



KŪKULU KE EA A KANALOA

KAHO‘OLAWE ISLAND RESERVE COMMISSION

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COMMISSION MEMBERS

NOA EMMETT ALULI, M.D.
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Vice-Chair
MILTON M. ARAKAWA, A.I.C.P.
CHARLES PMK BURROWS, Ed.D.
LAURA H. THIELEN
JOHN D. WAIHE‘E, IV
AMBER NĀMAKA WHITEHEAD

Michael K. Nāho‘opi‘i
Executive Director

MINUTES OF THE MEETING

February 11, 2009

8:00 am

State Office Towers, Room 204
235 South Beretania Street
Honolulu, HI

COMMISSION MEMBERS

PRESENT: N. Emmett Aluli, Chairperson; Craig Neff, Vice-Chair; Nāmaka Whitehead; Milton Arakawa; and Charles Burrows (arrived late)

EXCUSED: Laura Thielen; John Waihe‘e

KIRC STAFF: Michael Nāho‘opi‘i, Executive Director (ED); Michele McLean, Deputy Director (DD); Ka‘ōnohi Lee, Administrative Officer (AO); Rowena Somerville, Deputy Attorney General (DAG); Nicole McMullen, Commission Coordinator (CC)

CONSULTANTS: Pua Kanahale - EKF; Brett Hartle – Kober Hanssen Mitchell Architects

GUESTS: Spencer Leineweber and Corey Boss - UH; Sam ‘Ohu Gon – Nature Conservancy; Kahale Saito, Kaipo Like, Luna Kekoa, Kylee Omo, Kiki Hee, Davianna McGregor, and Keoni Fairbanks – PKO; Eric Brundage – Zapata.

I. CALL TO ORDER

Chair Aluli called the 1st regular meeting for the year 2009 to order at 8:30 am followed by *Pule Na ‘Aumakua*. A quorum was established with four commissioners present.

II. APPROVAL OF AGENDA

MOTION: Commissioner Arakawa moved to approve the agenda. Commissioner Neff seconded the motion.

ACTION: Motion approved by all Commissioners present.

III. APPROVAL OF MINUTES

The Commission reviewed the draft meeting minutes from December 10, 2008. Commissioner Neff noted his request in the minutes for a ranking of projects. ED Nāho‘opi‘i replied that they have first prepared the budget projection for FY09. They will separate mandated services from other projects and will have a ranked list by next month. He will use the strategic goals to develop the priority ranking. He said that they have already started cutting projects and are looking at cost savings to implement in July.

Commissioner Neff asked if they needed to revisit the fund development goal given the change in the financial climate. ED Nāho‘opi‘i said that they would look at the projected available funding. He said that they were ahead of the State and have cut almost 35% of the budget coming into this fiscal year. They hope to come in 10% to 15% under that. DD McLean said that they were on target for the FY09 spending limit and will have a proposed FY10 budget of

less than five million dollars. She also said that new grant writer starts next week. ED Nāho‘opi‘i added that they are now able to present a trust fund balance report. DAG Somerville suggested that they have a budget workshop in March.

MOTION: Commissioner Arakawa moved to approve the minutes. Commissioner Neff seconded the motion.

ACTION: Motion approved by all Commissioners present.

IV. COMMUNITY and PUBLIC COMMENT

Chair Aluli asked guests to introduce themselves. There were no public comments.

V. ACTION ITEMS

A. Submittal of Cultural Use Plan and Presentation by the Edith Kanaka‘ole Foundation

Chair Aluli introduced Dr. Pua Kanaka‘ole-Kanahele. He reviewed that in September 2008, she had presented an update of the cultural plan and was here to present the final plan. Aunty Pua presented the Commission and staff with two hard copies of the plan and one electronic version on a jump drive.

She presented the text and began by explaining that the title, “Kūkulu Ke Ea A Kanaloa Kaho‘olawe,” meant to regain the sovereignty of the island and said that this would manifest itself. She reviewed the contents of the plan, including chapters on “Recommendations,” “Creating Practitioners,” “Cultural Practices,” and the “Papakū Makawalu.” She said that the chapter, “Introduction to the Cultural Plan,” explained the history of the Kaho‘olawe movement and the purpose of the plan. The section on the Papakū Makawalu contains the methodology of the plan in three sections, Papahulilani (elements above the earth), Papahulihonua (development of the earth), and Papanuihanaumoku (birth of living things), the foundations of traditional knowledge. She explained that each of the three sections is broken down into lololo (knowledge), aha (ceremony), and hana kaulike (labor). She described the plan as very comprehensive. She said that there was still some editing that she would like to do, and she wanted to record all the chants for the plan.

