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

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Michael K. Nāho‘opi‘i  
*Executive Director*

**PUBLIC MEETING MINUTES**

**Friday, May 3, 2013**

9:00 AM

Office of Hawaiian Affairs Boardroom  
711 Kapi‘olani Blvd, 5<sup>th</sup> Floor  
Honolulu, Hawai‘i

**COMMISSION MEMBERS**

**PRESENT:** Michele McLean, Chairperson; A. Nāmaka Whitehead, Vice Chair; N. Emmett Aluli, M.D.; C. Kaliko Baker, Ph.D; Colette Y. Machado (arrived at 9:22 am)

**EXCUSED:** William Aila, Jr.

**KIRC STAFF:** Michael Nāho‘opi‘i, Executive Director (ED); Ka‘ōnohi Lee, Administrative Officer (AO); Kuiokalani Gapero, Cultural Resources Project Coordinator (CRPC); Terri Gavagan, Commission Coordinator (CC)

**GUESTS:** Eric Brundage (Zapata, Inc.); K. K. Birnie (PKO); Davianna McGregor (PKO); Keoni Fairbanks; Stanton Enomoto; Kylee Mars (PKO)

**I. CALL TO ORDER**

The meeting was called to order at 9:10 am. Quorum was established with 4 Commissioners.

**II. APPROVAL OF MINUTES FOR MARCH 1, 2013**

Commissioner Baker noted some typographical errors in the minutes which need to be corrected.

**MOTION:** Commissioner Aluli moved to approve the minutes of March 1, 2013 as corrected. Commissioner Baker seconded the motion.

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

**III. COMMUNITY AND PUBLIC COMMENTS**

Dr. McGregor submitted oral and written testimony regarding the Hakioawa shelter expressing appreciation for the shelter as well as some concerns. ED Nāho‘opi‘i will follow up.

#### IV. ACTION ITEMS

##### A. Discuss and Authorize Executive Director to Enter into a Contract for Helicopter Transportation Services for Personnel and Cargo with Pacific Helicopter Tours, Inc.

ED Nāho‘opi‘i explained staff initially posted a solicitation on HePS (Hawaii Electronic Procurement System). The solicitation was under \$50,000 and was to provide services through FY13. ED Nāho‘opi‘i did not need Commission approval for this solicitation as it was under \$50,000. Pacific Helicopter Tours, Inc. (Pachelo) responded with a bid which included services for FY13 and FY14. The bid is over the \$50,000 which exceeds the Executive Director's authority for procurement. He asked the Commission for authorization to enter into a contract with Pacific Helicopter Tours, Inc. for FY13 and FY14 helicopter flights. Many of the flights listed in the contract are pending the award of a NOAA marine debris cleanup grant. If the grant is not awarded those flights will still be available in the contract but will not be used. It prevents having to modify the contract. It does appear the grant will be awarded. These flights would be reimbursed by NOAA.

Commissioner Baker asked if any of the \$111,200 will be coming out of the KIRC budget or if most of it would be supplemented by grants. Staff explained there are contingency flights which had to be put into the contracts. If every flight listed were executed the cost of the contract would be \$111,200. Examples of contingency flights which would only be used as needed are for: UXO treatment, medical evacuation, transportation of Base Camp staff during shift changes.

Chair McLean asked how much could be reimbursed from NOAA if the grant is awarded. ED Nāho‘opi‘i responded approximately \$70,000.

Commissioner Baker asked if the KIRC's estimated obligation for these services is 30,000 to \$ 40,000. ED Nāho‘opi‘i responded it could be less because the only regularly scheduled flights are quarterly marine surveys.

**MOTION:** Commissioner Machado moved to authorize the Executive Director to enter into a contract for Helicopter Transportation Services for Personnel and Cargo with Pacific Helicopter Tours, Inc. for the period July 1, 2013 through June 30, 2014 in the amount of \$111,200.00. Vice Chair Whitehead seconded the motion.

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

##### B. Authorize Executive Director to Extend Communications Contract with Harmer Radio and Electronics, Inc.

ED Nāho‘opi‘i explained this extension is for the next fiscal year. It is for the exact same amount as for FY13.

Chair McLean asked for the number of radios. The contract amount used to be based on the number of radios. They explained that the repair and maintenance of the hand-held radios is not at a fixed price; Harmer charges when they are taken in. They also explained it is included in the contingency section where radio parts are specified and an amount is allotted. Chair McLean asked staff if this was another instance in which if the money is not spent it is returned to the budget. Staff responded yes.

**MOTION:** Vice Chair Whitehead moved to authorize the Executive Director to extend the Communications Services contract with Hanmer Radio and Electronics, Inc. for the period July 1, 2013 through June 30, 2014 in the amount of \$62,075. Commissioner Machado seconded the motion.

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

**C. Determination of the Need to Hold Limited Meeting on the Island of Kahoolawe, a Location That is Dangerous to Health or Safety, Pursuant to HRS§92-3.1**

Commissioner Machado asked if this has to be updated annually. Staff stated yes.

**MOTION:** Commissioner Machado moved to make the following findings and determinations:

1. That it is necessary to meet on the island of Kaho‘olawe several times in the next fiscal year to do a site visit to better understand the Commission’s statutory duties, responsibilities and programs relating to the restoration and management of the Reserve;
2. That Kaho‘olawe is a location which remains dangerous to the health and safety of the public due to the presence of unexploded ordnance (UXO);
3. That public attendance at the on-site inspection of Kaho‘olawe related to the Commission’s business is impracticable;
4. That the Commission will not make decisions at the meetings on Kaho‘olawe in accordance with HRS 92-3.1(b)(3); and
5. That the Executive Director:
  - a. Notice said meeting in accordance with HRS 92-7;
  - b. Provide minutes of said meetings in accordance with HRS 92-9; and
  - c. Seek the Director of the Office of Information Practice’s waiver of videotaping such meetings in accordance with HRS 92-3.1(b)(1).

