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*KŪKULU KE EA A KANALOA*  
**KAHO‘OLAWE ISLAND RESERVE COMMISSION**

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*Executive Director*

**MEETING MINUTES**

**Friday, March 1, 2013**

1:00 PM

Department of Land and Natural Resources

Boardroom

1151 Punchbowl St, Room 130

Honolulu, Hawaii

**COMMISSION MEMBERS**

**PRESENT:** Michele McLean, Chairperson; William Aila, Jr. (arrived at 2:05 pm); N. Emmett Aluli, M. D. (arrived at 1:45 pm); C. Kaliko Baker, Ph.D (arrived at 2:00 pm)

**EXCUSED:** A. Nāmaka Whitehead, Vice Chair; Colette Y. Machado

**KIRC STAFF:** Michael Nāho‘opi‘i, Executive Director (ED); Ka‘ōnohi Lee, Administrative Officer (AO); Rowena Somerville, Deputy Attorney General (DAG); Terri Gavagan, Commission Coordinator (CC)

**GUESTS:** Jim McMahon (OHA); Alex Wegmann (Island Conservation); William Haines (University of Hawaii); Manuel Kuloloio; Dan Rubinoff (University of Hawaii); Stanton Enomoto

**I. CALL TO ORDER**

The Meeting was called to order at 1:14 pm by Chair McLean for the purpose of taking testimony while waiting for quorum to be established.

**II. COMMUNITY AND PUBLIC COMMENTS**

Dr. Rubinoff (UH) provided testimony regarding **Item IV.A Review and Approve a Research Access from the University of Hawaii, Department of Plant and Environmental Protection Sciences to Study, Collect and Remove Moth Species of *Hyposmocoma* (Fancy Case Caterpillars)**. He explained his method is very similar to Dr. Steve Montgomery's methodology. He explained the light traps are very important because the lights will allow the researchers to do a better job of sampling the species. Kaho‘olawe is very important because there are species endemic to that island.

ED Nāho‘opi‘i explained that the voucher specimens would be going to the insect collection at the University of Hawai‘i. Dr. Rubinoff explained that the collection is open to the public. These moths and their cases can be abundant, but many cases are often

emptily as they remain year after year. The cases do provide useful information. The moths are abundant but also good at hiding.

The meeting was recessed at 1:23 pm subject to the call of the Chair. The meeting reconvened at 2:00 pm by Chair McLean. Quorum was established with 4 Commissioners.

The Commission decided to continue with **Item III. Community and Public Comments** and move **Item IV. Action Items** before **Item II. Approval of Minutes** due to the meeting's late start.

## **II. COMMUNITY AND PUBLIC COMMENTS (continued)**

Mr. Jim McMahon introduced himself as a staff attorney for the Office of Hawaiian Affairs (OHA) and had come to clarify OHA's position on Senate Bill 450 which would transfer DLNR's administrative duties for the Kaho'olawe Island Reserve to OHA. He was appearing at Commissioner Machado's request. It was decided he would offer testimony during **Item IV.E Update from the Legislative Working Group; Discuss and Approve Positions on Pending Legislation.**

Mr. Manuel Kuloloio urged the Commission to ask that all takes from the sheet method be returned to the Commission with regard to **Item IV. A. Review and Approve a Research Access from the University of Hawaii, Department of Plant and Environmental Protection Sciences to Study, Collect and Remove Moth Species of Hyposmocoma (Fancy Case Caterpillars).** He also urged the Commission to approve **Item IV. B Review and Approve the Gary Freeman Ohana Request for Right of Entry to the Reserve in May 2013.** He remembered when Uncle Gary's helicopter crashed in front of one of his teams in 2003.

## **III. ACTION ITEMS**

### **A. Review and Approve a Research Access from the University of Hawaii, Department of Plant and Environmental Protection Sciences to Study, Collect and Remove Moth Species of Hyposmocoma (Fancy Case Caterpillars)**

Staff explained that KIRC approved a similar project that was successfully conducted on island by Dr. Matt Medeiros. Dr. Rubinoff (UH) explained they would like to sample on Kaho'olawe because there is a gap of knowledge about what is otherwise a widespread moth group and each island has its own endemic species. The researchers are trying to understand how they evolved across the entire state. They would like to understand how Kaho'olawe fits in with the rest of the islands. They expect to find many endemic species. One really needs to be looking for these to find them.

Commissioner Baker asked if they would be collecting moths and caterpillars. Dr. Rubinoff replied they would be trying to get both. Light traps would be used to get the moths that are adults due to time limitations. Different species have different cycles so that at any one time some will be adults and flying around and will not be seen if researchers are only looking for caterpillars. They will try to collect both to get a bigger picture.

Commissioner Baker asked what time of year would they want to go to the island. He replied relatively soon since spring is the best time to get the most species because it is a dry area and the moths tend to appear after a little bit of rain.

Commissioner Baker commented that in Feb 2011 there were a lot of caterpillars everywhere. He did not see any this year but the rains might have come after he left. Next month may be better. Dr. Rubinoff commented that some of these moths do not feed only on plants but also on lichen as well as algae and the inside of dead wood. He also stated very little is known about what is going on Kaho‘olawe. They do not expect to write the entire book, but would like to open the book.

