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KŪKULU KE EA A KANALOA
KAHO'OLAWÉ ISLAND RESERVE COMMISSION

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MEETING MINUTES

Thursday, October 25, 2012

12:00 PM

Department of Land and Natural Resources

Boardroom

1151 Punchbowl St, Room 130

Honolulu, Hawaii

COMMISSION MEMBERS

PRESENT: Michele McLean, Chairperson; A. Nāmaka Whitehead, Vice Chair; N. Emmett Aluli, M. D.; William Aila, Jr. (arrived at 12:43 pm); C. Kaliko Baker, PhD.

EXCUSED: Colette Machado

KIRC STAFF: Michael Nāho'opi'i, Executive Director (ED); Ka'ōnohi Lee, Administrative Officer (AO); Rowena Somerville, Deputy Attorney General (DAG); Kuiokalani Gapero, Cultural Resource Project Coordinator (CRPC); Dean Tokishi, Ocean Resources Program Manager (ORPM); Terri Gavagan, Commission Coordinator (CC)

GUESTS: Keoni Fairbanks; Davianna McGregor (PKO); Stanton Enomoto

I. CALL TO ORDER

The meeting was called to order at 12:36 pm by Chair McLean. A quorum was established with five Commissioners.

II. APPROVAL OF AUGUST 10, 2012 MEETING MINUTES

Commissioner Baker requested that spelling of Pōkāneloa be standardized.

MOTION: Commissioner Aluli moved to approve the minutes of August 10, 2012 as corrected. Commissioner Baker seconded the motion.

ACTION: Motion was approved by all Commissioners present.

III. COMMUNITY AND PUBLIC COMMENTS

Dr. McGregor submitted testimony which has also been emailed to CC Gavagan regarding the 2013 Legislature.

The KIRC recognized last year that the idea of allowing limited commercial use in the Reserve is a very serious issue which needs to be discussed as part of the strategic planning process and which needs input from the broader Native Hawaiian community who supported the 'Ohana in stopping the bombing and military abuse of Kaho'olawe. Placing this on the agenda is in conflict with the position already taken by the KIRC in October 2011 and a motion that passed in its meeting on February 16, 2012.

She believes that the Native Hawaiian community has the expectation that the KIRC will uphold the significant precedent that Governor Waihee and the Hawai'i State Legislature established when it set up the island as a trust. To be honorable and respectful to the Native Hawaiian people, KIRC should consult with the Native Hawaiian people on each island if it is considering changing HRS 6 -K (3) (b).

The Protect Kaho'olawe 'Ohana conducted Strategic Visioning on Kaho'olawe in October 2011. Strategic Planning is the next phase. They decided to develop a criteria matrix for revenue generation projects and to investigate various energy producing and cultural center projects.

She urged the Commission to discuss revenue generation and any limited commercial uses of Kaho'olawe as part of the KIRC strategic planning process, with consultation and input from the Native Hawaiian community on each island. It should not be part of the legislative agenda for the 2013 session.

IV. ADMINISTRATIVE BUSINESS

A. Executive Report

1. Status Update on Budget, Finance and Funding

ED Nāho'opi'i reported no variances in the budget. A grant summary and Fund Development Status Report were also reviewed:

Staff needs to resubmit a request for \$25,000 to Maui County for a photovoltaic system for part of Base Camp.

An Atherton Foundation grant of \$10,000 has been awarded to the KIRC for revegetating the area around Base Camp with native plants and native food crops. This will be accomplished by using traditional precontact tools and with ceremonies commonly associated with the planting season. CRPC Gapero will be the project manager for this grant.

A Hawaii Community Foundation/NOAA grant of \$79,609 has been awarded for marine/cultural restoration in the Honokanai'a Bay area. Part of the project will be beach plant restoration as well as removal of invasive marine species such as roi. KIRC Staff White will be the grant's program manager. Chair McLean asked if the KIRC will be providing a match or in-kind. Staff confirmed that the in-kind will be mostly staff and volunteer hours, a fifty-fifty match.

A Department of Health (DOH) grant of \$204,187.61 was recently awarded for native outplantings on hardpan areas along the southern trail down to Hakioawa. KIRC Staff Abbott will be the project manager. The Commission congratulated staff.

Staff did submit a funding request to OHA for Pōkāneloa.

The grant application to the National Fish and Wildlife Foundation (NFWF) for Kaulana and Hakioawa watershed maintenance was rejected because there was not a strong enough partnership with the NFWF.

