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KŪKULU KE EA A KANALOA
KAHO'OLAWE ISLAND RESERVE COMMISSION

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MINUTES MEETING
Tuesday, November 30, 2010
9:30 am
Kahului Community Center
275 Uhu St
Kahului, Hawaii

COMMISSION MEMBERS

PRESENT: Craig Neff, Chairperson; A. Nāmaka Whitehead, Vice-Chair; Milton Arakawa; Colette Y. Machado; Davianna P. McGregor

EXCUSED: Ka'īulani Murphy; Laura Thielen

KIRC STAFF: Michael Nāho'opi'i, Executive Director (ED); Michele McLean, Deputy Director (DD); Rowena Somerville, Deputy Attorney General (DAG); Paul Higashino; Dean Tokishi; Kahale Saito; Carmela Noneza; Mei Mailou-Santos; Cheryl King; Jennifer VanderVeur; Jamie Bruch; Tina Keko'olani; Charlie Lindsey; Scott Broadbent; Terri Gavagan, Commission Coordinator (CC)

GUESTS: Eric Brundage, Zapata Engineering; Uncle Les Kuloloio (Families of Honua`ula); Kiki Namahoe (PKO)

I. CALL TO ORDER

Chair Neff called the meeting to order at 9:35. A quorum was established with five commissioners present.

II. APPROVAL OF AGENDA

MOTION: Commissioner Arakawa moved to approve the agenda. Vice Chair Whitehead seconded the motion.

Discussion: Commissioner Machado stated that she would have to leave the meeting at 1:15 pm and requested that decision-making items be moved up. ED Nāho'opi'i responded that there are no decision-making items in this meeting.

ACTION: Motion approved by all Commissioners present.

III. APPROVAL OF MINUTES

MOTION: Commissioner Machado moved to approve the minutes of September 30, 2010. Commissioner McGregor seconded the motion.

DISCUSSION: The Commission reviewed the draft meeting minutes from September 30, 2010. Chair Neff asked if the previous minutes reviewed for August 27, 2009 were forwarded to the previous commissioners. KIRC staff stated they believed so but would follow up. Chair Neff asked if

CC did the minutes. CC responded that she was the first to work on it but several people helped edit it. The Commission commented that it was good work.

ACTION: Motion approved by all Commissioners present.

IV. COMMUNITY and PUBLIC COMMENT

Chair Neff asked the members of the staff and public to introduce themselves. Uncle Les Kuloloio thanked the Commission and KIRC staff including him in the Cultural Working Group and the aloha shown by the staff when he visits the KIRC office.

V. ADMINISTRATIVE BUSINESS

A. Executive Director's Report

Budget, Finance and Funding: ED Nāho'opi'i reported the possibility of getting funding from the American Bird Conservancy (ABC) based on a recommendation by the United States Fish and Wildlife Services (USFWS) to the ABC. The funds would be for the KIRC's faunal restoration program. The exact amount of the grant is not known—it could be from \$1-3 million. If it is approved, the money will be administered through USFWS. The scope and duration of the grant is unknown at this time. Commissioner Machado asked when it will come before the Commission for review and consideration. ED Nāho'opi'i said the Chair will be notified as soon as the staff hears the outcome. The staff will prepare a full grant package for the Commission.

Plans, Policies and Procedures: The DLNR Transition Briefing document was reviewed. It is part of the transition package for the new DLNR Chair William Aila, Jr. The Department asked each division to contribute two pages covering its mission, governance, program focus and current management and regulatory issues. KIRC prepared a longer document that will also be sent to DLNR Chair Thielen with a cover letter for her to forward to Chair Aila. ED Nāho'opi'i will hand carry the whole package to the DLNR meeting on Friday, December 3, 2010.

Administration, Staffing and Personnel: The Commission was informed that the KIRC will be getting two additional Americorps interns from MEO: Pono Hoopai, who was on island during the last Hokule'a visit, and Poema Pescaia, whose father is Keoki Pescaia from Moloka'i. They will be with the KIRC for one year. Both were prior interns with YCC.

Two staff training sessions were also reviewed—first aid and CPR refreshers for all staff, and fuel spill training presented by the Coast Guard. There was a discussion about the current method of transporting fuel in drums with the Polarises across the beach, and the future method of pumping fuel from bladder tanks. ED Nāho'opi'i explained that the amount of fuel that will be pumped from the bladders is below the threshold where fuel spill booms are required, but that staff is using booms anyway, thus exceeding Coast Guard requirements. Chair Neff asked if the Coast Guard needs to approve what staff will be doing. Staff stated that the operation is too small. DD McLean explained that before the whole system was purchased staff consulted with

numerous agencies—Coast Guard, county, state and federal agencies on the needed permits. Coast Guard approval was not needed because the quantity is so small. KIRC Staff Charlie Lindsey arranged to have the Coast Guard volunteer their time to help with the equipment training. Chair Neff asked if there were tradeoffs in terms of safety between the two methods. Staff responded there might be less of a risk with the fuel bladders as there is only a connection at the pump and at the truck so there will be a chance of a spill at the pump or the truck. The pump can be turned off at any time. Fuel drums could fall off of the Polaris at any time. The preferred method is pumping. The spill response contractor, PENCO, suggested the new method as a better option for the environment. There are different types of risks with either method. Staff is taking a lot of time practicing this new method with dry runs.

Strategic Planning: It was reported that the annual Stewardship Meeting may need to be rescheduled to December 15, 2010 due to scheduling conflicts.