Staff pointed out that the benefits of the proposed research are outlined in the researchers’ response to question 2 on the Right of Entry Permit Request (Research Access).

Commissioner Baker commented that he liked how the statement of proposed research activities referenced the Cultural Use Plan and the Environmental Restoration Plan.

Commissioner Aila asked what would be the ultimate disposition of the collected samples. Dr. Rubinoff responded that vouchers and type specimens would be deposited into the insect collection at UH and all remaining specimens would be returned to the KIRC. The advantage of having samples deposited into two spots is there would still be specimens to access if specimens were damaged at one location. They would return the samples in the same way Dr. Matt Medeiros returned his collected specimens. He prepared a pinned box of specimens. Commissioner Aila wanted this to be added as a condition of the permit. Staff responded it was in the proposed motion, the section regarding Methods & Discussion in the motion memo and in the statement of proposed research activities. It could also be added as a special condition to the final permit.

**MOTION:** Commissioner Aluli moved, pursuant to HAR §13-261-14, to approve the Right of Entry (ROE) request of Daniel Rubinoff and Dr. William Haines to access the Reserve to collect moths at Pu‘u ‘O Moa‘ula Nui, Honokanaia, Kealaikahiki, Kaukaikapapa, and Lua ‘O Keāliālalo subject to the ROE permit and the specific conditions: (a) that the collection is limited to four accesses of three nights or further approval; (b) all specimens shall be identified and returned to the KIRC except voucher and type specimens described in their right of entry; (c) the applicant shall provide KIRC with a copy of all raw data, photos, papers, theses, and/or published works that reference this work, prepared or known by the applicant, even if no species were collected and taken; (d) that a display case for voucher specimens be provided to the KIRC; (e) other conditions authorized and imposed by the Executive Director. Commissioner Baker seconded the motion.

**ACTION:** The motion was approved by all commissioners present.

The Commission decided to move **Item IV. E Update from the Legislative Working Group; Discuss and Approve Positions on Pending Legislation** before **Item IV. B Review and Approve the Gary Freeman Ohana Request for Right of Entry to the Reserve in May 2013** so that Mr. McMahon could provide testimony and answer questions from the Commissioners.

**B. Update from the Legislative Working Group; Discuss and Approve Positions on Pending Legislation**

Mr. Jim McMahon sent by Commissioner Machado to provide OHA's position on SB 450 which would transfer DLNR's administrative duties for the Kaho'olawe Island Reserve to OHA. He stated OHA is opposed to this bill and has several concerns: cost, administrative responsibilities OHA would inherit, legal liability and other challenges. He wanted to make it clear this position is only for this particular bill.

Commissioner Aluli asked if this measure would put Kaho'olawe into competition with others looking for grant money. Mr. McMahon confirmed there would be competition. Whenever there is legislation introduced that would either move some organization such as the KIRC into OHA or would require OHA funding to support that organization the initial response from the trustees is to oppose it until properly and fully vetted.

Commissioner Aluli asked Chair McLean to explain the letter to the governor written by Chair McLean and himself which explained that this is not the right time for this action. Chair McLean explained the letter to the governor requested the measure be tabled. The Commission had not voted on a position on the bill at that time so the Legislative Working Group could not say whether the Commission supported or opposed it. There had been enough discussion at a prior meeting with Trustee Machado in attendance to determine there needs to be a more thoughtful process. The letter indicated the Commission hoped to have a meeting with the Governor's office, a member of OHA, a DLNR representative and a PKO representative to carefully and thoughtfully analyze the future management of Kaho'olawe. The dialogue needs to be started now. Copies of this letter were sent to key Senate committee members.

Commissioner Aluli added a strategic plan for the island needs to be developed. A legislative audit is due which would be helpful when the Commission goes to the planning session. He would like to make sure it coincides with the Roll Commission. He thought the process would bring everyone together.

Mr. McMahon agreed that different things need to be brought together including the issue of a sovereign nation. The Commission thanked Mr. McMahon for his attendance.

The Commission requested an update on pending legislation from staff. ED Nāho'opi'i explained that SB 1169; KIRC Asset Forfeiture bill passed the Judiciary Committee and staff is awaiting the conference committee report. The House version of this bill was originally sent to the Marine Resources and Hawaiian Affairs

Committee and the Water and Land Committee. Representative Hanohano requested that the KIRC work with the Ocean Tourism Coalition during the joint hearing. A compromise was reached in which there is a 1 mile buffer for any violation of rules related to trespassing but it would not apply to any fishing violations. Any fishing violation at the two-mile border would be subject to asset forfeiture. The House version of this bill did not receive a Judiciary hearing after being re-referred. However, there is an attempt to attach it to the procurement bill.

The House version of the procurement bill passed with an amendment which supposedly contains the asset forfeiture bill. The Senate version of the procurement bill also passed the Finance Committee.

Commissioner Aluli asked for more information about the Ocean Tourism Coalition. Commissioner Aila and ED Nāho‘opi‘i explained it is a lobbying group of boaters and tourist boat operators mostly from Maui County. ED Nāho‘opi‘i added every time the asset forfeiture bill has come up they have provided testimony opposing it. They were concerned about inadvertent entry across the Reserve's border. They agreed to testify in support of the bill as amended.