Staff is currently working with Island Conservation which is writing a NFWF faunal restoration planning grant. It would develop the environmental assessment (EA) and the necessary processes to start a major faunal restoration effort on the island. More information will be provided in the next update.

A grant application for \$100,000 to NOAA for marine debris cleanup will be submitted at the end of the month for Kanapou and two other beaches.

Staff will also be submitting a grant proposal to Castle Foundation for marine coral monitoring.

A grant application to the Hawaii Tourism Authority (HTA) will also be submitted. The scope of the grant will be to clear brush around the boat house so the demonstration garden area can be used to hold plants. It will be an opportunity to encourage public support and help with the homeless situation by having walking trails which the public could utilize.

Staff met with PKF, the auditing consultant, and DLNR Fiscal office staff in September regarding the fiscal audit. There is a discrepancy in the KIRC property inventory. There is no documentation for the transfer of the on-island buildings from the Navy to the KIRC in the inventory. The auditors suggested staff evaluate capital values for these buildings so that there is a capital asset account within the trust fund. The auditors also discovered some minor discrepancies in purchasing. They have requested access logs and are testing access procedures. They have also looked at the Health and Safety Plan and Strategic Plan. Staff will provide an analysis of the Fund Development Action Plan at the next meeting. The auditors have also requested a summary of all restoration efforts including how many acres have been restored and how it corresponds to the environmental restoration plan. The Commission may want to examine whether the contents of the current plans are still applicable or need to be modified during strategic planning.

Commissioner Aluli asked how all this relates to a fiscal audit. Staff responded that the bill requested that a fiscal and management audit be conducted. The auditors should send a report to the State Auditor in two weeks which will generate a report to staff. Staff will then be given a chance to respond. The response will become part of the main report to the Legislature.

Commissioner Aluli asked how the report will be used. Commissioner Aila responded he believes it is used by legislators to make points. If the auditors find something wrong that may be justification for either asking for funds or changing procedures or laws. Staff confirmed the Legislature is paying for the audit.

2. Status Update on Plans, Policies and Procedures

The master access planning schedule was reviewed. There were no questions or comments.

3. Status Update on Administration, Staffing and Personnel

There are currently two funded but vacant positions. Some of the duties of the Logistics Specialist have been reassigned and Restoration staff are also assisting. The three recently awarded grants will require a lot of time from the Restoration staff. Staff would like to fill the vacancy in the Ocean Program with an Ocean Specialist I who could also help with boat operations. This will help free up staff particularly in Restoration. KIRC Staff White captains the boat when KIRC Staff Lindsey is absent. The Logistics Specialist position will be redescribed as a KIRC Specialist I or II.

Vice Chair Whitehead stated she thought the goal was to try to prevent staff layoffs and this could be a good opportunity to downsize. Staff responded that the two individuals have been gone since July and staff have been able to handle additional duties but now additional funding that will require more staff time. The salaries of the two vacant positions are in the current budget so the KIRC would still be within the budget.

Staff would like to fill the vacant Ocean Program position to implement the *Helu I'a* project (silverfish tagging project) as well as to help with boat operations. A decision would be made in December or January whether to fill the position for the Logistics Specialist.

Vice Chair Whitehead asked if the Ocean Program Specialist could be used in the Cultural Program. Staff responded there have already been discussions about how the person could be used by both programs.

Commissioner Baker asked if hiring for this position would free up managers to handle logistics issues a little more. Staff responded they would like to see how the Ocean Specialist fits into the organization before deciding whether a Logistics Specialist is needed. This would be evaluated in January. Staff will send out an email to the Commissioners once the hiring process has been determined. AO Lee pointed out that there is a personnel hiring policy section in the KIRC Executive Policy Manual.

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

KIRC Staff met with the Executive Director of the Bailey House Museum in Wailuku about additional material collected during the Navy's 1980 surveys which were transferred to the museum for storage. Staff will be working with the Bailey House to transfer most of the material to the KIRC. Commissioner Baker asked about the type and amount of material. Staff responded there is some glass and the materials are in some large bins. There is a custom made case containing pictures and small artifacts on public display at the museum. There is also a traveling display which contains artifacts that belong to the KIRC and text the Bailey House owns. Staff recommends that the custom made case be allowed to remain at the Bailey House on permanent loan and to co-share the traveling display. Commissioner Baker asked if these items have been included in KIRC's inventory. Staff responded they are not included at this time because they are not yet in KIRC's possession.

