



MICHELE MCLEAN
Chairperson
AMBER NĀMAKA WHITEHEAD
Vice-Chair
WILLIAM J. AILA, Jr.
N. EMMETT ALULI, M.D.
C. KALIKO BAKER
COLETTE Y. MACHADO
KA'IULANI MURPHY
Michael K. Nāho'opi'i
Executive Director

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>

MEETING MINUTES

Tuesday, June 19, 2012

9:30 am

Kalana Pakui Building
Planning Department Conference Room, First Floor
250 South High Street
Wailuku, Hawaii

COMMISSION MEMBERS

PRESENT: Michele McLean, Chairperson; A. Nāmaka Whitehead, Vice Chair; N. Emmett Aluli, M. D.; C. Kaliko Baker; Ka'iulani Murphy

EXCUSED: William Aila, Jr.; Colette Y. Machado

KIRC STAFF: Michael Nāho'opi'i, Executive Director (ED); Ka'ōnohi Lee, Administrative Officer (AO); Rowena Somerville, Deputy Attorney General (DAG); Dean Tokishi, Ocean Resources Program Manager; Jennifer Vanderveur, Ocean Resources Specialist; Charles Lindsey, Vessel Manager; Paul Higashino, Natural Resources Program Manager; Daniela Maldini, Public Information Specialist; Bart Maybee, UXO Safety Officer; Grant Thompson, KIR Specialist

GUESTS: Leslie Kuloloio (Honua'ula); U'ilani Kapu ('Aha Moku O Maui); Ke'eaumoku Kapu ('Aha Moku O Maui); Travis Schnepf (Maui Historical Society); Foster Ampong ('Aha Moku O Maui); Kawelu Higashino; Kaleinani Higashino

I. CALL TO ORDER

Meeting was called to order at 9:47 am by Chair McLean. A quorum was established with five Commissioners.

II. APPROVAL OF MINUTES

A. Minutes of April 26, 2012

The Commission decided to include a section for follow up items for staff and commission at the end of future meetings so that they can be included in the minutes. This section of the meeting is to be called "Next Meeting and Follow-Up" on future agendas.

Staff is to follow up on bio prospecting so the Commission can develop a policy.

Commissioner Aluli requested clarification about public comments and who can respond to questions asked by the public. ED Nāho'opi'i explained that the public can provide testimony and the Executive Director can respond to questions asked by the

Approved August 10, 2012

public. Chair McLean added public testimony is an opportunity for the Commission to receive information not to have a dialogue. ED Nāho‘opi‘i commented the public can provide testimony and information, but the Commissioners cannot discuss a topic which is not agendaized. DAG Somerville added this policy is based on the Sunshine Law. Commissioner Aluli explained he is looking at how to get staff to follow up on concerns from the public. He wanted to know why no one comes to Commission meetings. Perhaps this issue should be looked at during strategic planning. The public needs to know their comments will not be in the minutes if the topic is not on agenda.

Chair McLean explained that the Commission meetings must be structured or no business would get completed, and that the Commission is governed by the Sunshine Law. Once an agenda is publicly noticed, all the information that is related to those agenda items must be made available to the public. The minimum requirement for posting agendas is six calendar days. The Commission has requested in the past earlier postings of agendas and distribution of packets.

The Commission made several minor revisions and grammatical corrections.

Commissioner Baker asked for more clarification about public comments. The Commission cannot have a dialogue about public comments if they are about topics not on the agenda. If a question is asked by the public during an agendaized item then the Commission can engage in a dialogue with the public. DAG Somerville explained if someone were to discuss an item not on the agenda and the Commission engages in a discussion about it, someone who was not at the meeting could have a complaint about that since it was not on the agenda.

MOTION: Vice Chair Whitehead moved to approve the minutes of April 26, 2012 as amended. Commissioner Aluli seconded the motion.

ACTION: Motion was approved by all Commissioners present.

B. Minutes of May 15, 2012

The Commission requested staff to provide an organizational chart with staff names.

The Commission and DAG Somerville requested minor clarifications and corrections.

MOTION: Commissioner Aluli moved to approve the minutes of May 15, 2012 as amended. Commissioner Murphy seconded the motion.

ACTION: The motion was approved by all Commissioners present.

III. COMMUNITY AND PUBLIC COMMENTS

Uncle Les Kuloloio (Families of Honua‘ula) wants to incorporate the ‘Aha Moku system. He asked permission to go into KIRC office to get updates from program managers and the Executive Director. He also will be asking land use updates as well as for updates on Restoration program’s native plantings, wetland reserves, birds (native) programs.