Commissioner Aila asked if the House and Senate versions of the procurement bill are the same. ED Nāho‘opi‘i was unsure; it depends on whether the Senate version will include the asset forfeiture bill.

ED Nāho‘opi‘i reported there are two burial bills. One bill (SB 234) would create a burial task force that could come up with procedures which could include reburial on Kaho‘olawe. The other (SB 320) is a Native Hawaiian burial bill which would require *iwi kūpuna* (native Hawaiian bones) in the possession of the State whose provenance is unknown be interred annually on Kaho‘olawe. Both bills have been deferred.

SB 450 which would have transferred the KIRC to OHA has not been heard. Commissioner Aluli asked if the Commission had taken a position on the burial bills. Staff responded none had been taken. Commissioner Aluli suggested the Commission discuss the issue and formulate a position. Commissioner Aluli stated he was confused about the language of SB 450. Commissioner Aila explained the language came from Senator Malama Solomon.

ED Nāho‘opi‘i added that Ms. Pua Aiu's testimony contained a reminder that KIRC has final authority on anything that enters into the Reserve.

Commissioner Baker added he had spoken to Mr. Attwood Makanani, one of the people who handles burials on Kaho‘olawe, in February 2012 regarding this burial bill. Mr. Makanani's experience with other burial councils was that they really try to wait until lineal descendants come forward and he was hesitant to back the bill. Commissioner Baker is unsure if his position is still the same. Staff added it is rare when a lineal or cultural descendant or Hui Malama I Na Kupuna ‘O Hawai‘i Nei does not come forward to claim *iwi*.

Commissioner Aluli stated PKO submitted testimony in consultation with those involved with burials on Kaho‘olawe.

Commissioner Aila stated he believed this was an initiative by Senator Brickwood Galuteria. When Senator Galuteria asked for his thoughts Commissioner Aila told him that each island has areas which are predesignated by history and practice for these types of burials. It is unlikely that any burials will be unclaimed.

Commissioner Baker asked Commissioner Aila if Senator Galuteria cited any case in which there was an actual need for this legislation. Commissioner Aila responded he did not. Commissioner Aluli commented Senator Galuteria had heard that there was some museum with some native Hawaiian *iwi* which needs to be returned. Everything has been returned according to Mr. Eddie Aiyau. Senator Galuteria spoke with Dr. Pualani Kanahale and she commented Kanaloa-Kaho‘olawe is a pu‘uhonua and it is okay to reinter burials on the island.

Commissioner Aila pointed out one consideration which KIRC needs to contemplate and discuss is rights of visitation and its potential impact. Normally when *iwi* are returned and there is a cultural or lineal descendant there are rights of visitation.

Commissioner Baker agreed that is a huge consideration. The Commission would have to guarantee access. He wanted to know what would happen if the resulting legislation is in contradiction to standing burial practices and if it would open the State up to legal problems.

Chair McLean asked if the person who makes the decision which burials should go to Kaho‘olawe could be made aware of the administrative rules regarding Kaho‘olawe. She reviewed the Commission's two options: take no position on the bill (and submit general comments) or take a position in support or opposition, noting the Commission's reasons. Commissioner Aluli stated if the Commission does not take a position he knows that the various councils will on the KIRC's behalf.

Commissioner Aila suggested a possible position the Commission could take is that the Commission understands the sensitivities of any lineal or cultural descendant having a desire to rebury on Kaho‘olawe. However, because of safety issues the KIRC would have to make the final decision.

**MOTION:** Commissioner Aila moved to approve the Executive Director's ability to provide testimony on any burial related bills and a fundamental part of that testimony should be that health and safety is of the utmost concern and it should be the decision of the Commission regarding any access to Kaho‘olawe for any burial type issues. Commissioner Baker seconded the motion.

**ACTION:** The Motion was approved by all Commissioners present.

Chair McLean asked Commissioner Aluli if he was comfortable with the letter to the Governor regarding SB 450 standing or if he wanted the Commission to vote on a position. He asked if this bill was likely to come up again during this session. Staff stated it is unlikely.

**MOTION:** Commissioner Aluli moved to oppose a transfer at this point in time for all the reasons stated in the letter to the Governor. Commissioner Baker seconded the motion.

**Discussion:** ED Nāho‘opi‘i stated this motion would be in opposition to the administration's position. Commissioner Aluli clarified this bill was introduced by Senator Solomon. Staff asked if this position is going to be specific to SB 450. The Commission stated it applies to any language with this provision.

Chair McLean stated she does not support the bill as written; there is not enough in it to know what the result would be. She would still want to have a discussion about a possible connection between OHA and KIRC; however, she could support the motion.

Commissioner Baker asked if the motion was basically supporting the letter to the Governor. Chair McLean explained the letter does not take a position. It offers comments and asks that the bill be tabled. Commissioner Aluli added after Senator Solomon read the letter and he explained the Commission was hoping to get a strategic plan together which would involve legislators, decision makers and OHA she said it was a great idea.

Commissioner Aluli stated the Commission needs to decide whether it will work with OHA. The Commission needs to oppose this bill or the Commission will not be on the same level as OHA.