5. Capital Improvements, Reserve Operations and Logistics

Access schedules have been changed to Tuesdays through Fridays. This allows more time to prepare the boat on Mondays.

Drawings for the photovoltaic system to be funded by a Maui County grant were included for informational purposes. It will be a 2 kW-3kW stand-alone system. KIRC Staff Abbott will be the project's program manager. It will also generate data for the CIP request to expand a photovoltaic system to the entire Base Camp. Commissioner Baker stated he would like to see expansion of this technology to get Base Camp off generators.

Department of Accounting and General Services' Pre-audit Branch has completed the processing of the Hakioawa Hale contract. A preconstruction meeting is scheduled for next week. ED Nāho'opi'i will check to see who can be invited to it. The scheduling of the project still needs to be determined so that the 'Ohana has enough time to move the kitchen. ED Nāho'opi'i will recommend the project be started after Mahahiki. The contractor will notify staff if this will increase the cost.

Vice Chair Whitehead asked about the status of the Kihei Executive Order. ED Nāho'opi'i has left phone messages, mailed a letter and sent e-mails to Maui Land Agent Ornellas but there has been no response.

B. Review August and September 2012 Expenditure Reports

The expenditure reports for August and September 2012 were reviewed and there were no questions from the Commissioners.

C. Update on Public Hearings regarding Pōhaku Kāneloa Project

Dr. McGregor provided oral and written testimony. She supports and has participated in the process, and congratulates the cultural specialist, Commissioner Baker and ED Nāho'opi'i for taking the initiative to design and implement a process for the KIRC with regard to treatment plans for cultural sites. The KIRC has never adopted a process for this. The KIRC is required to follow the SHPD process, but it should also

adapt that process to the circumstances of Kaho‘olawe. As this pōhaku is unique and it has been placed in great danger due to years of abuse from ranching and military use, followed by years of neglect by the KIRC, it warrants public meetings. Other treatment plans may only require the plan be circulated and posted on the KIRC web site to fulfill the consultation requirement.

She noted that the process to develop the treatment plan started a few years ago and includes the findings and recommendations of consultants; on-site focus group discussions with members of the Protect Kaho‘olawe ‘Ohana and participants in their huaka‘i; training sessions with Cultural Surveys and the Edith Kanaka‘ole Foundation; and public listening sessions. It is incumbent on the KIRC members and its staff to include all of this input, findings and recommendations in its deliberations regarding the best option to protect this unique national Hawaiian treasure.

She recommended holding a listening session in Hilo and for the new cultural specialist to combine this with a personal meeting with the Edith Kanaka‘ole Foundation regarding its observations, findings and recommendations.

She believes that there is a need to prioritize the stabilization of Pōkāneloa for staff and grants.

She supports the recommendation to concentrate on stabilizing this pōhaku over the next year, but if the pōhaku cannot be stabilized, then it will need to be moved temporarily.

Kohe Mālamalama O Kanaloa/Protect Kaho‘olawe Fund will apply to the National Park Service for funding to complement KIRC's work to stabilize Pōkāneloa, as these funds are only available for community organizations.

Mr. Kuiokalani Gaper, KIRC Cultural Resource Project Coordinator (CRPC), presented an update of public testimony provided at the public listening sessions held on O‘ahu and Maui. On 9/24/12 a press release was sent out to media outlets regarding public listening sessions on 10/16/12 and 10/20/12. The KIRC website was also updated to include documents about Pōkāneloa. The public was also invited to submit their testimony via email. Staff did contact archaeologists who had previously worked at the site and their comments have been included in the Commission packet. Staff did contact Mr. Edward Stasack who co-wrote “The Petroglyphs of Kaho‘olawe” in an attempt to fulfill Commissioner Baker's request for additional ethnographic information. Mr. Stasack provided an update to the paper done in 2006 which has also been included in Commission packet. Some people did not want their thoughts publicized and staff has respected their wishes. The Commission was provided with a summary of public input. Staff would like to continue with the public listening sessions. Once the Commission has agreed upon a mitigation or preservation plan it will be presented to the public for consultation. It was noted that most of the people who submitted comments have been to the site. There were four people who had not been to it but offered comments.

Commissioner Aluli noted it should be taken into account if the person had been there and under what circumstances (i.e., PKO access, KIRC access, during an equinox, etc.).