B. Review and Acceptance FY2011 Expenditure Report for October 2010

ED Nāho‘opi‘i reported that KIRC is currently operating at six percent under budget. Only the personnel budget is operating at expected levels because KIRC is fully staffed. Commissioner Machado asked which two employees are not included in either Bargaining Unit 03 or 13. Staff responded ED Nāho‘opi‘i and DD McLean. She also asked how the Americorps interns are classified. ED Nāho‘opi‘i responded they are classified as volunteers.

Commissioner Machado asked how much revenue was generated from access fees. \$26,850 was generated since July 2010. Commissioner Machado wondered if revenue generated from access fees would actually match the projected amount. Staff responded that the actual amount might get close to the projection. Access fees will be increased to \$125 effective January 2011. The Commissioners asked how this figure was derived. Staff responded that it was based on the costs of providing food, water, linens, and boat transportation and was comparable to the PKO access fees. There are also other costs in having volunteers on island. The access fee has been \$100 since its inception one year ago. Commissioner Machado asked if this would be a hardship to the public and if a survey had been taken of the volunteers to see how they felt about the \$100 access fee. Staff said that post-access surveys showed that \$100 fee was a deal. Before the access fees went into effect, staff said volunteer groups were surprised to find out there was no fee. Most volunteers expect to pay a fee. The ED can waive the fee under certain circumstances such as for a recruited skilled volunteer (carpenter or engineer) or for financial hardship. School groups said the \$125 is comparable to other school trips.

MOTION: Commissioner Arakawa moved to accept FY 2011 Expenditure Report for October 2010. Commissioner Machado seconded the motion.

ACTION: Motion approved by all Commissioners present.

Status of Solicitations and Contracts were reviewed during which DD McLean commented that the KIRC received one bid for the helicopter transportation contract and that the contract would be presented at the next Commission meeting. Commissioner McGregor asked what types of architectural services were being provided. Staff responded that the architectural firm has provided design planning on the island and for the administrative center in Kihei. Commissioner

McGregor asked how the decision is made for not spending the rest of the contract and if it factors into the budget. Staff said it is a Commission decision. DD McLean said in the annual trust fund report prepared for the state legislature, the trust fund balance is listed and then encumbered funds are subtracted, leaving the unencumbered cash balance. The unencumbered cash balance would have this contract balance subtracted from it, but that money is still in the trust fund. The fiscal office would see the funds as earmarked but they have not been spent. Unencumbered funds are put into investment. Staff is not expecting to spend anything in the foreseeable future on architectural services but has kept the contract open so if the CIP funding is approved for the kitchen structure there is no need to open it up to bid. Commissioner McGregor asked if the KIRC has a contract for archaeological services. The KIRC does not. Contracts listed on the handout were only those valued at \$50,000 or more which would need to have been approved by the Commission. Contracts valued under \$50,000 are considered small purchases by the state and do not need to be approved by the Commission; however, they are still included in the budget.

VI. WORKSHOP

Continued Discussion on Budget Planning FY2011 – FY2013

ED Nāho‘opi‘i reviewed the Commission’s request that staff develop a \$2.5 million budget for FY12 implementing Scenario B+ which would result in a modified caretaker status for the Honokanai`a Base Camp. This would allow some cost savings while still maintaining a full-time presence on Kaho‘olawe for security and maintenance. The KIRC Budget Planning Document, FY2011-2013 and dated November 30, 2010 was reviewed and the highlights discussed.

ED Nāho‘opi‘i is still discussing with the Department of the Attorney General about having a Deputy Attorney General assigned to the KIRC in the future but chances are remote as that department still has a shortage of attorneys. There will still be legal support from the AG. Staff is anticipating that the new governor will eliminate furloughs, which has to be included in the FY12 budget. The FY11 budget is divided between personnel costs of \$1.5 million (45 percent of the budget) and non-personnel costs of \$2 million (55 percent of the budget). The approved budget for FY11 is \$3.6 million. In the previous year’s budget there was a bigger difference between personnel costs and non-personnel costs so the staff focused on non-personnel costs to reduce the budget. Now the budget is split almost equally between personnel and non-personnel costs, so in order to reduce the budget even further, reductions in personnel need to be considered. Personnel reductions would likely mean the elimination of one position each in Operations, Administration, Restoration and Ocean. Non-personnel cuts have included a reduction in the rent for office space and storage for the next year. With these cuts it would mean a reduction of Commission meetings to every other month. The results of these reductions would be a continued presence on the island and the ability to have accesses and to continue work on the island; however, it would mean less flexibility for operations with the adherence to windows in which work would be scheduled. There would be other times when there will be very low level of work on the island—runs to turn on water or to do quick maintenance. There would be no ongoing food supply on the island. This would require much more planning ahead of time. There may be less response to sudden requests for support. The KIRC staff would focus on the core functions of providing safe

and meaningful use within the Reserve. This scenario could result in a \$2.6 million budget. DD McLean commented that if this is the direction the Commission wants to go then the planning needs to start now so it can be phased in. This is why it has been kept on the agenda for a Maui meeting, so the Commission could have a discussion with the staff because of the impact it will have on them. The timeline would include compiling a list of technical issues by December 2010, resolving the technical issues with the program areas and start finalizing a reorganization plan for the Commission by February 2011.

Commissioner Machado asked if the KIRC can get by without a DAG, what the cost savings are from personnel cuts, and what should be included in an action item for the Commission to consider. ED Nāho‘opi‘i responded that the KIRC would still have legal review from the AG’s office for all documents. The action item should include a total operating budget for FY12 to start July 2011 and reorganization plan. The cost savings with this scenario is roughly \$250,000 from the personnel side and \$750,000 from the non-personnel side. The personnel savings would have been larger, but the furlough salaries had to be restored in anticipation of the elimination of furloughs. Chair Neff asked what cost savings resulted from the furloughs. The staff responded about \$150,000 per year. Commissioner McGregor asked what the cost savings would be if the number of Commission meetings was reduced. Staff responded \$6500 (airfare, car rental and meal allowance) but that does not include staff time.