**ACTION:** A roll call vote was conducted: Chair McLean: yes, Commissioner Aluli: yes; Commissioner Aila yes, with reservations; Commissioner Baker: yes; Commissioner Machado: absent; Vice Chair Whitehead: absent. Motion was approved based on the roll call vote.

ED Nāho‘opi‘i asked for direction should a funding bill come up. Commissioner Aluli stated it depends on the strings. AO Lee asked what if the funding bill comes attached to OHA. Commissioner Aluli commented he felt the Commission was healing with the Legislature. Chair McLean asked if hypothetically some sort of funding bill comes along, can the Commission have a position ready so that ED Nāho‘opi‘i can submit testimony on it. Commissioner Aluli responded it depends on the strings. He would want to have a meeting prior to taking a position. Chair McLean agreed that Commission may not want to take a blanket position on a funding bill.

Commissioner Baker asked if ED Nāho‘opi‘i could use the letter to the Governor, supported by the Commission, as a basis for testimony for potential future funding bills, i.e., if the language in the bill is similar to that in SB 450 the Commission would not support it. ED Nāho‘opi‘i responded a year ago the KIRC supported the concept of increasing funding for the KIRC but could not support changes in the Commission's composition. ED Nāho‘opi‘i could incorporate this discussion, this motion and the Strategic Plan. Chair McLean pointed out the Legislative Working Group can respond to potential bills. It also does not preclude any individual Commissioner from submitting testimony individually.

**C. Review and Approve the Gary Freeman Ohana Request for Right of Entry to the Reserve in May 2013**

ED Nāho‘opi‘i explained that Mr. Freeman a helicopter pilot with Pacific Helicopters (Pac Helo) during the clean up passed away during an aircraft accident in the Ahupū area in 2003. The family would like to commemorate the 10th anniversary of his passing by paying their respects at the crash site on or around May 22. Pac Helo would fly out 10 people. ED Nāho‘opi‘i placed some stipulations on the access: 1) all participants will attend a pre-visit orientation which will be conducted by the KIRC and 2) Pac Helo would provide transportation for a KIRC designated escort to go to the site if one is not already on island that week. The selected site will require either an EOD escort or an access guide.

Commissioner Aluli asked if the family was planning a ceremony. He asked if the KIRC should offer assistance with a cultural component to help with the healing, if he should personally offer assistance or should PKO offer it.

Commissioner Baker commented Commissioner Aluli could speak to the family on his own and asked if the offer needed to come from the Commission. It was decided it did not and Commissioner Aluli would work with ED Nāho‘opi‘i on this.

Commissioner Aila asked if the access guides are culturally trained. ED Nāho‘opi‘i responded one guide is. If the selected area is uncleared KIRC UXO Maybee and KIRC Cultural Resources Program Coordinator Gapero would be sent out with the family. Commissioner Aila stated he thought Commissioner Aluli was asking if someone should represent the spiritualness of the island and do something for the family and this gentleman's *‘uhane*. Commissioner Aluli agreed. Commissioner Aila explained that is why he asked the question. Also, are the guides trained in doing an uwe? ED Nāho‘opi‘i asked if members of the PKO wanted to participate.

Commissioner Aluli stated he is just raising the issue. He stated he could make sure that could be provided if the family wants it. ED Nāho‘opi‘i stated staff could try to find someone, but there are very few staff members that would be able to do an appropriate Native Hawaiian traditional cultural practice.

Mr. Enomoto asked if a memorial was being built on-island. ED Nāho‘opi‘i responded that a third stipulation specifying no memorials are to be built could be added to the entry permit. Commissioner Aluli did not know whether the building of



an ahu was appropriate. ED Naho'opi'i responded the building of any structure would require Commission approval.

**MOTION:** Commissioner Aluli moved to grant access to the family as recommended in the memo. Commissioner Baker seconded the motion.

**Discussion:** Staff asked if the stipulation of no erection of memorials was to be added as a condition of entry. Commissioner Aluli stated yes. Commissioner Baker stated he still seconded the motion as amended.

**ACTION:** The Motion was approved by all Commissioners present.

**D. Authorize Executive Director to extend Base Camp Management Contract with Zapata, Inc.**

Staff would like to extend the Base Camp contract for the next fiscal year. The amount for the extension is \$702,876.47. It is slightly higher than the previous contract. This is because the helicopter transportation cost for Zapata staff has been added according to Mr. Eric Brundage (Zapata, Inc.). Helicopter transport is used only when there is a weather delay. Normally these costs are in KIRC's budget. If it is included in Zapata's budget then it will not be included in KIRC's FY14 budget. Staff projects that the contract will come under budget by \$80,000-90,000 by end of the year. Most of this has come from the cutting of administrative costs. The project manager or Base Camp manager has been covering for vacationing staff. The amount is higher because it is the same rate as this year but with travel costs included. It is likely Zapata will also under run this contract.

Commissioner Aluli asked who the project and Base Camp managers are. Staff answered Mr. Eric Brundage is the project manager and Mr. Dave Dierking is the Base Camp Manager.