Commissioner Baker commented he was glad that Mr. C.J. Elizares testified at the Maui session since he and former KIRC staff Saito have spent many hours working at that site. He was hopeful that Ms. Saito would add what her vision is for the area. He noted the major point he took away from the Maui meeting was the need to stop water from flowing down towards the pōhaku which would eliminate a lot of erosion issues. He asked Mr. Elizares to brainstorm some possible solutions. Mr. Elizares agreed to put together some options. Staff should not wait for money to put together the intellectual side of the project. Staff stated after the Commission has decided what action to take regarding Pōkāneloa they will come before the Commission with a specific budget for approval. The current line item in the budget for Pōkāneloa is for the consultation process only.

Commissioner Aluli commented he had been on an access with the Reppun brothers from Waikāne who would utilize platforms to stop erosion. They are taro farmers who know how platforms have worked in lōʻī. He hopes to revisit them. He stated staff needs to think about platforms which are easy to make for erosion control. Commissioner Aluli clarified that the Reppun brothers did not go up to Pōkāneloa.

Chair McLean asked how strongly water runs in the gulch when it rains. Staff responded water flows not only in the gulch, but all around the pōhaku as well. It was noted that redirecting water from the pōhaku would also require redirecting 5 sq. miles of water. Staff would need to look at the possible impact this would have to other archaeological sites.

KIRC Staff Gapero noted that the next step is to extend listening sessions to Hilo. Staff would like to extend the listening sessions for three to four months to give people on every island time to respond. Staff will provide the Commission with a detailed summary of public input and return to the Commission to ask for direction. If there are to be additional listening sessions, there would not be enough time to provide the Commission an update at a December meeting.

Vice Chair Whitehead asked why there should be a wait of three to four months. Staff responded a two to three weeks notice of the sessions needs to be given to the public and to allow time to schedule staff's and Commissioner Baker's travel. The comments would also have to be compiled and transcribed. Vice Chair Whitehead asked if staff is working on the concurrent issues which were discussed at the last meeting. Staff responded they are trying to pre-engineer options.

Commissioner Baker stated it would behoove the Commission to try to figure out how to deal with the water right now. One of the strong points coming from everyone is stabilization. Even if the Commission decides to move the stone, everybody's testimony was to stabilize the site and put back the pōhaku. The KIRC needs to figure out if the water can be dealt with and how. He strongly suggested that in

December the Commission make progress by giving a directive of site stabilization. He also noted the need to go to Hilo very soon.

Vice Chair Whitehead reviewed the items the Commission had asked staff to work on concurrently with the public listening sessions:

- 1) provide ethnographic backing for the possibility that the pōhaku at the site might be birthing stones (KIRC staff Gapero has already started providing this);
- 2) provide a plan of action (staff responded they are working on a plan of action);
- 3) conduct consultation at the same time as item 2; and
- 4) work with the CWG on this project (Commissioner Baker is working with staff on this project). Vice Chair Whitehead told staff to continue with a sense of urgency. Staff responded they are still working on key technical issues such as how to move the stone (if a decision is made to move it).

DAG Somerville asked for clarification of the additional listening session sites. Commissioner Baker responded Hilo is the main site but asked if Moloka‘i has a voice. Commissioner Aluli responded that Moloka‘i is working on a number of community issues right now. The Commission decided to have a public listening session in Hilo while staff continues to work on the technical issues.

Commissioner Aila commented that staff needs to identify the realms of possibilities based on public comments and needs to analyze them, i.e. environmental assessments, etc. Staff responded they have discussed environmental assessments. Commissioner Aila suggested staff might want to build everything into one situation where the first step is site stabilization; the second step is moving the pōhaku and analyze it all at one time. He also stated the method of moving the pōhaku might be similar to how the boulder was removed above Niu Valley. A mesh is put over to make sure it would not fall. There are hydraulic systems which could easily move a stone the size of Pōkāneloa. The challenge is getting the equipment to the island. A helicopter was used for Niu Valley. Staff has estimated the stone to weigh between 5,000 and 6,000 lbs. Commissioner Aila asked if the discussion is to pick up the stone and move it somewhere else versus dragging the stone further back where it is safe. Staff responded either option could be used. The stone is too big for the commercial Huey helicopters which are used in Hawaii. The military 47s are the only aircraft large enough in Hawaii that could move it. If it were to be dragged, a skid mount could be used with a hydraulic lift. However, a pathway would need to be cleared which would mean moving surrounding stones. Commissioner Baker pointed out there are a lot of petroglyphs in the area as well.