Ke'eumoku Kapu ('Aha Moku O Maui) asked who approves agenda before filing. Chair McLean commented the Commission will be adding an item to the agenda to discuss agenda items for upcoming meetings. If a member of the public was to testify at a meeting and raise an issue that may be where the Commission decides to take up that issue at a future meeting. The public may also contact the Executive Director.

ED Nāho'opi'i explained that the Kaho'olawe Island Reserve Commission was formed to oversee all decision making processes and making recommendations to the Governor regarding the Reserve. If the public wanted to file a complaint beyond the Commission they would need to file it with the Governor's Office.

Mr. Kapu requested the 'Aha Moku O Maui be placed on the agenda.

DAG Somerville stated that there will have to be interface between 'Aha Kiolo Advisory Council and the Commission at some point and suggested that could be an agenda item after the briefing with 'Aha Moku O Maui.

Foster Ampong ('Aha Moku O Maui) commented that Kaho'olawe is an important symbol to the community. It is an important part of holistic sustainability. Transparency is important and the Commission needs to be opens and inclusive.

IV. ADMINISTRATIVE BUSINESS

A. Executive Director's Report

1. Status Update on Budget, Finance and Funding

ED Nāho'opi'i reported there was a 4% variance in the budget due to the delay in the generator replacement. Staff anticipates that the KIRC will end the fiscal year at 4.5% under budget. A grant status report was also reviewed. There is only one current award, the Wetland Restoration award with NRCS for a total of \$380,000 to expand wetland habitats at Kaukaupapa and Keāliialalo. Public Information Specialist Maldini has submitted three letters of interest with National Fish and Wildlife Foundation, Hawaii Community Restoration Partnership and Atherton. Staff is look for funding for previously planned projects. Community Restoration Partnership Project proposal looks to bridge land, sea and native cultural practices through restoration on Kaho'olawe. The Atherton project proposal looks at how to incorporate cultural practices in restoring native landscapes. The pre-proposal submitted to the National Fish and Wildlife Foundation looks at restoring native Hawaiian landscapes on Kaho'olawe. KIRC Staff Maldini reported that Hawaii Community Restoration Partnership has requested a full proposal.

2. Status Update on Plans, Policies and Procedures

The long range planning schedule was reviewed. There were no questions or comments. The stewardship meeting has been rescheduled for July 13 at 9:30 to 11:30 am.

Commissioner Aluli asked about the status of the Hanakūpono Working Group. ED Nāho'opi'i responded the Hanakūpono Working Group is on the agenda at the

next stewardship meeting. ED Nāho'opi'i and the PKO will compare their lists of approved and not approved activities. Commissioner Aluli wanted to know how other stewardship organizations could be incorporated. ED Nāho'opi'i responded other interested stewardship organizations can contact the KIRC office.

3. Status Update on Administration, Staffing and Personnel

ED Nāho'opi'i introduced new Public Information Specialist Daniela Maldini who came from the Pacific Whale Foundation, has a background in oceanography and holds a doctorate in zoology. There are three interns at the KIRC for the summer. They are Kalei Guth, Jessica Scott and Cole Zitnick. A replacement intern from MEO is still pending. The new Cultural Resources Project Manager, Kui Gapero, will start on June 25, 2012.

4. Status Update on Public Information, Outreach and Governmental Relations

David Chun of Senator Akaka's DC staff referred KIRC to Arun Revana who handles Department of the Interior issues and Nick Ikeda who handles Department of Defense issues. Both said since Congress has a self-imposed ban on earmarks, their suggestion is to try for competitive grants and other federal agency-led funding opportunities. They also suggested going into the individual departments and try to get funding for broad based projects (not just for a specific area). ED Nāho'opi'i is still trying to get a NOSSA report and letter which encourage the continuation of the safety program and access guide training so that the Navy will fund these programs. He will try going to the Department of Defense and the Department of the Interior next. The Commission suggested that the staff of the Congressional delegation can provide the names and contact information with people in those departments.

Pygmy whale remains were discovered in Hakioawa during a PKO access from May 24-27. The remains were found on the evening of May 27th and reported to the PKO Access Coordinator on May 28th. A message from the PKO access Coordinator to the KIRC ED Nāho'opi'i was sent on the same day. However, the remains had been buried by the time ED Nāho'opi'i had been notified. A letter has been issued reminding PKO of the Commission's marine mammal policy which to notify the KIRC Executive Director immediately of any marine mammal standings or remains. The KIRC Executive Director is to decide on any follow up action based on the Commission's established marine mammal policy. The letters have been sent to the PKO's Point of Contact and Access Coordinator. The Commission wanted to know why the remains were buried. ED Nāho'opi'i responded it was buried for health and safety reasons.