Commissioner Aluli seconded the motion.

**Discussion:** Commissioner Aluli stated it was essential for the Commission to go to the island during strategic planning so they can listen to the island.

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

**D. Discuss and Approve Proposed FY2014 Budget**

ED Nāho‘opi‘i explained the proposed total budget is \$2.936 million. The budget is organized by programs (Commission, Administration, Reserve Operations, Restoration, Ocean Resources Management and Culture). The programs are then subdivided into projects. The projects are divided into labor, transportation as well as materials and equipment and other direct costs (contracted services). Overall, the proposed FY14 budget contains a 1.75% increase from last year's budget. KIRC has run under budget for the past few fiscal years.

There is a 5% increase in non-personnel costs and 1% decrease in personnel costs. Non-personnel costs include transportation, materials, equipment and other direct costs.

The Commission program budget is flat. The proposed budget for Administration shows an increase in personnel costs and a decrease in non-personnel costs.

Staff is looking to fill the Logistics Specialist position. The Logistics Specialist will coordinate and schedule the transportation of goods, services and people to Kaho‘olawe. The mobilization schedule will also be the Logistics Specialist's responsibility.

There is a need for volunteer coordination which includes ensuring all the documentation for the volunteers is in place and coordinating with PKO regarding paperwork. Staff is planning not to renew the Access Control Specialist position and reopening the Volunteer Coordinator position. This person will be under the Administrative Program.

Staff is planning to fill the Public Information Specialist and Logistic Specialist positions. Commissioner Aluli asked if these would be new hires. ED Nāho‘opi‘i responded yes. These positions have already been posted.

Commissioner Machado noted there has been a reduction in the number of volunteers which can be accommodated. She wanted to know the number of volunteers going out since the partial closure of Base Camp. ED Nāho‘opi‘i responded 1,000 volunteers per year in FY13, including PKO volunteers, compared to approximately 1,500 in FY12.

Vice Chair Whitehead stated the Volunteer Coordinator position did not seem like a full time job. AO Lee explained the coordinator would not only need to collect forms, but also update the wait list, which includes timely responses to volunteer requests sent via the KIRC website which is not currently being done. He/she would need to maintain the schedule and to fill in the vacant spots fairly. Currently there is a three year wait list. The wait list has gotten longer because there are fewer accesses but people are still very interested in volunteering. Commissioner Machado asked if the wait list is practical.

Commissioner Aluli stated a lot of time, energy and expenses go into the volunteer program. The value of the volunteer program needs to be weighed. This will help the Commission determine basic operations as times get tougher. Staff replied in FY11

volunteers accounted for \$979,000 toward labor costs. Commissioner Machado commented she did not think the Commission was disputing the value of the volunteers; the real issue is whether there is a need to keep a wait list. She asked if this is a statutory requirement. ED Nāho‘opi‘i responded as a state agency the KIRC is asked to be responsive to the public. Commissioner Machado asked if the KIRC needs to have a full-time Volunteer Coordinator and AO Lee testified there is a lot of clean-up required of the database. A decision needs to be - made whether to continue allowing people to sign up to volunteer and have the list grow longer considering that the KIRC may be around for a few more years. ED Nāho‘opi‘i noted volunteers do need to be coordinated for the next two years which is a full-time job. Commissioner Machado asked if staff gives preference to organized groups. ED Nāho‘opi‘i responded staff tries to balance between organized groups and individual volunteers. The legislators like to see volunteers coming to the island. Commissioner Machado responded the Legislature needs to provide funding for it. AO Lee also added that volunteer time is used as in-kind or matching funds for grant proposals.

Commissioner Baker asked why the current Access Control Specialist's role is not being redefined.

**MOTION:** At 10:00 am Commissioner Aluli moved to enter into Executive Session pursuant to HRS§92-5 (a)(2) to discuss personnel matters. Commissioner Machado seconded the motion.

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

Commissioners McLean, Whitehead, Aluli, Baker and Machado, ED Nāho‘opi‘i, AO Lee and CC Gavagan resolved into Executive Session.

At 10:10 am Commissioner Aluli rose to report out of Executive Session, seconded by Vice Chair Whitehead.

**D. Discuss and Approve Proposed FY 2014 Budget (continued)**

ED Nāho‘opi‘i explained the proposed budget contains the DOH grant and the anticipated NOAA Marine Debris grant. Staff basically took this year's budget which included just the start of the grants and worked it to include working these grants full time. Staff stated BU 03 has ratified its contract, but BU 13 did not. Any salary increases will not occur until the next fiscal year. However, the increases are included in the proposed budget. The indirect rates for personnel were too low last year and needed to be corrected.

Vice Chair Whitehead noted that according to the impact to Trust Fund section of the budget memo (pg. 5) if the ending balance for FY14 will be \$3.2 million there is not enough to shut down operations in FY16. ED Nāho‘opi‘i responded it would not cost that much to shut down. Vice Chair Whitehead stated she thought there were certain things which need to be decommissioned. Commissioner Aluli was under the same impression; issues like safety and enforcement would need to be addressed. ED Nāho‘opi‘i replied a lot of the costs would be transferred to other agencies. Commissioner Aluli stated he would like to see how much it cost to shut down versus

phase out so that the Commission could figure out how much money would be needed at the end of two years. He would like to see this type of planning for FY14.

AO Lee pointed out this would mean not taking on any more grants because the grants are up-front money first and reimbursements later. If this is what the Commission wants done staff needs to know now because there is a \$1 million grant being written right now with the possibility of more. Commissioner Aluli stated that seems like a threat. Vice Chair Whitehead stated she was not taking it as a threat. Staff is being realistic. Commissioner Aluli stated he understood the need to reassure the grantors that the KIRC will still be around but there still needs to be a plan for the future so that the Commission can go to the Legislature. He does not feel comfortable going to the Legislature or OHA with an increased budget.