Chair Neff wanted to address the staff on Maui that this is a possibility if no funding is received from the state. It is a reality of how much money the KIRC has left. Hopefully with the new Governor there will be new funding but the Commission still needs to plan ahead. It would be imprudent of the Commission not to take this step and just hope that the situation will improve. He asked how the personnel cuts were determined—by the importance of the programs or the number of the people in the programs. ED Nāho‘opi‘i responded it was a combination of those factors along with how each program fits into the modified caretaker status along with the areas that staff is eliminating in the program areas. Other factors may change the situation—retirements, etc. This is a worst case scenario—what would happen if the KIRC receives no funding. This scenario would be presented to the Legislature in January 2011. DD McLean commented that her impression from the Commission was that this was the scenario the KIRC was going to go with anyway, if the KIRC gets more funding then it will just help keep the KIRC going longer. Commissioner McGregor disagreed and stated that she has repeatedly indicated that this scenario will occur only if the KIRC does not receive funding, and that the KIRC also needs to determine what general funding it will request. If the KIRC receives general funding then the KIRC programs can be kept up at the current level. Commissioner Machado noted that departments are already submitting their budgets and asked if KIRC will be able to be included in DLNR’s budget. ED Nāho‘opi‘i stated that KIRC has never been in the DLNR budget before and that KIRC has always had to go directly to the Legislature.

It was decided that an action item would be put on the agenda for the January 2011 meeting to submit a general fund request to the Legislature. DAG Somerville suggested it be an early January meeting because the legislative session usually starts in the middle of January.

Commissioner Arakawa suggested that the KIRC try to be a part of the DLNR package, as well as try to pursue the conveyance tax funding, both with support from the new DLNR chair. Commissioner McGregor insisted she has asked for a general fund appropriation since September and requested action this time. She also stated that she resented being questioned about the submittal of a general fund request and her words being misinterpreted by staff.

Staff stated that they will request \$1 million of general funding to restore personnel and operations to current level. The budget would be \$2.5 million if there is no additional significant funding. Commissioner Machado asked if the reduction in services and personnel were included in the transition packet. ED Nāho‘opi‘i responded that it was included under the section “Current Management and Regulatory Issues”. She asked if a cover letter was going to be provided with the transition package. ED Nāho‘opi‘i stated yes and that there would be more details provided in the KIRC’s own package. Commissioner Machado asked if the staff knew when the transition packet would be submitted to the new Chair. ED Nāho‘opi‘i responded that it would be submitted to the existing Chair with a cover letter on it for her signature on Friday, December 2, 2010. DAG Somerville said Chair Thielen’s last day of work is December 6, 2010.

DD McLean clarified that she was not questioning Commissioner McGregor’s request for a general fund submittal, but that she was talking about the proposed \$2.5 million budget for FY 2012. If KIRC gets \$500,000 through the Legislature, she asked if the budget would be increased to \$3 million, or if KIRC gets \$1 million, whether the budget would stay at \$3.5 million. She requested clarification, as this was different from her impression from the Commission. Her impression was that if the KIRC was to receive \$500,000, the budget would remain at \$2.5 million, with the \$500,000 going to the trust fund to help KIRC to run just a little bit longer. Vice Chair Whitehead and Eric Brundage both stated that was their understanding as well—that the money would last longer and that the budget would stay at \$2.5 million regardless of funds received. If grant funding were received, then it would need to go to fund a certain project, but general funding would result in the budget remaining at \$2.5 million. It makes a big difference in how the staff situation is approached. Commissioner McGregor stated her understanding was that the budget would increase by whatever amount was received. Commissioner Machado asked if this was based on the cap of \$10 million. ED Nāho‘opi‘i stated that cap will likely be reached by the end of FY 2011. Commissioner Machado asked if there was going to be any reserve. ED Nāho‘opi‘i responded that the staff will try to maintain as much of the trust fund as possible, but it has to be looked at year by year based on the Commission’s decision of what staff will be doing—continuing operations or keep cutting back. Staff commented that the impression that they have received from some sources of funding is that they would be reluctant to give KIRC funding as long as there is a large trust fund balance, but that they might give KIRC funding once the trust fund has been spent down.

There was discussion regarding whether the Scenario B+ would provide a full time presence on the island 24/7. Staff assured the Commission that the staff and Zapata are working out the Scenario to insure a full time presence on the island.

The Commission requested the following items be on the next Commission meeting agenda:

- 1) legislative funding request including a general funding request

- 2) possible budget cuts
- 3) preliminary budget

ED Nāho‘opi‘i asked if the Commission wants staff to move in the direction contained in the KIRC Budget Planning Document FY 2011-2013 dated November 30, 2010. Chair Neff stated that this is the direction but the Commission does not know the details. Commissioner McGregor asked if the document could be reviewed section by section. She thought that staff was going to work with Zapata to see if the work week could be extended to ten days. Eric Brundage responded that the exact scheduling of when the groups come out has not been finalized yet. His view is that it is more efficient to look at 26 “events” per year rather than monthly because he cannot sustain less than a half-time employee. It could be 13 eight-day events or 26 four-day events. It would depend on how low the Commission would want the Zapata contract to be. Commissioner McGregor insisted that there be a presence on-island at all times and that should be included in the legislative budget because this is something the state should fund. Staff and Eric Brundage assured the Commission that the budget as contained in the planning document allows for 24/7 presence on the island. ED Nāho‘opi‘i clarified that staff is looking at scheduling all on-island activities into designated windows to reduce the number of boat runs, resulting in decreased fuel, maintenance and manpower. Staff and Zapata would need to plan future accesses, then meals and maintenance can be planned. Zapata would be unable to keep a qualified person half-time if the schedule is uncertain, because that person would have another job and would need to know his schedule. Qualified people would be more necessary if there is reduced personnel on island. Commissioner McGregor asked if the KIRC can have staff on island 24/7. ED Nāho‘opi‘i responded that staff is there during volunteer accesses anyway so that the second person may be the person working the access; there are also interns who can assist. If we shift to the periods of no activity, KIRC staff can also serve as the second person on island. They can take Zapata with them to do activities they need to do (like turn on the water) and be with Zapata as the second person. DD McLean clarified that Zapata employees work a Monday to Monday shift, the KIRC staff probably would not work that same shift, but one may go from Monday to Thursday and then someone else from Thursday to Monday. The Commission asked if the seasonal variation in the use of the camp has been factored. Staff responded that is why they are looking at 13 blocks instead of monthly and the blocks may be concentrated in the summer when usage is higher. Usage would determine the need for a chef or camp manager. Currently most food is stocked on-island because of the uncertainty of how large a group is. If the groups are scheduled well ahead of time, there could be better planning of food needs and some inefficient refrigerators or freezers could be decommissioned. Energy consumption is the main expense. Reducing generator use would result in large cost savings. Chair Neff commented that even if we get funding, this is the direction that we need to go already. ED Nāho‘opi‘i agreed.

Commissioner McGregor also stated that we need to find out the cost of converting the camp to solar energy. Brundage stated that Zapata’s engineers are starting to work on an engineering design for the camp’s conversion to solar. The last estimate was put together by Parsons at \$3.5 million if the camp was kept running as it was at that time. Chair Neff stated that there have been changes in technology and costs since then but if he had to spend the \$10 million he would spend \$3 million to do the conversion now because it would help in the long run. It was decided to put in a CIP request to the Legislature to

convert the camp to solar energy. Brundage stated he would try to give the Commission an update on the estimated costs at the next Commission meeting.

Commissioner Machado asked that the ED brief the Commissioners by e-mail with updates on the budget and the response of the new administration. DAG Somerville cautioned that ED Nāho‘opi‘i cannot conference call with more than two Commissioners. Commissioner Machado stated that she is asking for a Director’s briefing by e-mail. He could e-mail the Commissioners with a notice to reply to him only.

Commissioner Arakawa cautioned that the Commission needs to look at financial sustainability over the future and he thought that the funding through the conveyance tax would be a good source of revenue. He also stated that the Commission will need to make decisions based on incomplete information because the Commissioners won’t know if the Legislature will support it. The Commission will need to decide what type of budget it wants to have, i.e. \$3.5 million. That is justifiable if we can say that we already have funding for \$3 million and can make up the remaining \$500,000 in grants. If the Commission feels that \$3 million a year is out of the question then the budget needs to be reduced to perhaps to \$2 million. The Commission will need to look both at the budget and revenue sides to make a judgment. ED Nāho‘opi‘i pointed out that the only fee source right now is access fees. The access fees are dependent on having windows of opportunities to access the island.

Vice Chair Whitehead asked how much funding could be received through the conveyance tax. The staff responded that they tried to set up meetings with the legislators but it was very difficult to set up meetings before the election. Staff needs to get back to the legislators to see if anyone will introduce the conveyance tax proposal. Commissioner Machado asked if staff knew who currently receives funding from the conveyance tax. Three programs currently receive funding: 1) Legacy Lands, 2) Rental Housing Trust Fund, and 3) Natural Area Reserve System. KIRC would be an additional recipient. KIRC would not take from any of the other recipients. A certain percentage is taken out from the conveyance tax revenue and given to these groups, and the rest goes into the general fund. KIRC would be taking from the part that goes into the general fund. There is a planned increase in the percentage of what goes to the recipients, which is what staff is analyzing. The Legislature would have to amend the bill and add the KIRC. KIRC can show relevancy through having similar projects to those programs that get funding through this tax, like NARS. The conveyance tax proposal would also be put into the legislative package.

Commissioner McGregor suggested that the possibility of getting funding from ceded lands revenue from the category of public use improvements, not taking what is allocated for Native Hawaiians. Information regarding the ceded lands is to be found in the Admissions Act. Staff would have to review the Act and clarify the KIRC’s purpose as opposed to OHA’s. It was decided to include this proposal in the legislative packet. ED Nāho‘opi‘i will send notices out to the Commission and to contact him if there are any concerns.

It was decided that Chair Neff and the ED should meet with the new DLNR Chair as soon as possible and then meet with the Governor and senators. DAG Somerville

clarified that only two Commissioners can meet with the DLNR chair under the sunshine law.

DD McLean suggested that the Commission can decide that there can be an annual draw on the trust fund of no more than \$2.5 million. If more funding becomes available through another source, then the budget can be increased by that amount and it can be spent. Vice Chair Whitehead stated that until the Commission knows that more funds can be raised, it would be prudent for the Commission to aim for a lower budget so that we can exist for as long as possible on the trust fund. She would agree to a \$2.5 million budget for next year. It is important that the Commissioners come to an agreement so that the staff has a clear direction of which way to go. Commissioner McGregor asked if the staff had any input. KIRC Staff Paul Higashino stated that he thinks that the trust fund should be preserved for as long as possible and that this should have been addressed years ago. Whatever funding the staff brings in should go to augmenting the budget. ED Nāho‘opi‘i added that a \$2.5 million budget will put KIRC in survival mode. With a \$3.5 million budget, personnel cuts could be avoided and KIRC can keep the ability to be flexible and do more things on the island. It was also suggested that the \$2.5 million budget could be cost shared with the state. Vice Chair Whitehead suggested that if KIRC is able to get state funding, the state funding should go to the trust fund; and if the staff receives grant funds, then those could be used to increase the budget. If KIRC receives money from the Legislature or from the conveyance tax, it would go to the trust fund and could be used to pay for core operations. Commissioner Arakawa agreed. Commissioner Machado suggested if the legislative funding request gets denied, the ED should get a letter explaining the reason for the denial.