Restoration staff has been asked to determine if the KIRC should submit testimony to the U.S. Fish and Wildlife Service regarding their proposal for Critical Habitat Designation.

Staff will be meeting with NOAA next Wednesday regarding the RIMPAC exercises. They are concerned about the effect the exercises will have on marine mammals. They have also requested a review of the KIRC's marine mammal policy.

A site visit to the Hakioawa Hale site was conducted on June 12, 2012 with representatives of three interested contractors and DLNR Engineering. The three contractors were Sea Engineering, Dawson Enterprises and MDL Construction. A fourth company, Parsons, has contacted staff about potentially submitting a bid. Bids will be opened on June 26, 2012. DLNR Engineering will immediately award the contract

The Commission requested an update on the Kihei Executive Order. ED Nāho‘opi‘i responded that he has sent two emails to the Maui land agent but has not heard back.

There was a recess from 11:05 am to 11:20 am.

B. Review May 2012 Expenditure Report

The May 2012 expenditure report which was included in the Commission packet was reviewed. There were no questions or comments.

V. ACTION ITEMS

A. Discuss and Approve Proposed FY2013 Budget

There was no public testimony given about the proposed FY2013 budget.

Staff added additional funding for strategic planning under the Commission budget. The funding is for a total of 5 meetings. The Commission clarified it wanted to budget for 5 offsite meetings so that all the major islands are included. The Commission indicated it may need to revisit the cost of the facilitator later. Staff estimated the total cost for the off site meetings would be \$3800. The Commission requested that \$3700 be added to the travel budget under strategic planning; bringing the total to \$12,180.

The proposed budget also includes:

- a high end estimate of \$5000 to replace the air conditioner in the server room
- increases in the service contracts
- addition of staff meetings (this does not change personnel costs but gives a clearer picture of how staff's time is being utilized)
- 5% added back into personnel cost due to HGEA's favored nation status clause; the total added back into personnel costs is approximately \$51,000.

The Commission wanted to know if the amount budgeted for the Restoration interns is enough. Staff responded that it is just an estimate. Staff is still budgeting for a logistics specialist. However, a part time contractor may be used temporarily. The Commission stated it had requested that existing staff be used to cover the logistics specialist's responsibilities. ED Nāho‘opi‘i responded it is being tried now.

Commissioner Baker asked about the status of the Kāneloa stone. Staff responded that a site proposal is still needed. The Commission directed staff to put this project at the top of list for the Cultural Coordinator. The staff will come back to the Commission once a site proposal and plan are compiled.

Commissioner Baker asked for a clarification of the cultural integration and training program. Staff responded it refers to the Cultural Coordinator's work with EKF to educate people about the cultural plan and integration of cultural activities into operations. A budget of \$500 has been established for supplies. Commissioner Baker asked how many conferences have been budgeted for the Cultural Coordinator. Staff responded one for scientific training and one for cultural training. Vice Chair Whitehead recommended he attend the Hawaii Conservation Conference. Chair McLean commented that the Commission can look at the Cultural Coordinator's time spent on specific projects to help determine priority.

Staff stated that they have already had their input regarding the proposed budget.

The proposed FY2013 budget total is \$2,885,539 with salary adjustments and requested changes.

MOTION: Commissioner Aluli moved to approve the Fiscal Year 2013 Budget of \$2,885,539 to be in effect July 1, 2012 which includes an additional \$3700 for strategic planning. Commissioner Murphy seconded the motion.

Discussion: Vice Chair Whitehead stated she has reservations about the rate at which the Commission is spending money but as long as the Commission and staff understand when operations will need to wind down she understands that it needs to be done. She encouraged ED Nāho‘opi‘i to discuss the timetable of the winding down of operations based on the current spending rate if there is no dedicated funding from the legislature. Commissioner Aluli asked staff if things look more favorable in terms of grants, donations and fees to offset some of the budget. Staff responded grants are now very specific about where exactly money can go. Organizations really want the money to go to the project in the field. Many things the KIRC does as a state agency are not covered. There is also a question regarding how much the KIRC can charge for access fees before it is out of reach for most people in the community.

The Commission requested staff to revise the fund development action plan which needs to be incorporated into strategic planning.