ED Nāho‘opi‘i pointed out staff cannot control a lot of the increases such as contract salaries and the cost for fuel. Staff was able to keep the overall increase to 1% even though there is a 5% increase in labor costs.

Vice Chair Whitehead stated she would really like to see a timeline of the anticipated Trust Fund balance and a better explanation of what happens in FY16 because she calculates there will only be \$400,000 left. ED Nāho‘opi‘i stated Base Camp and most of the staff will go away. Vice Chair Whitehead asked if the doors are just shut and all the vehicles stored away. Commissioner Aluli stated he does not want to see that kind of shut-down. Vice Chair Whitehead stated she is thinking about the island, the infrastructure and how does this KIRC prepare for what is next even though it may not happen right away.

ED Nāho‘opi‘i responded the proposed budget is the same as last year's budget with a lot of cuts to offset expenses staff could not control. As he stated last year, the only way to get below \$2.9 million a program would need to be eliminated.

Commissioner Baker stated the Commission needs to be ready for different scenarios. A long term plan is needed. It is not that staff is failing at \$2.9 million. It seems to be a good number but foresight seems to be the issue.

Vice Chair Whitehead noted if the budget was at \$2.8 million in FY14 and FY15, the Commission would probably be left with \$600,000 for FY16 to close things down. She wants to understand what will happen in three years. Does the Commission cease to exist? There will be no money for travel for meetings. ED Nāho‘opi‘i responded the Commission will always exist by statute. There will be staff to help the Commission to function. The question is whether the Commission continues to manage the island. Other agencies can manage the island according to statute. The Commission would function like the Land Board for Kaho‘olawe and oversee other agencies as they provide hands on management of the island. Commissioner Aluli stated that might not even happen. The Legislature would create new law for the management of the Reserve.

Commissioner Baker asked what the expenditure total on June 30, 2013 will be. ED Nāho‘opi‘i responded the projected total is \$2.565 million. Commissioner Baker

asked if the total would be around \$2.6 million next year. ED Nāho‘opi‘i hoped so. Vice Chair Whitehead was concerned because that the balance will barely be enough to last through FY15.

Commissioner Baker asked if the KIRC's mission still exists even after it shuts down. It might be more expensive because there would be no organization to do accesses. ED Nāho‘opi‘i explained the KIRC inherited certain key functions such as logistics and Base Camp support which would be very difficult to bring back if they were interrupted or stopped. The KIRC has shrunk down as small as it can while keeping core functions.

Commissioner Machado asked if the Commission was looking at deferring action on the budget. Chair McLean asked if staff had enough input regarding the budget. Staff stated they needed more direction.

Chair McLean directed staff to either fix the Hakilo or get rid of it. She also noted it has been very difficult to schedule Commission meetings. She wanted to know if the other Commissioners wanted to approve flat spending through July.

Vice Chair Whitehead commented more money may be needed for Strategic Planning than is budgeted. Chair McLean announced there will be another \$25,000 grant from Maui County for FY14 and it can go towards Strategic Planning.

Commissioner Machado stated staff needs parameters. Chair McLean stated she would rather approve extending the FY13 budget for another one or two months. That way the Commission is held to approving an FY14 budget. Staff will try to schedule a meeting. The Commission requested a flat budget for FY14 with more strategic planning funding, and a plan for FY15. ED Nāho‘opi‘i asked if the Strategic Planning Working Group had a budget amount in mind. Commissioner Aluli stated this would be discussed during **Item V. Workshop on Strategic Planning With Decision Making To Follow**. The Commission also wanted the budget to include Pōkāneloa funding depending on the Commission's decision. AO Lee asked for parameters regarding the flat line budget. It was determined to be the same as FY13, \$ 2.885 million.

**MOTION:** Vice Chair Whitehead moved to approve continuing the fiscal year 2013 budget through the month of July. Commissioner Aluli seconded the motion.

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

There was a recess from 10:40 to 10:50 am.

#### **E. Decision on Pōkāneloa Mitigation**

KIRC CRPC Gapero provided an overview of the Pōkāneloa site via PowerPoint presentation. Staff have been conducting erosion control. LIDAR (it's either LiDAR or LIDAR) mapping access is tentatively scheduled for July. Mr. Don Cameron with Pachelo has been contacted about relocation options.

Erosion control methods include using little stone mounds with kiawe wood chips. These are being placed uprange, mauka of Kāneloa. CRPC Gapero will be taking some leftover wattles up to the site at the end of this month. There are some leftover materials from the Hakioawa Hale construction project which can be used to prevent soil erosion.

Commissioner Baker commented Restoration staff have reported the stone mounds have already collected one inch of soil. CRPC Gapero confirmed this. Commissioner Baker stated theoretically the mounds will be similar to kipuka which has been successfully tested previously on Kaho‘olawe.

A map of the Kāneloa watershed area and all archaeological, historical and cultural sites in that area was shown. The majority of the sites are mauka of Site 110 where the Kāneloa Stone is located. The map also showed the area where soil erosion controls are needed and the small manageable area which staff has been working on the last couple of months.

Commissioner Aluli asked what types of sites are located in this area. CRPC Gapero responded midden, fire cracked rock, remnants from the ranching era. Commissioner Aluli asked if there were any ahus. Staff responded there are no stacked structures. There is not much that can tell the story about the place. Commissioner Aluli asked if the area had been looked at as a whole. Staff responded the sites have been mapped and very well documented. Commissioner Aluli asked if they have been analyzed. Staff said no. He suggested someone should look at all the sites and try to tell the story.

Distribution of the stone mounds was illustrated on a map. The map also illustrated where future kipuka and wattles will be placed.