There are two models for the legislative funding requests: 1) working with a \$2.5 million budget and asking the state for an additional \$1 million (so that the annual budget would be increased to \$3.5 million) or 2) asking the state to fund \$1 million of the \$2.5 million budget. The staff is leaning towards model 2, asking the state to fund core operations so that the trust fund money can be used for its original purpose: the restoration of the island. Any other additional funding through grants or donations would be used to increase the budget. By statute, all monies appropriated by the Legislature go to the trust fund, as well as any federal monies and grants.

Commissioner McGregor stated that she has a problem with any Restoration personnel being eliminated because the reason that the trust fund was established was to restore the island. She has always had a problem with other functions taking precedence over Restoration. She believes the KIRC's two core functions are cultural activities and restoration. ED Nāho‘opi‘i responded that the interns will be funneled into the Restoration Program and will look to see where attrition takes us. Focus will be on restoration.

There was a break from 11:52 am to 12:10 pm. Chair Neff called the meeting back to order at 12:10 pm.

VIII. PROGRAM STATUS UPDATES

1. Restoration Program

NRSV Paul Higashino reported that students from the UH Ethnic Studies program came out during the October media access. They helped with the preparations for the media access and put out mulch bags, seeds and seed balls. Some students were featured in the media coverage. The Koho Holo Ka Lani planting ceremony was held on October 20 with KIRC staff Lopaka White and Jamie Bruch. Island Conservation field staff were on island October 23-25 to look at drafting the operational plan for predator control. A draft operational plan should be prepared by the end of January 2011. The faunal restoration group also met about how to keep the faunal restoration effort going forward. Four Americorps interns started in November—Amanda McAllister and Darrel Planas from the Kupu Program on O`ahu, and Pono Hoopai and Poema Pescaia from MEO. These interns will assist staff with running volunteer groups. Paul had three of the interns out last week and reviewed their responsibilities, the KIRC's policies on sexual harassment, safe workplace and alcohol and what it is expected of them. Pono and Poema have a very strong cultural background working with KIRC Staff Kahale Saito.

He also reviewed program highlights in 2010:

- a) planting of approximately 1500 plants by volunteers; all plants were provided by the volunteers
- b) mortality of the plants was high because of the drought
- c) staff collected 7-8 lbs of processed seeds
- d) approximately 12,000 mulch bags have been set out in the Pu`u Mōiwi bypass area along the Kuamo`o Road and down in the Kanapou area towards the Kamohio cliffs; they were checked the other week and some plants are already sprouting
- e) in Kaukukapapa, Restoration staff has cleared its obligation of two acres under the NRCS Wetland Project, as well as 20 acres at Kealialalo
- f) four water tanks have been installed in the storage facility one mile out of base camp
- g) NRS III Bruch is moving forward on the faunal restoration program; we need to collect more blood samples to fulfill our obligation to USFWS, and we are continuing the mice traps
- h) staff has watered the Kanaloa plant twice this year; it looks dry so staff may want to do another watering before the end of this year or before the end of January; staff is finalizing a Kanaloa plant master plan—what do with the collected seeds, who will receive the seeds; the plant at Ho`olawa Farms has put out 21 seed pods this year but no viable plants
- i) there has been a change in the schedule for volunteers in response to an incident with one group which did not understand the cultural significance of Kaho`olawe—volunteers now go to Moa`ulaiki on the first day (as opposed to the last day) so that they have a better understanding and appreciation of the island, and it gives them an opportunity to present their ho`okupu ; it also allows for two full workdays.

The Restoration staff's plans for next year include:

- a) focusing on the timely fulfillment of obligations under the NRCS grant
- b) procurement of the chipper funded by the USFWS
- c) having volunteers help around the Base Camp in preparation of Scenario B+

2. Ocean Program

KIRC Staff Dean Tokishi reported on Ocean Program activities for October:

- a) there was a third marine mammal stranding in about six months on October 25th; it was a good opportunity to work with the Culture Program, PKO and NOAA and to become more familiar with protocol; the remains were quite deteriorated but it could have been a pilot whale-- the previous strandings were also pilot whales
- b) some Hākilo maintenance was done under the supervision of the Captain and his advice about what should be handled first
- c) retrieval of a state fish aggregation device (FAD) --“GG” buoy—Ocean Staff has had to retrieve several of these; it could be due to where they are being placed, the fishermen tying up to them or the quality of work done by contractors; the buoy was taken to the Kihei boat ramp and returned to state officials
- d) Dean met with the Division of Aquatic Resources (DAR) Diving Safety Officer, Tony Montgomery, about the possibility of housing KIRC’s diving program within their program; an advantage of this would be that the KIRC would have a stamp or certification of “AUS” which would certify our data collection at a higher level; another advantage would be reciprocity not only with the DAR but with anyone they have connection with

Highlights from 2010:

- a) KIRC staff Cheryl King was able to procure the grant for the marine debris removal from Kanapou Bay; there have been several cleanups
- b) applying traditional and Western methods to survey and monitoring techniques
- c) participation in the annual Hawaii Conservation Conference; the theme was the management and restoration by applying traditional and Western knowledge systems; the staff attended several lectures including marine debris and `opihi. Staff is interested in applying the concept of community management areas which uses more local and traditional knowledge. Staff presented at the conference which afforded them the opportunity to develop their presentation and communication skills with a large audience; there were also networking opportunities