Commissioner Baker asked ED Nāho'opi'i to explain the reason for the increase between this year's contract and next year's. ED Nāho'opi'i responded helicopter costs were included in next year's contract which would normally have been included in the KIRC's budget. ED Nāho'opi'i responded they have been reducing their administrative costs to the KIRC. Chair McLean commented that their budget is \$699,000 for this year and \$702,000 for next year. Commissioner Baker pointed out they are saving \$80,000 this year and the contract for next year is being increased by \$3,000. Chair McLean suggested that an international company like Zapata would probably not reduce a contract extension, even if they do not end up billing all of it. ED Nāho'opi'i added normally helicopter transportation costs are included in KIRC's budget in case of inclement weather and the boat cannot run. It actually costs less for helicopter transportation than to pay overtime to staff on island while they wait for the crew change. Staff clarified if helicopters are not used KIRC is not billed. They will only contract a helicopter after they have contacted staff.

**MOTION:** Commissioner Aluli moved to authorize the Executive Director to execute Supplemental Contract No. 1 to Contract No. 61057 with Zapata, Incorporated in the amount of \$702,876.47 to manage Kahua Honokanai‘a and other facilities on Kaho‘olawe for a one-year period commencing on July 1, 2013 through June 30, 2014. Commissioner Aila seconded the motion.

**ACTION:** The motion was approved by all Commissioners present.

**E. Approve Increase in the Restoration Program FY 13 budget for a new Department of Health, Clean Water Branch Grant (DOH III)**

Staff explained that Restoration was awarded their third Clean Water Act Grant. The balance left from the NRCS grant was transferred to HCF/NOAA. There is sufficient funds budgeted for personnel. There is insufficient funding in the Restoration Program's budget for nonpersonnel expenditures which includes material, equipment and contracts for the DOH grant. All these costs are reimbursable. Staff is asking to increase the Restoration Program's budget by \$66,400 in nonpersonnel costs to cover expenditures for this fiscal year to start the DOH grant in April. Staff is planning to purchase geotextile and irrigation material. This would put the overall budget at \$2.9 million. Staff anticipates to be running under budget. There was not enough time prior to this meeting to find where the shortfall could be made up. Staff will find \$66,000 somewhere else in the budget. Staff would like to add it in for now.

Commissioner Baker asked if this money is not being made up for in the grant. Staff responded it will all be reimbursed.

Chair McLean commented that the budget just shows spending; it does not show revenue. She stated she supports increasing Restoration Program's budget by that amount to fulfill the grant requirements, but she does not want to increase the over-all budget. She knows the money can be found someplace. She does not necessarily need to see every place where it is going to be saved.

Commissioner Aila asked what the additional money is going to provide in Restoration. ED Nāho‘opi‘i responded it would be used to purchase geotextile and irrigation material. Commissioner Aila asked if staff would submit receipts and then get reimbursed. Staff said yes. Commissioner Aila stated in his mind it is not an increase in the budget because it is going to be reimbursed. He asked if staff was going to find the money administratively to pay it off ahead of time and then it will be reimbursed back into the budget without raising the budget. Staff said there is room and they are not sure staff will spend that amount before the end of the fiscal year.

**ACTION:** The Commission decided by consensus to authorize the Executive Director to increase the Restoration budget by \$66,400 and offset it in other program areas. There were no objections.

There was a recess from 3:20 pm to 3:30 pm.

#### **IV. Administrative Business**

##### **A. Update from the Strategic Planning Working Group**

Commissioner Aluli stated he thought the Commission needed to look at a new model. He felt the vision statement was still accurate. He thanked Mr. Enomoto for helping with strategic planning. He and Vice Chair Whitehead had a discussion about three weeks ago in Hilo. He has been speaking with Mr. Enomoto whenever possible.

Mr. Enomoto presented a PowerPoint presentation entitled "Kanaloa-Kaho'olawe 2025: Strategic Planning & Actions; A 'New Period' for the Island Reserve." Commissioner Aluli affirmed to him the Commission's interest in developing the plan for the Island and not necessarily just for the KIRC. He reviewed some of his old notes and files and started to develop this proposal.

The historical context of his thoughts was based on the final Kaho'olawe Conveyance Commission (KICC) Report to Congress March 1993 and different time periods discussed in the report:

- Early Contact Period (1779-1825)
- Missionary Period (1825-1853)
- Early Ranch Period (1853-1910)
- Forest Reserve Period (1910-1918)
- Later Ranch Period (1918-1941)
- Military Period (1941-1980)
- Joint-Use Period (1980-1993)

Commissioner Aluli pointed out the KICC report did not cover the significant pre-contact history.

Mr. Enomoto provided additional context of events that occurred after the events covered in the KICC report:

- Occupation (1976)
- Consent Decree (1980)
- Bombing Stopped (1990)
- Mua Ha'i Kūpuna Ceremony (1992)
- Final KICC Report (1993)
- Title X/MOU/Deed/§6K (1994)
- UXO Cleanup Period (1994-2004)
- KIRC Trust Fund/Restoration (2004-2016?)

Chair McLean asked when did the spending of the trust fund start. Mr. Enomoto responded the spending started immediately.