Staff discussed LIDAR and 3D imaging. Staff from the national park at Hōnaunau are tentatively scheduled to go to island in July. Mr. Jeff Brigg (Jeff Brigg, Inc.) who does 3-D imaging will also go out. They will spend 3-4 days at the site using a camera that fits on a regular surveyor's tripod. They will take pictures of the entire area and will be able to get underneath the stone. All the data from the LIDAR will be given to Mr. Brigg. He will create a model on the computer which can be manipulated to show some scenarios such as equinoxes and solstices. The weight of stone may be calculated using LIDAR data. Staff can then come back to the Commission with a proposal regarding helicopters. Commissioner Aluli asked if this would add any further knowledge toward stabilizing the whole bank. CRPC Gapero responded this is a form of preservation for data collection. This is one of the best ways to get highly detailed measurements needed for the site treatment plan. ED Nāho‘opi‘i added it can show where the erosion pathways are.

CRPC Gapero spoke with Mr. Cameron who recommended using an excavator as opposed to a helicopter to move the stone because an excavator is more maneuverable. Mr. Cameron stated the only helicopter in Hawaii capable of moving the stone is the Chinook. Based on CRPC Gapero's personal experience the downwash is bad; the



rocks will kick up; the soil will rush up. It might do even more damage to the site than using an excavator. If a Chinook is used a 125 foot long line would need to be attached which would increase the level of difficulty for the pilot. There is one pilot who could handle this but he is getting deployed to Afghanistan in July for six months.

If a JCB excavator is used, a path would have to be cleared by moving the surrounding stones.

A possible relocation site is located 15 meters northwest of the stone's current site. It is still within the erosion zone but at a higher elevation. It would be a preferred site for relocation by the excavator or JCB. The stone could be relocated to various places by helicopter. No matter what is done the site will be altered. Vice Chair Whitehead asked what path would be taken to relocation site. Staff responded a straight line to the relocation site; some trees will need to be cut down.

CRPC Gapero stated Aunty Pua Kanahale noted alignments from Halona, Kāneloa, Pu'umōiwi and another stone at Kealialalo. This line follows magnetic east which is not accurate because magnetic north always moves. True north lines up with the poles and the North Star. If the plan is to keep it aligned the stone would have to be moved directly east. If it is moved north or south its relationship to the sun will change. The declination of magnetic north between 1993 and 2013 resulted in a difference of only a degree. Right now magnetic north lies somewhere in Canada. Even if one is at the North Pole ones compass will point to that spot in Canada. Vice Chair Whitehead asked when the true-east west line is placed on top of the site does it line up with anything? Staff responded not to their knowledge. When EKF did their alignments they were using their compass and they saw the relationship between Halona, the site and perhaps Pu'umōiwi. Vice Chair Whitehead thought that EKF was using true east. Dr. McGregor commented EKF was subtracting the deviations between true and magnetic east.

Making a replica would be helpful. It could be moved around to find a new home. Moving a replica would be a lot easier than moving the stone. Staff noted it does not need to be an entire replica; only the top is needed with a frame underneath. Creating a 3-D image on the computer allows the nomens to be placed around the stone to test how the nomens affect the sun's shadows at various times in the past, present and future.

Dr. McGregor provided written and oral testimony regarding stages and steps of treatment for Pōkāneloa which was prepared by Kohe Malamalama O Kaneloa-Protect Kaho'olawe Fund. She worked on it in consultation with Commissioner Baker and communicating with Dr. Theresa Donham regarding SHPD's processes. She explained Dr. Donham was unable to attend today's meeting and distributed an email from her supporting the 'Ohana's suggested plan.

The PKF has not heard from the National Park Service. It is committed to seeking other funds if it does not receive funding from NPS.

ED Nāho‘opi‘i explained there are two models, physical and digital. The digital model can be used to run different scenarios. Commissioner Baker asked how LIDAR sees underneath the stone. Staff explained the device that takes the picture can go underneath the rock. It puts all the images together and predicts whether the rock is one solid piece or if it is connected to another piece underneath. It uses laser imaging. It takes high resolution all around; it does not see through the object like an MRI.

Commissioner Machado asked if helicopters were out. Staff stated it was still an option. She asked if the ‘Ohana supported it. Dr. McGregor stated yes, depending on the weight factor. Commissioner Baker noted staff pointed out the downwash issue. Staff stated the rock would probably have to be netted and have a harness to pull it up. The area around it would mostly be washed away once the helicopter comes. In order to wrap it, it would need to be lifted in place without the helicopter. Commissioner Baker added that area around it would need to be cleared and something solid would need to be built around it. Staff noted the weight of the stone would determine what type of helicopter would be needed.

Commissioner Machado asked what connection the life-sized replica has to relocating the stone. She did not understand the timing. Dr. McGregor explained the stone needs to remain in place until the best relocation place is determined. The model is much easier to move around. Commissioner Machado asked why a replica is needed. Dr. McGregor responded to understand how the alignments work. On the pōhaku there are alignments and as the sun rises and a stick is placed in the pohu it acts like a sundial; the stick's shadows goes into the different cupula. It needs to be determined if it functions in the same way. Commissioner Machado asked if the ‘Ohana was okay with silicone being put on it. Dr. McGregor responded she would confer with SHPD. Staff stated a large foam block could be shaped using the LIDAR map or a 3-D printer to create a 3-D replica.

Commissioner Machado asked if the intent is to relocate the stone after all of this is done. Dr. McGregor stated yes. Commissioner Machado asked if the stone was going to remain in place while the modeling and the silicone work is being done. Dr. McGregor stated yes. Commissioner Baker added there will also be more intense erosion control efforts. Those would have to be evaluated over the next year along with potential relocation sites. The idea was to have a plan developed so an ahu pōhaku would be built at the relocation site so that the pōhaku could be set there by helicopter.