Commissioner Aluli asked who the expert on birthing stones is. Staff responded they have tried contacting La‘akapu Lenchenko who is the kahu for Kūkaniloko. No one on the staff or Commission was aware of anyone specializing in the study of birthing stones.

V. ACTION ITEMS
A. Evaluate Executive Director for FY 2012

ED Nāho‘opi‘i waived the right to an executive session. Chair McLean reviewed the memo regarding the performance appraisal for ED Nāho‘opi‘i for July 1, 2011 through June 30, 2012. He was evaluated by four staff and four Commissioners. An evaluation was never received from the PKO. The grades in the second column of the summary chart were the averages from all the evaluations. Overall, the grades were quite high. Some of the comments included that the Executive Director is well rounded and is well-prepared. There were a few minor suggestions. The Commission thanked ED Nāho‘opi‘i for his hard work.

Vice Chair Whitehead asked for comparison between this year's and last year's evaluation. DAG Somerville who processed last year's evaluation responded this year's scores were higher.

Commissioner Aila appreciated ED Nāho‘opi‘i's collaborative effort.

MOTION: Commissioner Aila moved to accept the evaluation chart as the KIRC's performance appraisal of ED Nāho‘opi‘i. Commissioner Baker seconded the motion.

ACTION: The motion was approved by all Commissioners present.

It was decided to move **Item V. D. Report from the Strategic Planning Working Group** before the rest of **Item V. Action Items** as the working group had invited Mr. Stanton Enomoto to conduct a presentation for this item.

B. Report from the Strategic Planning Working Group

Commissioner Aluli explained the Strategic Planning Working Group reached out to Mr. Stanton Enomoto, Ms. Norma Wong and Mr. Hardy Spoehr for assistance with strategic planning. Mr. Enomoto and Ms. Wong have assisted with the Office of Hawaiian Affairs' strategic planning. Mr. Enomoto had also served previously as KIRC's interim Executive Director, replacing Mr. Keoni Fairbanks for two years. He is currently working on climate change with the national parks. Ms. Wong had been involved with Kaho‘olawe from the day the bombing was stopped.

Mr. Enomoto presented a PowerPoint presentation "Strategic Preplanning: Considerations for Strategic Planning." This presentation is to help the Commission organize for strategic planning.

There are three major considerations:

- A) organize and sort the issues which includes
 - 1) defining the KIRC's needs and issues
 - 2) defining the audience the Commission is trying to reach
- B) sharpen the focus
- C) tailor the planning process

A) l) Potential examples of issues facing Kaho‘olawe and the KIRC:

- declining trust fund
- legislative actions
- poaching & enforcement
- commercial use
- erosion of cultural sites
- continuity of restoration activities
- maintenance infrastructure & equipment

Once the Commission identifies the issues they need to determine:

- why they are issues
- what are their impacts
- are they operational or resource driven
- are they structural or governance related

An example is the issue of whether programs are necessary.

A) 2) Defining the audience consists of determining if the Plan is for the KIRC or the Reserve.

B) sharpen the focus involves applying the above criteria and new approaches to the issue:

An example is the issue of the declining trust fund. It is an issue because there are only three or four years of money left. Potential impacts of having no money include having no management of the Reserve which could result in liability exposure and resource damage or loss. To continue to follow the current structural process would mean there would be a short life for the Commission. A new approach could be to change programs by downsizing the programs and thereby extend the trust fund's life span.

A new approach to the governance part of the issue may be realignment with a benefactor or a cooperative association partner. There could also be a new model in which the Reserve is transferred to a Native Hawaiian Entity, DLNR, OHA or a Nongovernmental Organization (NGO).

C) Tailor the process

It was noted that these activities are not mutually exclusive (except for Status Quo):

- design information gathering activities (which may not need public hearings)
- develop a communication plan and materials
- secure & affirm commitment
- scope and solicit appropriate contracts

Commissioner Aila noted the Commission faces unique problems. It has dwindling independent resources. The question is whether the Commission looks at alternate sources of funding besides the Legislature. If the Commission goes to the Legislature for funding, there will be strings attached. The Commission needs to think of alternatives. He did not see too many options to fund operations. However if the

Reserve goes dark, it will be a disservice to the Hawaiian people and the people of the Hawaiian archipelago as well as the place. It is about survival.