Mr. Enomoto discussed future milestones Kaho'olawe:

- 20th Anniversary-Final KICC Report (2013)
- 10th Anniversary-State Access Control (2013)

- 10th Anniversary-End of Cleanup (2014)
- 20th Anniversary-KIRC/HRS§6K (2014)
- KIRC Trust Fund Exhausted (2016)
- 30th Anniversary-End of Bombing (2020)
- 50th Anniversary-Occupation (2026)

This gives context looking forward; how far the KIRC has come. The essence of strategic planning is how to start looking forward and anticipating and planning for things in light of the Island's history.

Some of issues facing Kaho‘olawe are:

- Kana‘iolowalu & the Native Hawaiian Governing Entity Process
- Expenditure of KIRC Trust Fund
- Statutory Requirements: HRS§6K, HAR, Title X, MOU, etc.
- Continuity of Restoration Programs
- Continuity of Access
- Findings of 2012 Legislative Audit
- Maintenance of On-Island Infrastructure & Equipment
- Enforcement, Liability Exposure & Risk Management
- Residual UXO/Cleanup
- Intentions of Others (such as large-scale alternative energy, threatened & endangered species refugia, commercialization, expansion of open waters/fishing and centralized burial ground)

DAG Somerville commented that KIRC Ocean Resources Program Manager Tokishi took Mr. Scott Fretz and Mr. Paul Conry to see if nene could be relocated to the Island. They cannot be relocated until introduced predators are removed.

Mr. Enomoto's proposal for strategic planning goes to 2025. This might be an opportunity for new "period" on Kaho‘olawe with the sunseting of the trust fund and the ending of the cleanup. The Commission reaffirmed earlier that the plan is for the Island not just for the KIRC. Therefore it should be larger than any one individual or organization. Kuleana should be shared so collaboration and cooperation is necessary. The Commission would need to look at how different organizations such as OHA, DLNR, PKO, the Legislature and the KIRC interface with each other regarding Kaho‘olawe. Is there an opportunity for a different approach to how it is planned and implemented? The Commission would go through the planning process through the remainder of this calendar year and be in a position to implement the plan effective January 2014 through December 2025. Some questions which might provoke some thinking are:

- 1) What can be said in January 2026 at the 50th anniversary of the Occupation?
- 2) What will the children of Generation Z inherit?
- 3) What is the Island telling us?
- 4) How do we navigate through all of the issues?

The Commission will decide whether to steer a planning process on its own or bring together different organizations into the planning process. The Commission needs to integrate input from others but it also needs to decide how to structure the input and how to go forward.

The Planning to Implementation phases are: A) Plan, B) Implement, C) Evaluate. Phase C leads back to Phase A. This is an important concept. Sometimes strategic plans are just left sitting on a shelf and not implemented. The Commission needs to commit to this cycle. It needs to be willing to implement actions that are listed in the plan and be accountable to the plan.

Commissioner Baker asked if previous strategic plans were implemented and evaluated. Chair McLean and staff responded some parts were implemented. ED Nāho‘opi‘i added the annual report is one of the biggest evaluations.

Commissioner Aluli commented it was always hard to evaluate the success of the implementation. The evaluation phase has not been built in.

Staff commented there were no parameters or measurements in the last strategic plan. The question about the vision of the Island at the end of the plan period was not addressed during the last strategic planning. Chair McLean added it was too much of a wish list and beyond the KIRC's capacity as one organization. KIRC was not ready at that time to indicate collaborators or partners to achieve those goals. There were so many things focus was lost. Perhaps the next plan should be narrowed to three things and identifying collaborators. She asked if the collaborators are willing to come to the table and be true collaborators. This is a big question.

ED Nāho‘opi‘i stated the plan needs be focused so that it is on everyone's mind every day and simple enough so it can be articulated every day.

Commissioner Aluli commented KIRC is at the best position ever right now with Commissioner Aila at DLNR, Commissioner Machado at OHA and Chair McLean at Maui County.

Mr. Enomoto asked if the KIRC's vision of Kaho‘olawe still relevant. If we still hold to this vision what will the Island look like on January 20, 2026? It starts with the vision or destination and work back like Mr. Nainoa Thompson says. There may be enough commonality in the visions of DLNR, OHA, etc. that through facilitating everyone can see Kaho‘olawe as a pu‘uhonua; it does not mean a casino; it does not mean geo-thermal, etc. Once this point is reached then the participants can start being strategic about how to get there.

Commissioner Baker commented one idea from the final KICC report which has always stuck with him was people living on Kaho‘olawe. Perhaps they will not live there long term, but maybe cycles of people living at different sites. This is twenty years after the report and it has not happened; will it take another 20 years, 15 years or 5 years? That is a clear vision.

Mr. Enomoto agreed and added that vision needs to be shared by others who have influence around Kaho‘olawe such as the Attorney General thinking about liability, or Becky Hommon worrying about the bombs, etc. There are a lot of people who can affect that vision. How can the vision happen? Who will be involved?