Vice Chair Whitehead suggested looking into establishing a Kaho‘olawe Watershed Partnership. There are more watershed partnerships now and they are getting more funding. KIRC Staff Paul

Higashino responded that this has been explored in past but it can be looked into again. The partnership can decide which organizations can belong; it could be the Kaho‘olawe Island Reserve Commission and the Protect Kaho‘olawe ‘Ohana. They do not necessarily have to be land owning members. Vice Chair Whitehead volunteered to help follow up. She also suggested that seabird mitigation funding might also be a possibility. The funding is for areas where there is take associated with a windfarm or lights, and compensation can be made by restoring habitat. DAG Somerville cautioned until the cats are removed from the Reserve there may be no seabird mitigation, though funding for fencing and habitat protection might be available. KIRC Staff Higashino added that food resources for the nene are also a consideration. ED Nāho‘opi‘i also cautioned once a faunal restoration plan is established the KIRC would be responsible for providing funding if there is no outside funding.

ACTION: The motion was approved by all Commissioners present.

B. Discuss and Approve Process and Input to Evaluate Executive Director for FY12

ED Nāho‘opi‘i waived the right to an executive session. Chair McLean stated the Commission had previously decided to the format for completing the KIRC Executive Director Evaluation. She suggested that the forms could be submitted to her before the next meeting for her secretary to tabulate, as it is inappropriate for KIRC staff to handle the tabulation. The Commissioners would be provided a summary of the results as well as copies of the evaluations. A combination of the FY12 goals and the chart can be used to do the evaluation. Chair McLean will e-mail the Commissioners the evaluation forms and they can return either the completed electronic version or a hard copy. Vice Chair Whitehead and Commissioner Baker were ok with just receiving a summary of the evaluations. The Commission encouraged senior staff to gather input from their staff before completing the evaluation. Names will be redacted. They also determined that the participants should be the Commissioners, KIRC senior staff (other than the new Cultural Coordinator who can be included next year) and a representative from PKO. The PKO can determine who will be their representative can be determined at the meeting on July 13. The evaluation can be conducted at the next available meeting.

MOTION: Vice Chair Whitehead moved to conduct the evaluation of the Executive Director's performance at the next regular available KIRC meeting, to request that all Commissioners, KIRC senior staff (except the new Cultural Coordinator) and a representative from the PKO to participate the evaluation process. Commissioner Aluli seconded the motion.

ACTION: The motion was approved by all Commissioners present.

C. Approval to implement the Ocean Program's Near-Shore Species Monitoring and Tagging Project

Uncle Les Kuloloio expressed his concerns about debris from Fukushima, particularly in Kanapou. There is a need to monitor debris because fish travel between Ahihi-Kinau and Kanapou. He requested that no one be allowed to enter Kanapou until there is verification that the debris is not radioactive. He requested that a discussion about the debris from Japan be put on the next agenda. He does have a monitoring instrument and is willing to help and would like to tag all fish going to Ahihi-Kinau and Kanapou.

KIRC Ocean Resources Program Manager Dean Tokishi presented the request for approval of a project to tag "silver fish" such as aholehole, 'ama'ama, moi and enenu. The key components are surveys, tagging and dissections only if there is mortality. The primary method of catching the fish would be by hooking then netting. Staff is also looking at stunning the fish using natural compounds such as clove oil, 'auhuhu or 'akia. The staff would like to work with Uncle Les and the PKO on this project. Staff have purchased 500 tags which are color coded to determine the area the fish was tagged. ED Nāho'opi'i noted no one is currently using akia. Staff will check on the regulations of its use.

Chair McLean asked if staff required any additional training to conduct the project. Staff responded the Ocean Program has done tagging in the past but insight from PKO and Uncle Les would be helpful.

The Commission asked if staff would be working with cultural practitioners. Staff responded it plans to work with others. The Commission also recommended staff speak with PKO fishermen before the start of the project. Staff responded they have already spoken to C J and Luna who are willing to help. The Commission also suggested that they contact Lopaka Aiwohi. The Commission suggested staff inform the PKO about the tagging project and what to do if they catch a tagged fish. Staff responded the tags will have a tag number, a phone number the person can call and a reference number. The Commission also suggested that Ocean staff meet with the PKO to provide information about the catch report

The Commission wanted to know what would happen to the remains in the event of mortality after the necropsy has been completed. Staff had consulted with former Cultural Coordinator Saito before she left and it was determined that it would be culturally appropriate to offer it if viable. Another possibility could be on-island consumption.

The Commission suggested a quick survey or correspondence with fishermen who have fished around Kaho'olawe. It also hoped the Cultural Coordinator could be included as well as scientists and that this project could integrate cultural knowledge and scientific information. It would be helpful if this project could provide an update or comparison to the 1996 report.