Chair McLean stated the key for her is whether the plan is for KIRC or the Reserve. She continued that the Strategic Planning Working Group could decide whether it wants to offer recommendations at the next meeting with regards to strategic planning issues brought up in the last meeting or decide the issues to be discussed amongst the entire Commission. The Commission does need to get specific about strategic planning at this early stage.

Commissioner Baker stated he always thought the plan was for Kaho‘olawe. He always assumed the KIRC is very temporary. He is thinking of what his son will be dealing with when he is Commissioner Baker's age. The Commission needs to point canoes somewhere we want to go.

Vice Chair Whitehead agreed with Commissioner Baker that she had always assumed the strategic plan was for the Kaho‘olawe. She noted that the last two strategic plans were virtually identical. The Commission needs to shoot higher than just preparing for the transfer if the process is to mean something.

ED Nāho‘opi‘i stated there is two and a half to three years of funding left. The focus now is on acquiring an outside funding source. If it is not acquired, KIRC may need to transfer operational functions to DLNR.

DAG Somerville asked if Mr. Enomoto could be the facilitator for strategic planning. AO Lee commented the presentation has provided some clarity about the process. ED Nāho‘opi‘i commented the last plan was so broad; the next plan needs to be more focused on the key issues.

Chair McLean stated she thought there was a concern during the previous strategic planning that if something was left out it somehow meant that it would be lost or that it was no longer important. She thought if the Commission decided to have a narrow focus on two or three priorities, then that will make all the rest possible.

ED Nāho‘opi‘i added that having a small staff requires task driven goals. AO Lee added that she has noticed when staff is a little more focused things are accomplished faster and better.

DAG Somerville added that was also former Commission Neff's concern; that the last plan was too broad.

Mr. Enomoto observed that there are so many things in the current strategic plan to do but limited capacity to influence each one. The mission of the Commission is the management of the Reserve and the Reserve's future and whether it involves a Hawaiian governing entity. Funding is a means to get there. Focusing strategically on one or several outcomes does not mean the Commission is abrogating its statutory

responsibilities but it does demonstrate to the Legislature and public the Commission's leadership and responsibility.

KIRC Staff Tokishi agreed with AO Lee's comment about seeing the focus.

Commissioner Aluli commented it is tough to be a KIRC Commissioner and a PKO member but it is an essential position to uphold the firm commitment to keep the 'Ohana as the cultural practitioners. He asked Dr. McGregor if she had any comments.

Dr. McGregor noted that a transition plan for staff needs to be considered. PKO has focused its strategic plan on the island and believes that the cultural plan needs to be kept in mind. She also suggested the Commission look at how other countries manage their sacred places.

Mr. Enomoto noted it is important to determine the audience. The plan could be adopted as a policy of the Commission which ED Nāho'opi'i would be responsible to implement. He would have to go through a similar planning process to figure out how to implement the policy.

Dr. McGregor commented that the KIRC does not have to do all work itself; it should look for viable organizations to help with island functions.

Commissioner Aila noted that DLNR divisions will be shorthanded if sequestration happens. This will affect their ability to take over any KIRC functions.

Commissioner Aluli suggested coming up with a matrix of questions and taking them to Commissioners, former Commissioners, staff, and then to the stewardship organization. The matrix could even be emailed to KIRC access participants and maybe even to PKO access participants. This may provide a basis for a plan to be taken to the public. Commissioner Aluli and Vice Chair Whitehead will provide suggestions to strategic planning questions and give them to ED Nāho'opi'i and he will work with them to set up a time line. This information will be forwarded to Chair McLean.

There was a recess from 2:50 to 3:00 pm. Commissioner Aila was excused from 2:50 to 3:30 pm.

C. Review and Approve a Research Access Request from the United States Geological Survey to Collect High Resolution Bathymetry, Backscatter Imagery and Underwater Video/Photography of the Nearshore Marine Habitat of the Reserve's North and West Coast

Mr. Dean Tokishi, KIRC Ocean Resources Program Manager (ORPM) presented the U.S. Geological Survey's (USGS) research access request to enter Reserve waters to conduct nearshore groundtruthing to improve current benthic habitat maps and data. The scientists will use an independent boat to conduct shallow water mapping. The USGS has requested this access to follow up on and verify previous data as well as obtain data for areas for which there is none. This project will also provide baseline

data to help determine changes over time. It was also explained that the project's high-resolution bathymetry and backscatter imagery will show the extent of nearshore rugosity which is an environment's complexity. The crew will remain on the boat at all times with the exception of possible limited snorkel surveys in water depths of less than five meters. The boat will transit from either Lahaina or Kīhei to the Reserve and transit back to Maui each day. This project is expected to take three working days to complete, depending on ocean conditions.