He reviewed proposed planning entities:

- Core Team which would consist of the Strategic Planning Working Group which would actively facilitate and plan this guiding process
- Planning Committee which could consist of agency representatives: KIRC, OHA, DLNR, PKO, NHRC, etc. It could also perhaps include Native Hawaiian Roll Commission. It would be a decision making body which would "approve" the plan or at least guide its development. Once the plan is approved this committee in some form could be in charge of oversight.
- Key stakeholders who do not necessarily need to be engaged at the detailed planning stage but the Commission certainly wants their input or want to access them because they have the ability to reach others quickly. Some of them might be important decision makers such as legislators, governors, etc. This could also include people with important voices or history with the Island.
- Interested Public

The proposed planning approach:

Interagency Planning Committee would consist of agencies or individuals with history on Kaho‘olawe. This could include federal, state, nonprofit organizations, ‘Ohana families or individuals. It would be voluntary. Participation would have kuleana (requirements): commit to the planning process; contribute resources to the execution; hold each other accountable for the outcomes.

The group needs to be manageable with approximately 15-17 members. There needs to be an odd number in case of a need for a vote. It should be small enough to manage the planning and large enough to be inclusive of the key players. Perhaps there could be one member per agency and the committee could elect a chair and develop a charter. It would "approve" the plan and guide its implementation.

A tentative planning schedule would include the following planning phases:

- Phase 1: Approve Process-3/1-3/31  
This would include developing a more detailed proposal and assembling the core team and planning committee.
- Phase 2: Data Collection/Information Gathering- 4/1-5/31  
This could include going out to gather information from the stakeholders and the interested public, including interviews of key stakeholders and surveys of the interested public.
- Phase 3: Data Synthesis/Analysis-Vision Development-6/1-6/30  
Workshops with the planning committee could be held to analyze the data and to affirm the vision.
- Phase 4: Strategic Plan/Logic Model Development-7/1-10/31

Strategic planning process starts. Once a clear vision is agreed upon the planning committee needs to determine how to strategically and logically make it happen. A draft plan would be assembled.

- Phase 5: Draft Plan Review & Comment-11/1-11/30

The draft plan would be reviewed and go out for comments from the interested public and stakeholders.

- Phase 6: Plan Revisions & Finalization-12/1-12/31

The plan is brought in for adoption from the planning committee. It is transmitted to the interested public and key stakeholders.

- Phase 7: Plan Implementation

Mr. Enomoto is willing to put together a more detailed proposal and a rough budget within the next two weeks. It may be something the KIRC can fund, depending on the scope of the budget. ED Nāho‘opi‘i affirmed money has been set aside for strategic planning. Mr. Enomoto stated the KIRC should start identifying the organizations that will be sitting on the planning committee and securing some type of commitment from those agencies. Then the visioning process can start. The core team would develop the survey and interview questions. The planning committee would approve these. The surveys and interviews would be conducted. The core team would synthesize and analyze the results. The core team would facilitate a workshop for the planning committee on island to develop the vision. The committee comes up with its tentative adoption of that vision subject to communication and input from others.

Chair McLean asked for clarification about the core team. Mr. Enomoto stated it should consist of whomever the KIRC would want to see facilitating this planning process. She asked if he was available. He responded that he could volunteer perhaps ten hours per week. Depending on upon how in depth the core team would want the surveys and interviews to be, it may require others to help interview people. As long as the interview questions are consistent it could be a number of individuals networking out to key people. Chair McLean asked for an approximate number of people. He responded 5 to 6 people. It needs to be small enough so that members can work together efficiently. The planning committee will be more like a board to guide the process but members would have even less time. They may have monthly meetings or perhaps every two weeks. Their level of commitment is not going to be as great as the core team. Chair McLean asked if hypothetically he saw the core team consisting of himself, ED Nāho‘opi‘i or AO Lee and one or two members from PKO. He responded that could work or facilitators could be brought in if needed.

Mr. Enomoto commented he put together this time frame with the idea of getting ready for next legislative session. The core team and planning committees need to be defined so that legislators can be included in the development process. It is important to include county-level and state-level decision makers.

Commissioner Aluli commented he thought things may change next year or the year after and asked if this strategic plan would be more like a report. Mr. Enomoto stated not necessarily. The process would be the core team and the planning committee determining the elements of the defined vision. They start looking at some of the

issues and scenarios that are affecting those elements. They can begin prioritizing and sequencing things (liability protection coverage, UXO issues addressed etc.) as well as identifying agencies and the roles for those agencies based on their capacities. They can also create a logic model which is a way in which a story is told about the strategic plan. It should fit onto one page. The story should explain, "in order to achieve our vision, we need to do these number of things to achieve these certain outputs; we can arrive at these certain outcomes." It is a nested hierarchy of actions and input. It is a pretty good communication tool. It is also important to have clear monitoring and evaluation criteria. There also needs to be a good communication strategy running parallel to the planning process so at key points it is important to make sure that stakeholders and the public are aware of what is being done.

ED Nāho‘opi‘i added another issue is whether today's governing structure, i.e. the KIRC, is the correct structure for 2025. Mr. Enomoto agreed and added people need to think outside the box. What are the implications if Kana‘iowalu goes through? What are the implications if the Native Hawaiian Governing Entity does not happen in this 10-11 year time span?

DAG Somerville pointed out that commercial activity and sustainability are also issues.

Commissioner Aila commented that the models of taxing to generate revenue for new projects are no longer applicable and the national parks and DLNR are looking for new models.