Goals for 2011

Doing more data management—the Commission would like to know the results of the data that the Ocean Staff is analyzing; KIRC staff Jennifer VanderVeur has compiled two reports with this goal in mind

Staff was asked to clarify the potential housing arrangements with the DAR. It was explained that currently KIRC does not have a scientific dive plan, only an operational dive plan so whenever staff does diving for data acquisition it must be done under someone else’s certification. Previously it was the University of Hawaii and more recently The Nature Conservancy. There are certain standards that have to be met to meet certification in order for the data collected to be considered “more countable”. The benefit to the KIRC would include learning DAR’s protocol which would make KIRC’s data collecting much more comparable. Each side could borrow each other’s divers if needed.

KIRC Staff Jennifer VanderVeur presented summaries of two reports—“Permitted Trolling Catch Report Summary (2007-2009)” and “On Island Subsistence Use Catch Report Summary (1996-2009)”:

The correlation between fishing tournament dates and open access dates were not included in the report. It is something staff can look at. It was suggested that more data was needed to determine if the increase in catch was correlated to the Hawaiian moon calendar.

The conclusions for “Permitted Trolling Catch Report Summary (2007-2009)”:

- 1) the catch report should be modified to include time spent in each area and which species are targeted—this will allow for more in-depth analysis
- 2) population estimates are needed for heavily targeted species
- 3) more enforcement patrols are needed to decrease poaching to protect the resources
- 4) continue to provide outreach and education which will lead to greater reporting and more accurate reports

Chair Neff asked the purpose of this analysis. Staff said that it was to determine where there are information gaps in the data the KIRC is getting and to see if the staff can get more information to better manage the fish resources. More data needs to be collected to help decide what the KIRC should do in terms of trolling—allowing more or allowing less. A question regarding how the fish are used could be included in a questionnaire or an interview with fisherpersons. This could be done periodically so that the fisherpersons would be more cooperative. It was clarified by staff that when people register to fish in the Reserve the permit form states no commercial fishing is permitted. Additionally they are required to read the state’s fishing rules and regulations and sign the permit form stating that the fish is for personal consumption only. The trolling schedules are published monthly. They are also displayed at Kihei boat ramp where most fisherpersons depart. The information is also distributed to all stores that sell fishing equipment.

The data used for the “On Island Subsistence Use Catch Report Summary (1996-2009) was submitted by the PKO to the KIRC. The most heavily targeted species were awholehole, moi and mullet. The data showed that half of the top ten species caught violated State fishing regulations for a portion of the catch.. Most fish were caught by throw net, spearing, and whipping. More fish were caught in the fall and spring. Catch rates were similar to those observed by the Hawaiian moon calendar but not as strong as was seen in the earlier report. The most common fishing violations were catching undersized fish and catching over the bag limit.

Commissioner Machado was excused at 1:03 pm to catch her flight.

The conclusions for “On Island Subsistence Use Catch Report Summary (1996-2009) were:

- 1) expand the KIRC’s partnership with PKO
- 2) modify catch report forms to include for more in-depth analysis
- 3) fisherpersons need to follow State fishing regulations to protect the resources
- 4) determine fishes’ reproductive season and where their spawning grounds are; if more large are left in the Reserve there will be a much larger replenishment rate because larger fish make more eggs and higher quality eggs; they will pass on better genes as well; this is especially important in fish species that change sex at certain sizes Ocean Staff has been discussing indicators which can be used to determine the health of fish stocks. Possible indicators that are up for discussion are: 1) use the concept that 100% of the catch is reproductively active—let them spawn, 2) 100% of some determined length and allow them to grow to that size, 3) 0% of the catch is megaspawners—these

- are the ones laying high quality eggs; we don't want to catch them so that they are reproducing
- 5) population estimates and dynamics (size, sex ratio, how the sexes interact with each other) are needed for heavily targeted species—this will give us a more holistic approach in making management decisions
 - 6) continue to provide outreach and education which will lead to greater reporting and more accurate reports

Commissioner McGregor asked how the staff estimates bag catch. Staff explained that it is determined by state regulations. It is done by estimating the impact of removing that many fish. Commissioner McGregor explained that when PKO goes out they have 1 or 2 people fishing for 60 people so if the amount of the catch is divided by the number of people being fed it comes out to less than 1 fish per person. Commissioner McGregor wanted to know how the staff could say that we (PKO) were over the bag limit when it's meant to feed more than one person. Staff explained that a school of fish is looked at and there are 100 fish in that school. If a person is catching for 60 people and catch 60 fish that is going to have an effect on the school's ability to survive in the long term. Commissioner McGregor asked for clarification regarding the statistics for being over the bag limit. Staff explained that the bag limit is per fisherperson not based on how many people are being fed. Commissioner McGregor stated that she understands the conservation aspect but that she believes that the bag limit is not an effective measure because one person may be feeding more than one and that it was not fair to penalize that person. The bag limit is not a realistic way of looking at it. Staff explained that the impact would be the same on the school of fish if everyone went out and caught one fish. Staff stated they understood Commissioner McGregor's point but that this report was strictly an assessment of what the catch report was and if the catch was in compliance with state regulations.