Commissioner Arakawa asked about specific activities in the plan. She said, as an example, that Hakioawa should be the center for spiritual awareness, culture, art and ceremonies. She suggested that Kanapou be used in rights of passage. She clarified that the plan included general recommendations, as well as activities specific to place. Davianna McGregor asked if the plan would clarify questions about ‘ili boundaries for the Alaloa. She replied that she did not separate Kaulana and Kuheia, but did separate Kunaka and Na‘alapa in the plan. ED Nāho‘opi‘i said that they have found the Kuheia/Pāpāka boundary. Ms. McGregor asked about referring to the sections as ‘ili or ahapua‘a. Aunty Pua replied that it needed further discussion and that she should not be the one to make the decision. She recommended that Kanaloa Kaho‘olawe be its own moku and that it has its own status that should continue. Commissioner Neff commented that the cultural plan elevated the island and the people of Hawai‘i to a different status and will bring the nation behind it. Aunty Pua clarified that the knowledge in the plan comes from the Kumulipo and not herself or the EKF and that it is possible for people to change their way of thinking.

Chair Aluli suggested that the Commission approve the Cultural Use Plan at the next meeting, and said that the Commission and staff should review the draft. He said that it was important that they have a plan for training for the next meeting. ED Nāho‘opi‘i said there would need to be partnership between KIRC and practitioners and that the KIRC’s role would be as facilitators of the plan and to provide logistics. **Aunty Pua said that she would like to meet with ED Nāho‘opi‘i to discuss questions and KIRC’s role.** Chair Aluli said that they need to make sure that the plan will be the kuleana of the new cultural staff person. ED Nāho‘opi‘i said that he would provide copies of the plan to the commissioners.

Break 9:50am – 10:10am

V. ACTION ITEMS

B. Hakioawa Hale with Presentation by Kober Hanssen Mitchell Architects and i) Authorize the Executive Director to release a Request for Proposals for the construction of the Hakioawa Hale

ED Nāho‘opi‘i explained that the Hakioawa Hale has three components, the pavilion including the roof, the kitchen elements, and accessories like photo-voltaic and lighting that will be added later. He said that the staff is requesting that the Commission authorize the release of the RFP for the roof and support structure.

Brett Hartle of Kober Hanssen Mitchell Architects presented drawings of the structure. He said that the facility will relieve some effort in setting up camp so that volunteer time could be better spent. He said that the form is functional and simple. The material will be fiberglass composite, which would be a greater upfront expense, but would require minimal maintenance. The structure is large and open (32’x 50’) to allow space for eating and gathering, while respecting the nearby traditional structures. It will have shallow underground footings. He said that the kitchen elements were still being planned, and they were still reviewing the need for the two cisterns pictured in the drawings. He estimated the total cost if no volunteers were used at \$250 per square foot, or \$400,000 total. They will need to take soil samples during the preliminary survey. He said also that 40% of the facility was for the kitchen function and the kitchen parts would be a separate RFP.

Commissioner Neff asked about the roof materials. Mr. Hartle replied that it will be made of polycarbonate and will be strong and require no painting. Commissioner Burrows said that he liked the functional design, but thought that it would be more compatible with traditional design. Mr. Hartle said that they were concerned about inappropriately replicating the traditional structures with modern materials. ED Nāho‘opi‘i said that they had wanted to distinguish it from the traditional hale, and the constant upkeep of traditional materials would take away from other activities. Commissioner Burrows wondered if it could be built with modern materials, but with a more Polynesian look, and said that the building should be a model for future buildings on the island. Mr. Hartle said that there may be an opportunity where the posts meet the beams and that the colors will be neutral.

Commissioner Arakawa asked if the RFP would cover getting materials and workers to island. ED Nāho‘opi‘i said that the contractor would make a recommendation and would have a site visit. Chair Aluli said that the CIP Task Force would also be involved. Mr. Hartle added that that they would probably prefabricate as much as possible. Chair Aluli asked about the volunteer contribution. ED Nāho‘opi‘i said that it would be integrated in the cost. Mr. Hartle said that KIRC or PKO could do part of the work and that the estimate was for if the contractor did all of

the work. Commissioner Neff asked what the estimate would be for lumber instead of composite. Mr. Hartle said that it might bring the cost down to \$175 per square foot. Davianna McGregor added that they looked at more traditional designs, but considered lift from the wind, the easier construction, the catchment system and the photovoltaic panels. Chair Aluli asked about the chosen location. ED Nāho‘opi‘i replied that it is in the same location as the current kitchen. DD McLean explained that the location was influenced by permitting requirements.