Commissioner Machado asked what amount was requested. Dr. McGregor responded it was a \$40,000 grant request to cover only the model and replica.

Commissioner Aluli asked if Mr. Cameron had given staff an estimate for the helicopter. Staff said no. If a Chinook is used there would be no cost; staff would have to work with the Air National Guard.

There was confusion about the motion. CRPC Gapero responded staff's motion is to stabilize in place and not move the stone at this time. He was concerned about damage to the site itself. Damage will occur whether a helicopter or JCB is used. A

retaining wall could be built on the cliff side or cliff face directly underneath the stone. Commissioner Aluli asked for the estimated costs of the stabilization options. Staff responded they did not have an estimate yet. Staff can dry stack pōhaku in the cliff face.

Commissioner Baker stated hypothetically if the commission approved his (Commissioner Baker's) motion staff would have 1 1/2 year to get a lot of work done. CRPC Gapero would need to sway the perception that the pōhaku is in danger of falling in the ravine. ED Nāho‘opi‘i commented the LIDAR will give an accurate baseline to check for movement.

Commissioner Aluli stated it depends on how the pohaku is viewed as a sacred ritual object or just a site. This has not been discussed. If one looks at submitted testimony it is looked at as a site more than as an object.

Commissioner Machado stated that classifying it as a higher site makes it similar to funerary objects. She was not in agreement to lay silicone on it or take measurements if it is considered to be at that higher level. Commissioner Baker was also concerned about putting anything on top of the pōhaku because the surface is so wind-worn and fragile. Perhaps a test stone should be taken and see what the silicone does to it. Commissioner Machado stated that Dr. Donham's mana‘o about this would be valuable because she has reservations handling the pōhaku this way. Commissioner Baker asked if this includes moving it as well. Commissioner Machado asked if the assumption is that it would slide down. Commissioner Aluli commented that some are concerned that an earthquake or heavy rain would send the pōhaku down the gulch. Commissioner Baker stated he noticed when he was there last week a waterway is coming down directly across the ravine.

Vice Chair Whitehead stated she would really like to see Pōkāneloa preserved in place but was not convinced it is possible. She has observed the embankment being eaten away and Hawai‘i has been in a prolonged period of drought. It will end and there will be big rains. She did not see the Commission moving fast enough to stabilize it. She felt it needs something huge to control the flow of water into that gulch. She would be willing to allow 18 months for someone to convince her that it is possible.

Commissioner Baker asked if a write up of the relocation plan was lacking. Vice Chair Whitehead responded she did not understand the permitting process enough to know what is needed. She thinks the pōhaku should be moved anywhere it will be safe until the Commission can figure out where it needs to go permanently or stabilize the original site to return it. She understands it will cause damage.

ED Nāho‘opi‘i stated two different things are being asked. Vice Chair Whitehead stated she wants to plan to move it now. Commissioner Baker's proposal calls for trying to stabilize it in place and then 18 months from now the Commission can look at moving it again. The question is does the staff create permanent erosion control barriers or temporary ones to stabilize it. Vice Chair Whitehead stated the area should be permanently stabilized regardless.

Commissioner Baker stated he did not think these are two separate projects; it is just an addition. In the process of evaluating and testing of where the pōhaku could go there needs to be a treatment plan of how to get it there. There would be two simultaneous projects not necessarily run by the same people. CRPC Gapero would oversee both of them. He would probably focus on erosion control. If Dr. McGregor's grant comes through the model could be done. The cultural practitioners could use that model to determine the site to use. The people doing the relocation plan need to remember to create a plan to get the rock to the site. ED Nāho‘opi‘i stated staff could work on stabilizing it in place until it moves. Stabilizing it permanently is completely different than stabilizing it for 18 months. Staff needs to know if the pōhaku is going to stay or be moved after 18 months. If it is going to move staff needs to start planning now.

Vice Chair Whitehead stated she thinks staff should be planning to move it in 18 months unless staff is able to show it is possible to stabilize the site sufficiently. She understood it means doing two plans. She asked Dr. McGregor for her thoughts because her recommendation is to do one. Dr. McGregor stated to save the site the erosion processes must be stopped. A treatment plan for stopping the erosion process needs to look at the flow of water off of Moaulanui down into that gulch. The main challenge of building a retaining wall is that there is no rock source. A treatment plan would need to be done for the impact of moving that much rock. The cost of site stabilization is huge. A good job of stabilization cannot be done until the rock is moved out of harm's way.

There was a recess from 12:00 to 12:10 pm.

**MOTION:** Commissioner Baker moved pursuant to HRS§6K-3(a)(2), to approve the motion to 1) allow the Protect Kaho‘olawe ‘Ohana to create a life-sized replica model of Pōkāneloa which can be used: (a) to evaluate a potential spot, position and process for respectfully relocating Pōkāneloa over the course of two equinoxes after the model is complete; and (b) for educational purposes; 2) leave Pōkāneloa in situ and initiate erosion control measures to stabilize the pōhaku while the relocation data is being collected; 3) evaluate the relocation data and the effectiveness of erosion control techniques and projects to stabilize the Pōkāneloa complex within 18 months, but no later than November 2014.

Vice Chair Whitehead seconded the motion.

**Discussion:** ED Nāho‘opi‘i summarized staff is to stabilize it for now but also write a treatment movement plan to move it with a portion dealing with mitigation. Commissioner Baker stated it needs to be clear both are being accounted for--a movement plan and a stabilization plan. Vice Chair Whitehead stated her recommendation is for the Commission to decide right now to move the pōhaku if the site cannot be stabilized. This motion is allowing for the opportunity to stabilize the site because staff feels so strongly that it is a possibility.

Commissioner Baker commented CRPC Gapero is motivated to try to do stabilization. The Commission should give him authority to try. The movement plan has to be ready by November 2014.