Commissioner Aluli asked if this project had anything to do with the underwater cable project from O'ahu since they have done mapping around Moloka'i and are doing Lana'i. He suggested staff ask Ms. Gibbs if they will be looking for a place to place the cable.

Vice Chair Whitehead asked why just three channels were being investigated. Staff responded currents are strongest in these areas and there may be interest in coral spawning. Staff stated the Commission could expect a detailed benthic map of these areas produced by this project.

The target date for the project is 2/12/13-2/15/13 although the researcher had asked for a larger window of 2/3/13-2/15/13 in the ROE request.

Commissioner Baker stated he does not want them in the Reserve during the closing of Makahiki. It is scheduled for 2/2/13-2/6/13. The Commission suggested shifting the window to 2/6/13-2/18/13 which would still give the researchers 12 days. Staff suggested that the ROE could be approved with the specification that they start no earlier than 2/6/13. Commissioner Baker asked if the approval could state the researchers cannot be in the Reserve during Makahiki. Staff replied it would be better to include specific dates. Commissioner Baker stated the PKO was to discuss changing the dates of the Makahiki this evening. Commissioner Aluli stated he had made the request. Commissioner Baker directed staff to explain to Ms. Gibbs about Makahiki and that they should not be conducting research during this time. Commissioner Aluli commented he knew the captain of the AlyceC (the boat to be used during the access). He brought people from Moloka'i to the big celebration at Honokanai`a. Commissioner Aluli wanted to speak with the captain of the boat before casting a vote.

The Commission decided to table action on the request until KIRC Staff Tokishi could contact Ms. Gibbs to ask her if she could comply with the condition of staying out of the Reserve during Makahiki.

D. Preliminary Discussion for 2013 Legislative Session

ED Nāho'opi'i reviewed the Proposed Legislative Topics for 2013 Session:

1. Permanent Funding Source

a. Conveyance Tax

Commissioner Aila has agreed to reintroduce the Conveyance Tax proposal as part of DLNR's legislative package. Staff noted the DLNR's legislative package also includes a request that 10 percent of the Conveyance Tax go to

DOFAW. It is estimated that \$30 million dollars could be generated in conveyance taxes this year.

- b. Resolution calling for the State's commitment to continue KIRC's management and restoration of Kaho‘olawe
Commissioner Aluli stated he would like to see the resolution contain broad support and historical context.
- c. Statewide user fees for natural resources activities
The Commission did not take a position on this issue during the last legislative session. Chair McLean added her recollection was the Commission decided it was not ready to add Molokini and that it would take money to make money from Molokini. The Commission is also not ready to address commercialization at this time. Staff is to present reasons to Senator Kalani English for not wanting to include Molokini in the Reserve at this time and ask him not to bring it up in the next legislative session.
- d. General Fund request
Staff conveyed Commissioner Aila's suggestion to pursue a portion of the conveyance tax this session and, if the KIRC does not get it, he will put in a general fund request in his budget next year.

The Commission decided to have staff ask for a general fund request. Commissioner Aluli asked if the KIRC has put in a general fund request before. Chair McLean responded Rep. Carroll and Sen. English have always put in the request but the Commission and staff have not really stayed with it through the entire process. Large amounts have been put in which were easy to eliminate. Commissioner Aila commented chances are a little bit better this session because there is a little bit more revenue. Commissioner Aluli asked if the Commission asks for specific things in the funding request. Staff responded the request would have to be attached to a program. Chair McLean commented in past years Rep. Carroll and Sen. English would have funding requests for their districts and funding for Kaho‘olawe would just be a line item, not for a particular use or program. Commissioner Aila stated it was best to keep a line item request as general as possible so it gives the KIRC the greatest flexibility in how to spend the money. Chair McLean stated the Commission and staff could work with Rep. Carroll and Sen. English on the funding request. Commissioner Aluli requested a copy of the last line item request by Rep. Carroll and Sen. English.