MOTION: Commissioner Arakawa moved to authorize the Executive Director to post a Request for Proposals for the construction of the Hakioawa Hale, with the Commission retaining authority to approve the execution of any resulting contract(s), and to allow the taking of soil samples for soil testing pursuant to HAR 13-261-14. Commissioner Whitehead seconded the motion.

Discussion: Mr. Hartle clarified that the soil samples would be a footprint around each column footing approximately three inches in diameter. ED Nāho‘opi‘i added that all intrusive work would be monitored and approved by the KIRC UXO Safety Officer.

ACTION: Motion approved by all Commissioners present.

ii) Declare that the Hakioawa Hale is exempt from the preparation of an Environmental Assessment and that it does not require a Conservation District Use Permit.

The discussion continued on the exemption of the Hakioawa Hale from the preparation of an Environmental Assessment and Conservation District Use Permit requirements. ED Nāho‘opi‘i explained that DAG Somerville extensively researched the permitting process. DD McLean added that they originally thought they would need the Environmental Assessment (EA), Conservation District Use Permit (CDUP) and a Special Management Area (SMA) Use Permit. After research they found that either these did not apply to Kaho‘olawe or that they fell under a clear exemption. The exemption from the EA and CDUP in the Hawaii Revised Statutes (HRS) and the Hawaii Administrative Rules (HAR) is the replacement of an existing facility and same location and use. DAG Somerville spoke with the Department of Health Office of Environmental Quality Control (OEQC) to confirm that the KIRC is exempt from the EA under OEQC’s exemption. Concerning the SMA Use Permit, there are no maps or rules applicable to Kaho‘olawe. DD McLean confirmed the CDUP exemption and absence of SMA applicability with the State Office of Planning and the County Department of Planning.

DD McLean said that they are asking the Commission to make a formal determination that the Hakioawa Hale is exempt from the EA and CDUP processes. The packet memo outlines the Commission’s authority and the applicable rules. They would be following the policies of coastal zone management. Sam Gon asked where the declaration would be filed. DD McLean said that they would send a letter to the OEQC and that they would publish it. Dr. Gon asked if they had contacted the Land Board and the State Office of Conservation and Coastal Lands (OCCL). DD McLean said that the Commission has the authority of the Land Board, as detailed in the memo, but that she did contact OCCL.

MOTION: Commissioner Arakawa moved to declare that the Hakioawa hale project is exempt from the preparation of an Environmental Assessment pursuant to Chapter 343, HRS, and Chapter 11-200, HAR, and, therefore, does not require a Conservation District Use Permit, pursuant to Chapter 205, HRS, and Chapter 13-5, HAR. Commissioner Burrows seconded the motion.

ACTION: Motion approved by all Commissioners present.

V. ACTION ITEMS

C. To authorize the take of no more than five specimens of a small crustacean (order NOTOSTRACA) from the Kealialalo wetland for identification purposes.

ED Nāho‘opi‘i explained that a small crustacean known as a “Tadpole Shrimp” was found in a pond by volunteers during work on the NRCS wetlands grant. They would like to remove the specimens for identification and species verification. DD McLean said that they had planned to send them to Bishop Museum, but are now talking with Sam Gon about other experts. Chair Aluli asked if the specimens would be given permanently to the Bishop Museum. Mr. Gon said that they could or they could be returned to the KIRC. **Chair Aluli asked ED Nāho‘opi‘i to inform Tim Johns about the discovery.**

ED Nāho‘opi‘i explained that they first thought the species was new to Hawai‘i, but Sam Gon had collected them in other areas. Dr. Gon said that they are found world-wide, lay many eggs and live a short life. He suggested that KIRC staff return to Kaho‘olawe for specimens soon before they are gone. He explained that temporary pools form a whole ecosystem and are an interesting biological phenomenon. He also said that this particular example could be unique to Kaho‘olawe or to Hawai‘i. Dr. Gon said that Bishop Museum has some examples from other parts of Hawai‘i. **Chair Aluli asked that they keep Aunty Pua informed about the identification.**

Dr. Gon suggested that they take six specimens and give three to a specialist doing a genetics study in Germany and three to a morphologist at Yale University. Commissioner Whitehead asked how many were observed. DD McLean said that more were seen when they returned to the site. DAG Somerville said that Jamie Bruch, Natural Resources Specialist, said that taking five or six would not affect the population.