Commissioner McGregor stated that the other noncompliance issues (catching undersize fish and catching fish out of season) does need to be looked at. Staff stated that this report contains a conservative estimate of the noncompliance as it only goes back to 2002 when the current rules and regulations regarding fishing were adopted. The data actually goes back to 1996, that data was not included in it because the rules did change in 2002. Commissioner McGregor stated that was an assumption that should not be made. Staff explained that this information is based on the catch reports filed from 1996-2002. Staff checked with fishermen on O'ahu who had knowledge of what rules changed in 2002 and looking at the catch reports with this information there was still some noncompliance from 1996-2002, mostly on fish size. The main point of the reports is not only is there internal management for the Reserve but there are also state rules and regulations that manage aquatic resources and that are applicable to the Reserve. The KIRC can make the rules even more restrictive in the Reserve. A starting point was needed to determine how to proceed with managing the aquatic resources.

Vice Chair Whitehead thanked KIRC Staff for providing analysis of data and looking at ways to improve the management of resources especially by looking at the reproductive cycles, reproductive seasons, and population estimates of marine life. Staff stated they could look at other factors or issues if the Commission wanted them to. One of the main issues is to continue to educate the fisherpersons. Staff has been working on a binder that has the different moon phases and has the catch report. There has been a suggestion to give people a quick visual guide that would include the months, Hawaiian months, the Hawaiian seasons as well guides as to when certain fish are spawning, when certain plants are blooming. Staff also stated that they would love to have meetings with stakeholders to discuss the direction of resource management.

3. Culture Program

CRPC Kahale Saito reviewed the items itemized in the Aloha 'Āina handout for 'Okakopa 2010 and Program highlights in 2010:

- a) There was a Cultural Working Group meeting to discuss the impact of the downsizing of base camp. All the culture projects are collaborative projects with the PKO. These projects can still move forward, but it would affect how quickly the work could be done.
- b) The Culture Working Group met with Dr. Peter Mills to address the cultural issues from the last Commission meeting. There was a meeting with Uncle Les Kuloloio regarding the adze material collection project and letters were sent out to 5 identified Honuaula 'ohana to include them in a consultation process regarding different projects or issues relating to the Honua'ula descendants
- c) A presentation was given on the Culture Plan during the Media Access
- d) There was a successful Rain and Planting Ceremony in collaboration with Vice Chair Whitehead as the PKO representative; Kahale facilitated on Pu'u Mahoe and Vice Chair Whitehead facilitated on Kanaloa with the help of staff and 'Ohana members
- e) Ala Loa—3 PKO representatives and KIRC Staff Bart Maybee marked the 'ili boundaries of Kealaikahiki
- f) Culture Program Staff did assist Ocean Staff with NOAA officials coming to remove samples from one of the stranded whales

There was a break from 1:29 pm to 1:35 pm as quorum was temporarily lost.

Culture Program Status Report 2010 was reviewed with a Powerpoint presentation:

- 1) Site stabilization—*Iwi Kūpuna*—the Culture Program worked on site stabilization on Hakioawa, and disinter and reinter in the Luamakika area, iwi was moved to a secret location, *Pōkāneloa*—staff is looking at moving it to prevent it from falling into gulch and are currently working with Kelley Uyeoka to develop the plan, *Piko o Wākea*—staff is still unsure of what to do with this site
- 2) Culture Plan Training—Cultural Working Group has met twice with Honua'ula Descendants and once with Pua Kanahale; in September there was a culture plan training with the Edith Kanaka'ole Foundation members who shared their 'ike about the different alignments which focused on two sites—*Kāneloa* and Pu'u Mōiwi; Vice Chair Whitehead and Kahale were given an exercise in which they came up with *'olelo no 'eau* about the island relating to animals and seasons
- 3) Ala Loa—the trail from Honokanai'a to Kaukukupapa is 80% complete, Kealaikahiki district and 'ili boundaries have been established
- 4) Stewardship Organization Access Support—there has been monthly support of all PKO accesses as well as collaborative planning by both PKO and KIRC staff of the Opening Rain and Planting Ceremony
- 5) Kinolau o Kanaloa—with the help of DAG Somerville a policy is now in place that protects all Kinolau o Kanaloa within the Reserve in regards to deaths or strandings.

The historic preservation review process was reviewed regarding the attempt to save pōhaku at Pōkāneloa using a printed flowchart from Uyeoka. There was also a document indicating what steps have already been accomplished. The next big step is having a very thorough consultation

process before submitting a plan to SHPD. Staff will have to consult with the identified families of the Honua'ula district and any other interested persons to get their inputs about having the pōhaku moved. Commissioner McGregor feels that staff could already initiate consultation with the families via a focus group meeting by the end of January. The additional documentation and work needed to be done by Uyeoka could coincide with this so that the Commission could ask for public input by the meeting in February. Commissioner McGregor wasn't sure at what point the Commission needs to solicit input from other agencies or if SHPD does that. ED Nāho'opi'i responded that based on Uyeoka's recommendation two things need to be addressed: 1) the relocation of the pōhaku to a different site and 2) the in-place preservation of the pōhaku. This would include the data recovery (the removal) and then the in-place restoration. The staff is looking at a quicker response by providing emergency stabilization so that staff can have the time to remove the pōhaku. There is a chance that if nothing is done to stabilize the site then by the time the approval process is completed the rock may be gone. The staff is trying to combine all these things into the request. There is a two step process in which an agreement on treatment (mitigation commitment) is filed with SHPD. If SHPD approves it they notify us that we can now submit a detailed mitigation plan. While SHPD is reviewing the mitigation commitment, staff can be preparing the detailed mitigation plan. Inventory survey and determination of significance have been done so the next step is to do an agreement on treatment. This needs to contain: 1) a background of the site, 2) an overview detailing and justifying the proposed treatments, 3) detailed description of the consultation process. It was recommended by Theresa Donham that the consultation be done before the plan is written and that the plan should include different proposed options including the preferred treatment option (to relocate the stone). Commissioner McGregor suggested that consultation be done with the families in January and then the mitigation plan could be brought before the Commission at the February 2011 meeting. Staff and DAG Somerville explained that each of the steps in historic preservation review process has a separate HAR chapter. Certain criteria require consultation with Native Hawaiian organizations. Generally the consultation process takes place in the area where the site is located. The families from Honua'ula who showed interest in the KIRC's Cultural Plan are being included in the consultation process. Consultation with SHPD needs to be done to find out what their consultation process may include. SHPD must determine if the consultation process was done correctly. Donham stated that inadequate consultation process has been preventing other work from being done in the state so we should be sure to do the consultation process. Vice Chair Whitehead asked if emergency stabilization can be done while this process is being done. Staff responded that that has to be one of the treatment options included in the agreement on treatment. Vice Chair Whitehead asked what can be done in the meantime as the consultation process takes time. Staff has put pili bales on the backside and boards which divert water away from the stone. This is all that can be done without a treatment plan. We can affect areas away from the site but not the site itself. A treatment plan can be written up to keep the pōhaku in place then consultation does not need to be done, the plan can be approved and the emergency work can be done. However, when it is moved then the consultation must be done.