Chair McLean stated she thought the time line is very ambitious and it needs to be ambitious. It is going to be a challenge keeping the focus on making a plan because the people and issues involved are tied into the previous discussion on SB 450. Some of the underlying assumptions could shift.

DAG Somerville asked who is going to choose the core group and whether the planning committee will back the core team or be a sounding board. Mr. Enomoto stated it was his opinion that the planning committee develops the plan and the core team guides and facilitates. He cautioned that SB 450 will happen in the absence of going through any kind of planning process.

The Commission wanted Mr. Enomoto to continue working on a detailed proposal and a draft budget.

Commissioner Aluli wanted a meeting on Maui as soon as a date can be approved. Chair McLean clarified an amount for strategic planning has been approved. She was comfortable leaving it up to the Strategic Planning Working Group if the draft budget is in that general range.

Mr. Enomoto was asked to review what type of core team he was looking for. He responded that the group's responsibilities are to facilitate and keep everyone on task. It would require approximately 10 hours per week. It would be setting the agenda,



developing the survey questions, and other detail work; disseminating it out to the planning committee and logistics. Commissioner Baker asked from where he sees the members coming. He responded it could be from within KIRC or outside of KIRC; it could be people who know how to facilitate and know how to plan.

Commissioner Aluli stated Vice Chair Whitehead commented at the last meeting the Strategic Planning Working Group wanted Commissioners and staff to submit some names of peoples who could serve in different capacities. It should be done this week because it will take time for either the working group or Mr. Enomoto to approach that person and explain the process and convince him or her to participate.

Chair McLean stated she thought the working group was going to provide a list of stakeholders and they could be assigned a role. Commissioner Aluli stated they came up with about 25 names. Chair McLean stated it was important to establish the core group. The Commission decided the core team should consist of Mr. Enomoto, either ED Nāho‘opi‘i or AO Lee and a representative from PKO to be named later.

The Commission also decided to have the Core team review the list of potential participants and recommend who should be core team members, planning committee members, and community stakeholders for the next meeting. Commissioner Aluli is to email the potential participants list to ED Nāho‘opi‘i for dissemination to the rest of the Commission. Commissioner Baker requested that the potential core team members be highlighted. Chair McLean will work with Commission Coordinator Gavagan for potential meeting dates. It was also decided that the Strategic Planning Working Group should continue to work with Mr. Enomoto. Mr. Enomoto stated he was willing to volunteer his time, but if travel is required he would need to be reimbursed. DAG Somerville commented that an MOU could be arranged to handle travel costs.

#### **V. Approval of Minutes**

There were no objections to approving the minutes for October 25, 2012 and December 17, 2012 with typographical errors corrected.

#### **IV.B. Executive Director's Report**

Chair McLean asked for more information about the ESRI grant. ED Nāho‘opi‘i explained it is a software grant of \$ 100,000. Currently geo media is used for the GIS system. It was the standard the Navy was using during the cleanup. Everyone else in the state uses ARC-info. The software will be used to convert data to ARC-info. Additionally, the KIRC received satellite time. Staff will be able to use the data provided by the Navy and overlay it with data from KIRC projects and see exactly what has been accomplished. This includes Restoration, Ocean as well Culture projects. It will be used for educational purposes.

ED Nāho‘opi‘i has received notification from Boards & Commissions that the Governor has submitted the Governor's Messages for Commissioner Baker and Vice Chair Whitehead. Commissioner Baker added his term would be for four years from this year. ED Nāho‘opi‘i stated Vice Chair Whitehead's additional term will end in 2016. Staff has

notified Commissioner Machado her term expires this year and she can apply for another term or can appoint a representative. Commissioner Aluli wondered if Commissioner Machado would have time to continue to serve on the Commission since she is OHA Chair. Chair McLean pointed out there are Sunshine Law considerations if Commissioner Machado chooses to serve another term and is on the planning committee with other Commissioners such as Commissioner Aila and Commissioner Aluli.

Staff reported the construction of Hakioawa Hale will start in April. KIRC UXO and Safety Officer Maybee will cover the first half of the month. ED Nāho‘opi‘i and KIRC CRPC Gapero will cover the second half of the month. The final walk through is scheduled for April 26-27 and turnover to PKO shortly thereafter. DAG Somerville asked if the Commission was planning on having a limited meeting on island so that the commissioners could see the shelter. She suggested there should be a discussion at the next meeting so the appropriate paperwork could be completed. Commissioner Aluli stated there should be two limited meetings between now and the end of January. He clarified they would be potential meetings; they do not necessarily have to take place. Chair McLean asked about the meetings' purpose. DAG Somerville responded so that the Commission can examine Hakioawa Hale. Chair McLean asked if the Commission as a whole needed to go or if individual Commissioners could go on their own.

**VI. Program Status Updates**

The Commissioners decided to review the program status updates on their own.

**VII. Announcements /FYI**

"Halia Aloha, Sen. Daniel Ken Inouye: Fond Memories, Cherished Memories of a Keiki O Ka Aina," from The Hawaii Herald, January 18, 2013 (pp. 15-17) was distributed at Commissioner Aluli's request.

**IX. Adjournment**

There was no objection to adjourning the meeting. The meeting adjourned at 5:00 pm.