Mr. Kapu commented that there are dozens of people on his organization's Ocean Committee who have participated in DLNR's tagging programs and has given staff a name of someone who has tagging experience who can help.

MOTION: Vice Chair Whitehead moved to authorize the implementation and activities of a near-shore species monitoring and tagging project on Kaho‘olawe in accordance with the KIRC Cultural Plan Kūkulu Ke Ea A Kanaloa and the KIRC Ocean Management Plan. Commissioner Murphy seconded the motion.

ACTION: The motion was approved by all Commissioners present.

VI. Program Status Updates

A. Status Update on current Restoration Program Projects: Propagation of Ka Palupalu o Kanaloa; native planting in Keāliialalo wetland; Safety Training Week

KIRC Staff Paul Higashino reported that Restoration staff met with personnel from Maui Nui Botanical Gardens, Plant Extinction Prevention Program (PEP) and Ho‘olawa Farms to discuss strategies for propagation of Ka palupalu o Kanaloa. All participants have signed the MOUs. Cuttings from the plant at Ho‘olawa Farms for plant propagation have been sent to Lyon Arboretum. Staff should know in approximately 3-4 months if they are viable.

Montessori School 6th graders planted 400 native plans in Keāliialalo wetland. The school also purchased all the plants.

Staff also participated in crew training regarding Ocean safety. Staff also participated in the Hokule‘a access.

The rainfall has been very low on island; only 4.2 inches at Lua Keāliialalo and 2 inches at Honokanai‘a. There probably will not be a mice bloom this year due to the low rainfall.

KIRC Staff Higashino will find out more about critical habitat designation and its implications for Kaho‘olawe. Vice Chair Whitehead commented that the designation does not mean much to landowners unless they are dealing with federal funds. A lot of landowners do ask for an exclusion from this designation.

Commissioner Aluli commented that the presence of the Hokule‘a on Kaho‘olawe is very important and asked Commissioner Murphy to comment on her experiences regarding the Hokule‘a access. Commissioner Murphy stated she was grateful and thankful to everyone at the KIRC who helped to make the visit possible. It was a very special feeling being able to go to Kealahiki and see Hokule‘a in the bay. She thought it is important to keep connections between Kaho‘olawe and the Hokule‘a strong.

B. Status Update on current Ocean Program Projects: On Island Field Surveys; Mooring Dives; Aerial Survey; Staff Safety Training Week

KIRC Staff Tokishi reported Ocean Program staff conducted an aerial survey on May 18th and four mano pa‘ele (black tip reef sharks) were sighted in Kuheia and ‘Oawapalua. Ocean staff also placed moorings for Hokule‘a. Ocean staff conducted field surveys from May 14th to May 17th and worked with Restoration staff to learn about irrigation in

Luamakika and working with the Montessori School volunteers. Last week 15 sharks were spotted in Kanapou. Some were very large.

Ocean staff also participated in safety training week with other KIRC staff.

VII. ANNOUNCEMENTS/FYI

The Commission decided that the following items should be placed on agendas at future meetings:

- Executive Director's FY12 performance evaluation and establishing goals for him for FY13 (action item)
- Discussion of task forces and working groups
- Commission to determine bioprospecting policy (staff to provide information in ED report or a research memo)
- Presentation from 'Aha Moku O Maui at a Maui meeting
- Commission to determine if there needs to be a task force or working group for strategic planning
- Discuss how KIRC can enable better participation from the community
- Presentation by NOAA about marine debris and discussion about marine debris response or periodic updates from NOAA about marine debris

The Commission decided that the staff is to follow up on:

- Posting agendas earlier and getting packets out earlier
- How KIRC can enable better participation from the community
- Getting the packet materials on-line (figure out a timeline for implementation)
- Provide Commission organizational chart with staff's names
- Communicating to Cultural Coordinator that a site plan for Pōkāneloa is a priority and provide site plan to the Commission
- ED Nāho'opi'i to verify that he has spoken to staff regarding the consequences of the approved FY13 budget, the condition of the Trust Fund and what the next few years might look like
- Restoration to provide information regarding Critical Habitat designation and determine if staff wants to submit testimony regarding USFWS's proposal
- Include new item "Next meeting and follow ups" on future agendas
- Update the fund development action plan
- Restoration to follow up on watershed partnerships
- Restoration to follow up on seabird mitigation funding

The next meeting date is to be determined by the polling of the Commissioners' available dates by staff.

VIII. ADJOURNMENT

There were no objections to adjourning the meeting. The meeting adjourned at 1:20 pm.