**ACTION:** A roll call vote was conducted: Chair McLean: no; Vice Chair Whitehead: yes; Commissioner Aluli: yes; Commissioner Baker: yes; Commissioner Machado: yes; Commissioner Aila: absent. Motion was approved based on roll call vote.

Chair McLean commented she does not support having two plans going at the same time with limited resources.

## V. Workshop on Strategic Planning With Decision Making to Follow

### A. Proposed Process

Mr. Enomoto provided an overview of the status of Strategic Planning. The Commission started the process about a year ago. The Commission formed a working group consisting of Vice Chair Whitehead and Commissioner Aluli. Mr. Enomoto volunteered some time for this. Meetings were held in the summer and fall. General presentations were made at the October and March KIRC meetings. There is only a year or two of full funding left. If there is a vision of what 2025 might look like it can be backed into logically. He drafted a scope of work:

- Rationale, Approach, Elements, Phases
- Project Timeframe/Schedule
- Desired Outcomes
- Conditions, Limitations Questions:
- Scope and issues dependent on Phase 1
- Level of KIRC approval
- Decision-making, commitment from other organizations

The Commission needs to prioritize some of the time frames.

Meetings with Mr. Josh Kaakua, Ms. Kahale Saito and AO Lee brought up issues similar to ones brought up at the KIRC March meeting:

- Kana‘iolowalu
- Trust Fund
- KIRC Audit
- Continuity of Programs
- Facility maintenance
- Continued UXO cleanup

Mr. Kaakua noted the timing of Kana‘iolowalu and its influence on this planning process and the need to secure additional funding for the Trust Fund. ED Nāho‘opi‘i explained the plan is not just for the KIRC. Other organizations would need to be involved in the planning.

Mr. Enomoto asked the Commissioners how they see the process.

Ms. Birnie (PKO) stated Papahānaumokuākea is a good model since it is co-managed.

Commissioner Aluli stated the Strategic Planning Working Group has been looking at collective impact; how a vision or plan is formed for the island is not particularly for a nation, or the 'Ohana or the KIRC. He thought KIRC would kick it off with whatever is budgeted. He would like to bring it to the 'Ohana which could provide input to the plan. He wanted to determine the Commission's responsibility to the whole process of nation building. Mr. Enomoto added Mr. Kaakua noted: 1) short term issue of funding for the KIRC and management of the Reserve which is something which should be considered during this planning process, 2) mid term issue of determining a ten year vision of the island, 3) vision transition to a Native Hawaiian governing entity.

Governor Waihe'e shared some interesting points with the working group: 1) the issues surrounding the assemblage of the Native Hawaiian Roll are manageable, 2) the transference of land is not a critical issue, 3) the most challenging issue is the transference of authority and assets from standing governing entities to the new managing entity. He highlighted Kaho'olawe as being the first entity that will have to transfer its authority and its assets to a receiving body. Mr. Enomoto stated the Commission should reflect on how this would occur. What is the role of the island's guardians or protectors in this process?

Mr. Enomoto asked the Commission if this planning process includes funding for KIRC or the Kaho'olawe Rehabilitation Trust Fund. He also asked if the Commission should be thinking about the relationship of this planning process to Kana'iolo'owalu. They are related.

ED Nāho'opi'i asked for a timetable for Kana'iolo'owalu. Mr. Enomoto responded Governor Waihe'e stated the roll should be completed by January or possibly February 2014. The certified roll will be provided to Governor Abercrombie. The Roll Commission will then sunset. It will be up to those on the roll to form the convention and develop their documents.

Chair McLean stated she thought the transition should be included in the Strategic Plan since it is included in the statutes.

Commissioner Aluli asked about the possibility of the County of Maui investing in Kaho'olawe. Chair McLean clarified that under Environmental Protection Grants the KIRC received \$25,000 this fiscal year which is going toward the photovoltaic project at Base Camp and another \$25,000 will be budgeted for FY14. She did confirm it could be used for strategic planning. Commissioner Aluli asked what role the County could have in the strategic planning process and funding. He saw the County as being one of the key groups which be involved in strategic planning. Chair McLean commented she felt there are many more groups that have more of a vested interest in Kaho'olawe. Commissioner Aluli responded the County should only be one of the groups and the major group is DLNR. A lot more could be done with DLNR rather than just being administratively attached to it. Chair McLean asked if

that is not the Governor's call. Commissioner Aluli responded it would include working with legislators as well as administrators. This could also include the federal government and the Navy. He asked how the KIRC will work with those groups. Chair McLean thought the next step in the process was identifying which groups would be included in the process.

Mr. Enomoto responded that he felt the scope needed to be clarified and then the process and identification of the participating parties could be addressed. He wanted to get Commission input regarding including the Roll Commission in some manner and the process of Native Hawaiian governing entity formation.

Commissioner Baker asked Mr. Enomoto if he was able to deduce from his conversations with Governor Waihe'e whether or not there will be a sovereign governing entity by 2025. Mr. Enomoto stated Governor Waihe'e's response was he saw the governing entity up and running by 2025; he did not specify when. Mr. Enomoto commented that according to the statutes federal recognition of the sovereign governing entity is also required which, in his opinion, will be much more difficult to achieve. There is a window of opportunity while President Obama is in office.

Dr. McGregor asked the Commission what is the current status of Kaho'olawe with regard to Maui County because she recalled there was a Kaho'olawe Community Plan. Chair McLean explained the Kaho'olawe community plan update is the last on the County's schedule. Dr. McGregor asked when the County will update the plan for Kaho'olawe. Chair McLean responded the County of Maui will not be doing the Kaho'olawe community plan for approximately ten years and that the order of community plan updates has already been established by county ordinances.