MOTION: Commissioner Whitehead moved pursuant to HAR §13-261-14, to authorize the “take” of no more than six individual specimens of the small crustacean known as “tadpole shrimp” or “dinosaur shrimp,” in the order NOTOSTRACA, from the Lua `O Kealialalo wetland for identification and species verification. Commissioner Arakawa seconded the motion.

Discussion: Commissioner Neff asked about the return of the specimens. DAG Somerville said that they will work it out with the scientists. Mr. Gon said that he would put them in touch with the KIRC staff. Commissioner Burrows added that it was important that the Bishop Museum have specimens for their collection. Mr. Gon said that they could be returned to the KIRC for disposition. Chair Aluli reminded them that it was important that the Commission be informed of any publication of the discovery.

ACTION: Motion approved by all Commissioners present.

VI. ADMINISTRATIVE BUSINESS

A. Executive Director's Report

ED Nāho'opi'i began with Budget, Finance and Funding, reporting that they have collected approximately \$1500 a week for access permitting fees and have collected money for boater registration with no complaints. He reported that the Holiday Fund drive raised \$1200 and they are looking at semiannual fund drives.

He explained the Action Plans status report in the packets. Chair Aluli said that they need a working group to track the ceded land status of Kaho'olawe for when Hawaiian recognition is approved. ED Nāho'opi'i explained that the sovereignty action plan mostly covers the implementation of the transfer by KIRC. Chair Aluli said that it will part of the negotiations.

Under Personnel, ED Nāho'opi'i reported that the new grant writer, Jackie Harp, would start next week. Chair Aluli asked about her background. ED Nāho'opi'i said that she lives on Maui and was the development specialist for Maui Memorial Hospital. She has experience in grant writing, fund development, charitable events and capital campaigns. She was also recommended by Helen Lu'uwai. Chair Aluli asked about CIP funding for the Hakioawa Hale. ED Nāho'opi'i said that he has started looking into it and that they need to get into the FY10 budget cycle for federal money. Chair Aluli asked if the new grant writer would work with the PKO/PKF members who are working on grants. ED Nāho'opi'i said that she could. Commissioner Burrows asked if it was a salaried position. ED Nāho'opi'i replied that it was and that she would not get commission for grant funding.

ED Nāho'opi'i said that recruiting for the Cultural Resource Project Coordinator position closed at the end of January. Commissioner Neff will be leading the interviews, which will start soon.

Chair Aluli asked that they review the job description in light of the new Cultural Use Plan. ED Nāho'opi'i said that the position will execute all cultural projects. He also reported that the Americorp intern, Stephanie Wood, has started and will be working with Restoration staff until September. She has experience in conservation work and habitat restoration and would like to go to UH for Environmental Studies.

ED Nāho'opi'i updated the Commission on two bills at the legislature. One is the annual alternative energy CIP bill introduced by Senator English. The second was introduced by Senator English and Representative Carroll and affects asset forfeiture by DLNR. DAG Somerville said that Representative Carroll had requested that KIRC submit testimony for the bill. DAG Somerville recommended that they support the purpose and intent of the bill, but they should support a rule change and not changing Chapter 6K. **Chair Aluli asked that the Commission be informed of the bills' status.**

ED Nāho'opi'i reported that he and Nancy McMahon of the State Historic Preservation Division visited Kaho'olawe and discussed site restoration work. They visited Site 101 and the Loa'a stone and discussed preservation options. The new Cultural Program manager will be in charge of the projects. ED Nāho'opi'i said that he is working with Theresa Donham to get the outstanding site treatment plans. Commissioner Neff reported that Ms. Donham called him and would have reports for Site 778 by the end of the month and for Site 509 by the next meeting.

ED Nāho'opi'i reported next on the semiannual stewardship meeting with the PKO. They discussed administrative corrections to the Stewardship Agreement, the coordination of projects and the use of Honokanai'a while the Hakioawa Hale is being constructed. ED Nāho'opi'i said that he will present the plan to move the LZ-3 landing pad to Hakioawa to the PKO.

Commissioner Whitehead asked where it would be placed. ED Nāho'opi'i replied that the PKO

would have to decide and that it could be laid out only when needed. Commissioner Whitehead recommended that they not kill native plants in the process.

Commissioner Arakawa added that they should see if they could get economic stimulus funds for the Hakioawa Hale. It may be eligible as a ready-to-go project. ED Nāho‘opi‘i said that they are also looking into possible Recreational Renaissance funds. ED Nāho‘opi‘i asked commissioners to note the Action Plan milestone calendar in the packet. He said that it is updated regularly and posted in the office and will be in the packets every month.

