioner Aluli stated he was hearing there were no scenarios for a complete shut-down. ED Nāho‘opi‘i stated this was the worst case scenario. Commissioner Aluli asked if the ED was open to other scenarios with limited funding. ED Nāho‘opi‘i stated yes. Commissioner Aluli stated ED Nāho‘opi‘i was looking at an immediate shut down and he thought the Commission was looking at scenarios where certain things could be done in two or three years. ED Nāho‘opi‘i responded that he had to plan for the worst case scenario. He thought if it the KIRC could handle one more year, the Legislature would not to fund. That has happened for the last five years when the KIRC still had trust fund monies for at least one more year. Vice Chair Whitehead stated it was very clear that the KIRC cannot operate one more year. ED Nāho‘opi‘i stated the KIRC cannot obligate salaries or any contracts because it did not have enough money in its balance.

Commissioner Aluli stated the KIRC cannot do one more year but it needed to see where Kaho‘olawe was going to go. Would it be like any other island in the State? Would it be placed under DLNR? ED Nāho‘opi‘i commented that not only does the AG’s office need to be consulted about the risk of liabilities, but DLNR would also need to be consulted about whether it would be taking on management and obligations. DoCARE would still enforce state laws on the island. Would DOFAW come out and do restoration work? Would DAR manage the ocean resources or would the Reserve be adopted into the Ocean Management Resource Plan? Commissioner Aluli asked if the Commission would be open to looking at a federal agency to manage the Reserve. Perhaps it was time to look at Maui County; perhaps it could do a better job than DLNR. Was it time for Office of Hawaiian Affairs (OHA) to come in? He stated that short-term mobilization options are needed in hopes that at least the KIRC could see the future of this island somewhere. ED Nāho‘opi‘i stated those were all hopeful opportunities that could be looked at, but once they are released as directives to the outside, the people who would provide funds would say they do not have to provide the funding. He suggested the KIRC should have a position that, if the KIRC did not receive state funding, the KIRC would have to

move towards shut down. It could be reexamined in a few months. He wanted to know if the Commission was open to engaging federal co-management since it was never an option discussed before. Commissioner Aluli commented he tried to see if the National Park Service was interested. They were, but there were too many restrictions. ED Nāho‘opi‘i noted that the Commission would have less authority with co-management or co-funding.

Chair McLean suggested a discussion of demobilization at the next Commission meeting. ED Nāho‘opi‘i could put together a bullet point list of the issues that needed to be discussed related to demobilization such as:

- Contact with the AG regarding what entity was going to be the caretaker manager
- Status of grants
- Status of staff
- Status of Commissioners
- What to do with assets
- What to do with facilities

The Commission could discuss this and develop a framework for what the plan might be, regardless of how much money there was.

Vice Chair Whitehead stated she thought they would want to do what was best for the island and, if co-management was best for the island in the long term, then the Commission should consider it.

Chair McLean commented that maybe there would be an OHA Commissioner and a DLNR Commissioner at the next meeting or perhaps the Commission could request that someone from OHA and DLNR attend and give input regarding co-management.

ED Nāho‘opi‘i asked if the Commission would be open to private and public co-management. Commissioner Aluli said yes. Vice Chair Whitehead responded that the Commission was open to discussing anything.

Commissioner Aluli asked if the Commission was going to look at the budget to see if the KIRC could operate another year. ED Nāho‘opi‘i responded that there was no place in the budget that could be cut. Vice Chair Whitehead stated she did not think it was possible at this point. She asked when would the Commission know for sure whether or not there was funding. Staff responded maybe as early as mid April.

Chair McLean invited public comments. Dr. McGregor commented that demobilization was one option. The theme should be alternative options to steward the island without resources from the State. She also suggested research on how to hold the State accountable. It might be good to have a position paper going into the Legislature to show why the State had an obligation to fund the island fully and what would be the implications if the State did not provide funding with regard to Title X and the MOU obligations that the State took on when it signed the MOU. There needed to be a minimum presence on the island to fulfill the health and safety obligations. It was really important to do an analysis of what would happen if there

was no full-time presence and what would be the cost as well as the legal implications. She thought the Navy would have a position on this and perhaps the KIRC should explore that as well. The Navy did not want to turn the island over to the State because of the liability issues. The liability would fall back to the Navy if the State was not maintaining safety on the island.

ED Nāho‘opi‘i stated that the message to the Legislature was that in the KIRC, the State had an efficient, small, low-cost organization that was maintaining all the liabilities for Kaho‘olawe in one place. Alternatively, the State would pay a higher cost for distributing responsibilities to people who were not familiar with the island and it would be less effective.

Dr. McGregor thought that the Commission should look at the staff and their positions. If there were not going to be positions at the KIRC, there might be a way to find positions for them within DLNR or other agencies.

Vice Chair Whitehead asked if there was any way to still hold the Navy accountable. ED Nāho‘opi‘i responded it would be the choice of the Governor to file a lawsuit against the Navy.

VII. NEXT MEETING/FOLLOW-UPS

The following issues needed to be addressed at the next meeting:

- 1) Marine mammal notification process
- 2) Dialogue for demobilization
- 3) Legislative update
- 4) Commissioner status update
- 5) Feedback on the Boards & Commission process; AO Lee stated that DLNR saw the list from the Boards & Commission office and the vacancies for the KIRC were on that list; the process remained the same as last year
- 6) Kanaloa plant update
- 7) Pōkāneloa plan update

VIII. ANNOUNCEMENTS/FYI

There were no announcements from the Commissioners.

IX. ADJOURNMENT

The meeting was adjourned at 2:40 pm.