Mr. Enomoto presented the issues of the Kaho'olawe Rehabilitation Trust Fund and the Commission's transfer of authority to the Native Hawaiian governing entity. ED Nāho'opi'i will have to figure out the Trust Fund issue. The function of the Commission is to act as a convening body and to deliberate. Originally there was to be a planning committee which would develop the plan for the island not just for the KIRC. If the Commissioners have the ability to reach back to their agencies and are willing to develop a plan around it, this would lend itself more towards the statutory language in HRS§6-K.

Commissioner Machado commented that to undertake such a daunting task people would have to be committed to it. Realistically, the Commission is looking at less than 12 months because a package should be ready by November for the legislative process. The Commission may want to initiate some language which would be a protective measure. The Commission needs to act more quickly or it will not meet this deadline. The KIRC needs bridge funding to carry it over instead of the legislators trying to eliminate it. She was unsure if everyone could be included given the short amount of time. She wants something which can be given to the Legislature and to Senator Malama Solomon who could be an advocate and help put in a bridging measure. The Commission must solicit the Aha Moku and perhaps Kana'iolowalu. She asked Mr. Enomoto how long it will take to do the planning. She also suggested

Commissioner Aila might be able to include it in the DLNR budget. ED Nāho‘opi‘i commented DLNR establishes its budget in October. Mr. Enomoto stated the Commission should have a draft by the end of September and finalize it by Thanksgiving if the Commission wants to be ready by the next legislative session.

Commissioner Aluli asked if this is the middle of a biennium year. Mr. Enomoto explained it is, but an amended budget can be submitted. In fact, the bill transferring Kaho‘olawe to OHA will resurface next year.

Chair McLean asked if there is consensus about the timeframe. Vice Chair Whitehead responded it sounds really fast based on everything which has been discussed. She definitely agreed with a more focused scope of ten years and focus on the island. She does not know if it is possible taking these other things in consideration.

Commissioner Machado stated if the Commission is going to focus on the island the Base Camp has to remain; the plant revegetation has to be integrated; the shoreline areas are essential. This is where priorities come in; what the Commission has now is bare minimum. Other priorities could be ‘Ohana visitation and general maintenance cost. She was not sure if Commissioners were looking for something beyond that. Erosion control has to be ongoing. This is where the ‘Ohana is critical in this process along with the KIRC staff and volunteers. The KIRC is known for the restoration of an island as well as ocean resources management and the island reserve protection. The current Strategic Plan needs to be examined and the Commission needs to figure out what resources will be needed over the next 4-5 years. The priority should be to maintain the island which includes continuation of the critical work, the religious practices which is being handled by the ‘Ohana and to ensure its history is not forgotten.

Commissioner Aluli commented that the Commission is looking for alternative funding. The State should not be let off its responsibility to care for the island; this commitment was made on the mua. Commissioner Machado added Governor Waihe‘e feels that the State made an obligation. Commissioner Aluli stated he sees some funding there, a little funding from OHA and more significant funding from DLNR because it has the resources upon which the KIRC could expand. The federal government's role could also be explored; they are supposedly still responsible for the tasks they have not finished. There are also some people who think the Commission should be making money off the island through commercialization in order to pay for its management. The Commission needs to consider alternatives to commercialization; develop a different long-term model for governing or stewardship of the island which involves all groups which can help sustain the island. This is not to detract from what is necessary for this next legislative session. He added that the Strategic Planning Working Group along with Commissioner Machado and Commissioner Aila should meet with Governor Abercrombie to explain to him how the Commission sees Kaho‘olawe's future while creating this Strategic Plan.

Commissioner Machado commented it is a short period of time if the Commission is counting on the biennium to receive some help. ED Nāho‘opi‘i commented when the Conveyance Tax proposal was presented to the Governor as part of the DLNR



package he did want Kaho‘olawe to go to OHA but he did say he could support bridge funding until such a time that there is a future permanent place determined for Kaho‘olawe. Commissioner Machado asked if Commissioner Aluli agreed with the tight timetable. He responded he does agree with the tight timetable but he would also like to do a broader plan for the island. He would like to have Mr. Enomoto coordinate more involvement by groups and individuals interested in the island. Commissioner Machado asked what the budgeted amount is. Staff stated \$14,600 was approved for Strategic Planning for Commission and staff travel for public hearings. Chair McLean explained at the time of approval it was assumed that the Commission would be having meetings on all the islands; it would be gathering information rather than this core planning group. Commissioner Aluli stated he was looking to see if the ‘Ohana could match the amount OHA could contribute. Commissioner Machado stated OHA has funding opportunities from \$10,000 to \$24,999 which can be done administratively. It would require information and justification OHA begins a new fiscal year on July 1st.

Commissioner Machado noted when a core group meets there is no need to agendize. Mr. Enomoto has been creating a core group along with a planning group. Mr. Enomoto stated he is sensing the Commission may want to replace the core group with the Strategic Planning Working Group with the Commission becoming the planning body. Bringing in other parties into the planning process maybe too time consuming to meet the timeframe being discussed. If the planning process can be put through the Commission to a state that allows the Commission next session to articulate a vision and some broad steps on what is needed to achieve it, it could compel the Legislature or Governor to provide bridge funding. In his opinion, the compelling story to the Legislature should be: By 2025 the island is going to be for X and anyone going to that island is going to have this experience:... based on everything that is in statutes, and what the purposes of the Reserve are, and this is how we're going to get there, and this is where we need the Legislature's support, and this is where we maybe need other support. The specification stage would include working out the details with various groups such as PKO, PVS, etc. The key roles and actions which the Commission feels is necessary could be presented as well as explaining the key roles for each of the groups. He cautioned this could involve push and pull amongst the Commissioners and they need to be prepared for that type of discussion.