- 2. Renewal of KIRC's food and fuel procurement exemption
Sen. Shan Tsutsui has agreed to reintroduce this measure. Staff will need to follow up with the chairs of the committees to get the hearings scheduled.
- 3. Request for CIP funding for an alternative energy project

Staff would like to complete the conversion of Honokanai‘a Base Camp to an alternative, sustainable energy source. It may take a couple of years to go through the process. Staff may also visit the state's energy czar.

Commissioner Baker commented one island at a time should get off the grid and the KIRC should get Kaho‘olawe off the grid first. The Commission encouraged staff to work out the numbers and approach Rep. Carroll and Sen. English about this.

Commissioner Aila suggested looking at additional capacity because there may be some other things staff could accomplish if there was additional energy. Staff is looking into generating water for restoration projects. Chair McLean added that the old appliances need to be replaced with energy efficient ones.

4. Asset Forfeiture as a KIRC enforcement tool
Commissioner Aila has agreed to reintroduce this proposal as part of the DLNR's legislative package. The Commission expressed its appreciation of the DLNR Chair's support of the KIRC.
5. Authorize limited commercial activities within the Kaho‘olawe Island Reserve
Chair McLean stated she asked ED Nāho‘opi‘i to put this on agenda so that the Commission could have a current decision to say this issue will be discussed as part of strategic planning. The last discussion was more than a year ago. The issue could come up during the legislative session and the Commission would want to be able to say it has voted not to support any type of commercial activity until the Commission has its strategic plan discussion.

Commissioner Aluli suggested the Commission create a working group or task force to include the Commissioners who could make their own contacts with legislators. It should also include the team PKO has put together. He would like to be able to go to the Legislature as the PKO and Commission together, looking, acting and believing that we are the same in "our" vision for Kaho‘olawe. He wants to make sure there is solidarity.

Commissioner Aila asked if Commissioner Aluli was suggesting that for the package which is going in now the Commission should create a working group including the PKO and all the friends of Kaho‘olawe to look at legislative matters so that testimony with "one voice" can be offered on all bills going forward. Commissioner Aluli agreed and asked if this could be brought up at the next meeting or can some of the thoughts be drafted. Commissioner Aila stated it was good to have one voice with a very limited set of talking points so that everyone hears the same thing. Staff stated they could prepare those items. The Commission decided to form a legislative working group at the next meeting. The proposed topics list will be narrowed down to the ones the Commission wants to move forward with. It would be helpful if some positions could be drafted by the next meeting.

C. Review and Approve a Research Access Request from the United States Geological Survey to Collect High Resolution Bathymetry, Backscatter Imagery and Underwater Video/Photography of the Nearshore Marine Habitat of the Reserve's North and West Coast (continued)

KIRC Staff Tokishi was able to contact Ms. Gibbs who confirmed that none of the proposed research is related to the cable project. However, she could not guarantee future use of the data. Ms. Gibbs also stated she respects all and any cultural activities in the Reserve and she would not want to be in the Reserve at that time. The target dates would not fall in the Makahiki window but they could push it back if necessary.

Commissioner Aila commented this is an opportunity to have baseline information which is always a good thing.

MOTION: Vice Chair Whitehead moved pursuant to HAR §13-261-13, to approve the request of geologist Ann Gibbs and her staff to access the Reserve on board the independent vessel, Alyce C, to conduct nearshore groundtruthing to improve current benthic maps and data with the condition that the access not take place during Makahiki. Commissioner Aila seconded the motion.

ACTION: The motion was approved by all Commissioners present.

VI. PROGRAM STATUS UPDATES

The Commissioners decided to review the program status updates on their own. ED Nāho‘opi‘i announced the NRCs grant will probably be completed by November and there would be an access to Kanapou on 10/30/12 for NHK, the national Japanese network, to document tsunami debris.

VII. ANNOUNCEMENTS/FYI

Commissioner Aila requested anyone who knows of any large debris with Asian writing to notify DLNR at (808) 587-4000. DLNR is building a database of debris and trying to prevent invasive species from entering Hawai‘i via tsunami marine debris.

Commissioner Aluli announced that Kaho‘olawe was honored as the piko of navigation at the ‘Imiloa 5th Annual Wayfinding & Navigation Festival held on 9/29/2012.

The Commissioners decided to review the FYI material on their own.

VIII. NEXT MEETING/FOLLOW UPS

CC Gavagan is to poll the Commissioners for meeting dates in December.

IX. ADJOURNMENT

There were no objections to adjourning the meeting. The meeting adjourned at 4:20 pm.