Vice Chair Whitehead emphasized that Donham be made aware of the dramatic shift in the pōhaku's location within the last year and the goal is to save the pōhaku. She suggested that staff check with Ueoka and Donham one more time to see if there is a way to do this faster.

Commissioner McGregor asked if Ueyoka is being compensated. Ueyoka is doing it for free, and KIRC is only providing airfare. Commissioner McGregor suggested that the consultation with cultural descendants regarding the treatment plan for the pōhaku be put on the agenda for the February 2011 Commission Meeting so that it can be taken care of. ED Nāho'opi'i indicated that

an EA process may need to be implemented based on HRS 343. Staff will make the determination and if one is needed the matter will be brought before the Commission.

4. Operations

DD McLean explained that the John Deere “Gator” which was delivered in October 2010 was bought in June with money allocated in the FY2010 budget.

5. Commissioners’ Report on the Piko O Wakea Training September 20-22, 2010

Commissioner McGregor referred to the Commissioners’ written report and summarized their findings:

- 1) observation of the true east-west axis for Kanaloa Kaho‘olawe via helicopter and it was given the name Kapao which means to scoop out; gouge; bore; stoke fire; cave; cavern; bridge
- 2) investigation of the amana (notches and split rocks which are aligned with the rising or setting of the sun) it was learned that amana can also be on the ground in a v-shape such as at Piko O Wakea site,
- 3) the most exciting thing was at Pu’u Mōiwi at sunrise stones were observed that looked like they might be uprights; at sunset the pōhaku were stood upright and etchings were discovered on the underside; the stones were put back afterward; more research needs to be done
- 4) parallel natural elements (isochronisms) were documented in‘olelo noeau by Vice Chair Whitehead and KIRC Staff Saito
- 5) place names for the LZs, roads and structures were suggested
- 6) Chair Neff and Emmett Aluli worked on Makawalu Kanaloa Kaho‘olawe Makahiki which is to be diagrammed. The diagrams were not included in the written report but there is a listing of the different relationships—they looked at Ho‘okupu (the image), the overall system of weather that is associated with Lono and the purpose
- 7) Commissioner McGregor and Momi who worked on how to do observations of sunrise and sunset; there is a chart that PKO is using in their accesses to observe moon rises and other documentation so that eventually so a seasonal chart can be made for the island to include a sun and moon calendar.

It was observed that Pōkāneloa has shifted significantly and it is recommended that Pōkāneloa be moved in order to stabilize the area and then return it to its present location because the full context of the stone is unknown and we don’t know what would be lost if it was moved permanently.

Vice Chair Whitehead shared that it was an incredible experience and she learned a lot. Chair Neff stated that he really learned a lot at that training and the putting together of the ceremonies, justifications, labor and observations brought out a really large part of being there. He recommended that people attend the training in December. Commissioner

McGregor felt that it was important that the KIRC and PKO have more of these joint accesses in spite of the difficult times regarding lack of resources, especially for staff that is out on the island more than everyone else and share your observations. She appreciates the work staff is doing to try to match the moon phase with the fish catch data. She suggested that staff also document what moon phase coincides with their observations of seals, turtles, as well as observations on the island. She is really going to take to heart the fishing problem with catching undersized fish. The Culture Plan is about how to be better stewards of the island.

IX. ANNOUNCEMENTS

In recognition of DAG Somerville's last Commission meeting and Commissioner Arakawa's possible last Commission meeting Chair Neff presented both with t-shirts from PKO commemorating the 20th anniversary of the end of the bombing of Kaho'olawe. They were presented in appreciation of their service.

The next Commission meeting was tentatively scheduled for January 18, 2011 in Honolulu. The meeting may be scheduled earlier if the Commissioners' schedules allow it as there is concern that the legislative session begins in January 2011 and the Commission would like to have legislative package go to the Legislature this session so the meeting may be scheduled for January 11, 2011. Vice Chair Whitehead might not be able to attend a meeting scheduled in the first two weeks of January.

Items to be presented at the next meeting are:

1) legislative funding request which should include the following:

- General funding appropriation request
- Conveyance tax proposal
- CIP to convert Base Camp to solar energy
- Ceded lands revenue proposal

2) contract for helicopter services

3) preliminary budget and reorganization for FY2011-2013

X. ADJOURNMENT

MOTION: Commissioner Arakawa moved to adjourn the meeting, seconded by Vice Chair Whitehead.

ACTION: Motion approved by all Commissioners present.

Meeting was adjourned at 2:18 pm.