Chair McLean commented she was afraid if it is done in two steps there will be no urgency in completing the second step. She does not know what will compel the Commission to complete the second step. The Native Hawaiian ConCon (Constitutional Convention) will be going on while the details of the Strategic Plan are still being determined. She does agree that something needs to be put together for the next legislative session. Commissioner Machado stated she did not think the ConCon would be a diversion; she thought it would be complementary. Kaho‘olawe will be the number one item at the ConCon. Commissioner Baker stated the Commission needs to have a long-term plan in place by the time the ConCon happens. Mr. Enomoto agreed there is a risk of not following through but this is where Commissioners need to hold each other accountable. The Commission can push as hard as it can from now through the end of summer and work with whatever

it has. The Commission will have some clear indicators whether or not the initiative in getting bridge funding was successful and if Kaha'iolowalu is ready to move forward by this time next year. This planning process can actually determine the cause for that convention process. Kaha'olawe could be the piko and realizing what the piko means.

ED Nāho'opi'i stated if the Commissioners could articulate individually their views of Kaha'olawe's future and merge them together that would produce a very strong strategic plan. It would be a good starting point.

Vice Chair Whitehead stated it is almost impossible for the Commissioners to find time to meet and have quorum. She thought it is highly unrealistic for this Commission to be the planning body if it wants to have something ready by fall. Commissioner Machado agreed and stated this is why the Commission is not counting on itself to be the planning body. There is a core group which has been informally put together.

Commissioner Aluli stated the way he thought it was going to be done was to have the core group develop the questions so that it would be standardized and the answers from stakeholders analyzed.

ED Nāho'opi'i commented there was difficulty last time with the lack of concrete input from the Commissioners about the future.

Vice Chair Whitehead commented having a broader group of stakeholders is critical. Perhaps it does not need to be as broad as once envisioned but it needs to be more than just the Commission.

Chair McLean stated the Strategic Plan is also a transition plan based on today's discussion. When she has been asked about Kaha'olawe's future she has always felt it was not up to her but to the sovereign entity. If the transition is expected to happen within the next ten years the Commission does not need to go beyond it because it will not be up to the KIRC. The Commission will adopt the plan and it will have to have commitments from other entities.

Commissioner Aluli stated the difference he sees is that those managing the island are the practitioners. The question is how to bring together the 'Ohana and the KIRC.

Commissioner Aluli stated the KIRC is the model for management. Commissioner Machado agreed and stated that the KIRC's hard work should not be taken away. Chair McLean agreed but pointed out if the sovereign entity wants to do something different that is their right. For instance there are some people who say Kaha'olawe should be left alone and it will heal itself. It is the sovereign right of the sovereign entity to make that decision.

Commissioner Baker wanted to know how the Commission was going to come up with a plan by September. Commissioner Machado offered access to a conference number to start discussions. Commissioner Baker suggested meeting on island to

discuss Strategic Planning. They could assign kuleana and come up with a plan for September which could be voted on at a later public meeting. This includes not only Commissioners, but people beyond the Commission.

Vice Chair Whitehead pointed out the blessing of Hakioawa Hale was scheduled for June 22-23. Commissioner Baker suggested meeting at Honokanai'a after the blessing since some Commissioners will already be there. Commissioner Machado also stated she requested OHA staff Jonathan Ching replace her on the Commission when her term ends on June 30. She commented she was going to volunteer to help with Strategic Planning.

Mr. Enomoto stated the Working Group needs to convene and map out the scope and schedule. Chair McLean stated she was comfortable having the Strategic Planning Working Group continue to consist of Commissioner Aluli, Vice Chair Whitehead, AO Lee, ED Nāho'opi'i and Mr. Enomoto. They can figure out to whom to reach out.

The Commission planned to go to island for a limited meeting. Vice Chair Whitehead asked if others could attend a limited meeting. Chair McLean stated staff can check with the AG's office.

Mr. Enomoto stated the Working Group needs to come up with a plan for the next several months. Commissioner Aluli added it should include a budget which should project the 'Ohana's kokua and funding as well as OHA funding. Chair McLean noted there are some unspent monies in the FY13 budget for Commission travel which could be used.

Mr. Enomoto stated the Working Group needs to discuss what type of information to gather and how to get it ready for the on-island visit.

## **VI. Administrative Business**

The Commission decided to review administrative business on their own. ED Nāho'opi'i announced the Aha Moku has approached staff about conducting a limited meeting on Kaho'olawe. It is tentatively scheduled for May 28-29. They will be paying for all expenses. Commissioner Machado stated ED Nāho'opi'i needs to make it clear to them that the KIRC manages its own resources. Commissioner Baker asked what the Aha Moku is. ED Nāho'opi'i explained it is an advisory council to the Board of Land and Natural Resources which was passed by statute. He did brief them at training that the KIRC statutes put the Reserve outside of the state inventory. Commissioner Aila and DLNR First Deputy Director Kiaaina will be accompanying them. Commissioner Baker asked who the members are. Staff responded it includes Uncle Les Kuloloio who is the Chair and Keith Robinson among others.

Vice Chair Whitehead asked if the hale needed to be discussed anymore. ED Nāho'opi'i responded he will sit down with the architects to compile user notes. Staff is trying to figure out what is the process if one wants to modify state property. Risk Management needs to be consulted about facility use and what else would be required for its use. Staff may need to meet with the Stewardship Working Group to determine the process for any

requested changes. Commissioner Machado was very impressed with the photos of Hakioawa Hale.

**VII. Program Status Updates**

The Commissioners decided to review the updates on their own.

**VIII. Announcements/FYI**

There were no announcements from Commissioners. The Commissioners decided to review the FYI material on their own.

**IX. Next Meeting and Follow-Ups**

The Commission decided that June 28<sup>th</sup> is a potential next meeting date. There were no other follow-ups.

**X. Adjournment**

There was objection to adjourning the meeting. The meeting adjourned at 1:45 pm.