VIII. ANNOUNCEMENTS/FYI

Chair Aluli asked for announcements and to arrange a date for the next Commission meeting. **ED Nāho‘opi‘i said that there should be a CIP Task Force meeting before Commissioner Burrows goes on his trip.**

VI. ADMINISTRATIVE BUSINESS

B. Monthly Budget and Finance Report

ED Nāho‘opi‘i presented the budget and finance report. He explained that the variance report showed that Operations was 1% over budget. Chair Aluli said that the report was important, and that the Budget and Finance Task Force had a conference call on Monday to discuss the budget and saving on projects. ED Nāho‘opi‘i reviewed the list of contracts and encumbrances, and DD McLean said that they will be adding the Hakioawa RFP to the list.

ED Nāho‘opi‘i next reviewed the FY09 spending forecast in the packet. He said that the cost savings was conservative and would probably be greater. This year they are planning to come in 7% under budget. They will have to make allowance for projects in the next fiscal year like the Hakioawa Hale. They deferred the new generator and reverse osmosis system and have frozen the policy adviser position. He said that they expect a \$300,000 savings without cutting projects. **Chair Aluli asked that the Commission accept the budget for filing at future meetings.**

ED Nāho‘opi‘i presented commissioners with a draft copy of the “Year-In-Review.” He said that they are still working on the layout. It will provide a benchmark and permanent record of each year’s accomplishments and fundraising. Chair Aluli asked if all of the legislators and the county council will get a copy, and DD McLean said that they would. She also said that the report was entirely ED Nāho‘opi‘i’s work with input from the programs.

(Chair Aluli left at 12:00pm and Vice-Chair Neff continued the meeting.)

VII. PROGRAM STATUS UPDATES

Commissioner Neff asked for questions on the Program Updates. Commissioner Burrows asked for a summary of the Operations update.

Reserve Operations – DD McLean reported that the ‘Ōhua was down due a problem with the fuel pump. Volunteer access was cancelled this week. The Hakilo was also out of service due to scheduled repairs. Volunteers will go out Monday on the Trilogy and be extracted by one of KIRC’s vessels. DD McLean reported that the Zapata ‘ohana completed repairs at Honokanai‘a over the New Year’s holiday. She reported on the work done to Hut 10 and that the contractors will go out next week. Corey Boss will also go on island to check the framing support for the skylights. ED Nāho‘opi‘i said that the airflow is good in the hut with the new windows. DD

McLean said that the Derek Mar 'ohana completed much needed work on the water catchment. They donated their time and treated all rust areas.

Restoration Program - ED Nāho'opi'i reported that the staff has been working in the NRCS wetlands area and volunteers have been working on weed removal. The Faunal Restoration working group also met last week.

Ocean Program - ED Nāho'opi'i reported that the Ocean staff have been conducting aerial surveys. Cheryl King, Ocean Specialist, participated in the Kaho'olawe segment of a state-wide aerial survey of marine debris. A map of the distribution of debris on Kaho'olawe is included in the packet. She is interested in doing a quarterly clean-up in different bays on Kaho'olawe. Commissioner Neff asked if the survey was paid for by NOAA, and ED Nāho'opi'i said that it was. He then asked about the seal bleaching. DD McLean explained that Ms. King had received a permit to do the seal bleaching, and the ID painted on the seal is in line with NOAA's standardized tracking system.

Commissioner Burrows asked if they had seen koloa, and ED Nāho'opi'i replied that they have seen many, as well as owls and more seabirds. Commissioner Burrows suggested that they consider banding the birds as Kamehameha Schools does.

Outreach Program – no comments

ED Nāho'opi'i reported that the strategic plan has been printed and will be widely distributed, including to legislators and state department heads.

Commissioner Neff asked about the Code Red chart in the packet. ED Nāho'opi'i explained that it applies to everyone on island including PKO. He said that the chart will change when they add the landing zone at Hakioawa. DD McLean said that AirMed will let them know if the helipad is acceptable. DAG Somerville said that the liability waivers have been changed to include the MediVac. Commissioner Neff asked if there could be training on MediVac emergency procedures.

Upcoming Commission meetings:

Tues., March 10	HNL
Tues., April 7	Maui
(Wed., May 13	HNL-if needed for budget)
Wed., June 10	HNL
Wed., August 12	Maui

IX. ADJOURNMENT

MOTION: Commissioner Arakawa moved to adjourn the meeting. Commissioner Whitehead seconded the motion.

ACTION: Motion approved by all Commissioners present.

The meeting adjourned at 12:35 p.m.