



KŪKULU KE EA A KANALOA
KAHO'OLAWÉ ISLAND RESERVE COMMISSION

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Telephone (808) 243-5020 Fax (808) 243-5885

MEETING MINUTES

Thursday, August 27, 2009

9:00 am

J. Walter Cameron Center Auditorium

95 Mahalani Street

Wailuku, Hawai'i 96793

COMMISSION MEMBERS:

PRESENT: N. Emmett Aluli, M.D. Chairperson; Craig Neff, Vice-Chair; Milton Arakawa; Charles PMK Burrows; Colette Y. Machado; and A. Namaka Whitehead

EXCUSED: Laura H. Thielen

STAFF: Michael K. Nāho'opi'i, Executive Director (ED); Rowena Somerville, Deputy Attorney General (DAG); Michele McLean, Deputy Director (DD); Paul Higashino, Dean Tokishi, Kahale Saito, Mei Mailou-Santos, Carmela Noneza, Ellen Pelissero, Jackson Bauer, Tina Keko'olani, Jackie Harp, David DeMark, and Ka'ōnohi Lee, Administrative Officer (AO)

GUESTS: Eric Brundage, Zapata Engineering; Chris Gilbert; Robert Campbell, Maui Printing Company; Representative Mele Carroll, Senator Shan Tsutsui, and Senator J. Kalani English

I. CALL TO ORDER

Chair Aluli called the meeting to order at 9:25 am with *Pule Nā 'Aumakua*. A quorum was established with six commissioners present. Introduction of commissioners, staff, honored guests, and members of the public followed.

II. AGENDA

There was a brief discussion on the order of business. The Certificate of Appreciation for Senator English would be presented when he arrives. Chair Aluli informed everyone that there would be an Executive Session during the discussion of Item VI.C Executive Director's Report; therefore that item would be the last item on the agenda. Also, Item VII. C. Authorize the Take of Ants and Insect for Identification in Support of Faunal Restoration would be removed from the agenda.

MOTION: Commissioner Neff moved to approve the agenda as amended, second by Commissioner Machado.

ACTION: Motion approved by all commissioners present.

III. APPROVAL OF JUNE 10, 2009 MINUTES

Chair Aluli asked if there were any questions, revisions, or comments on the draft minutes for June 10, 2009. Commissioner Whitehead stated there were two areas to revise. The first was her comment on page 7 of 8, middle of paragraph two regarding the removal of the *nai'a* from the Reserve. She explained that the intent of her statement was to emphasize that there has to be greater justification for removal of mammals; more than just one event. The second was the last sentence of that same paragraph, *that the Chair requested that the iwi of the nai'a be returned to the island and staff confirmed that it would be.* She asked that the minutes reflect those changes. Commissioner Whitehead agreed to the revised wording as follows: "Commissioner Whitehead added that such research must be purposeful and justified". The second revision would read, "He also asked that the *iwi* of the *nai'a* be returned to Kaho'olawe and staff confirmed that it would be."

MOTION: Commissioner Burrows moved to accept the minutes with the discussed changes, second by Commissioner Arakawa.

ACTION: Motion approved by five commissioners with Commissioner Machado abstaining because she was not present at that meeting.

IV. CERTIFICATE OF APPRECIATION PRESENTATION

ED Nāho'opi'i explained that over the years, KIRC has been the recipient of individual and community support, which enables the KIRC to reach many of its goals. The Commission and Staff would like to publically thank them and recognize their efforts in support of the work being done on Kaho'olawe. ED Nāho'opi'i read and presented a Certificate of Appreciation to the following individuals:

- ✚ Robert Campbell, President of Maui Printing Company – Through generous discounts and waived fees, the Maui Printing Company has saved the KIRC well over \$2,500 in printing costs. Public Information Specialist Pelissero provided details on the generosity and commitment they have shown with each printing request made by KIRC. Mr. Campbell accepted the certificate on behalf of David Tucker, Treasurer and Tanya Cress, Customer Service, who were unable to be at the meeting.
- ✚ Chris Gilbert – A Maui Emergency Medical Technician who has been a valuable resource and great supporter of the KIRC and the Protect Kaho'olawe 'Ohana. He has provided First Responder Training, First Aid and AED training, and has volunteered his expertise when health and safety issues have arisen.
- ✚ The Honorable Shan Tsutsui – A state senator representing the 4th District, which encompasses Wailuku, Kahului, and Paia. Senator Tsutsui is also the Vice-Chair of the Ways and Means Committee and assisted with obtaining CIP funding for the Hakioawa Kitchen.
- ✚ The Honorable Mele Carroll – A state representative representing the 13th District, which includes Kaho'olawe, Lana'i, Moloka'i, Molokini, Ke'anae, Nahiku, Wailua, and Hana. Representative Carroll has been an advocate for and has supported requests made by KIRC staff in its quest for CIP funding for Kaho'olawe.

V. COMMUNITY and PUBLIC COMMENT

No community or public comments

VI. ADMINISTRATIVE BUSINESS

A. Program Status Updates

- ❖ **Restoration** – The Youth Conservation Corps (YCC) provided between 120 – 130 volunteers in June and July. The areas of concentration were alien species control, collecting and distributing seeds, and sorting/organizing the field equipment and tools.

Staff participated in the annual *'ua'u kani* survey on Molokini and noted the presence of *'iwa*. Also, Jonathan Parkes of LandCare Research was accompanied by staff to conduct a feasibility study for a future faunal restoration project.

AmeriCorps intern, Stephanie Wood, began working on the designated 44-acre tumbleweed control project using Garlon4. YCC summer interns, Natasha Tong and Arianna Feinberg, KIRC staff, and volunteers will be working on the project also.

A graph showing the correlation between rainfall and mouse blooms were included in the commission packet. It shows that six months after a significant rain event there is a mouse bloom. Staff is working with others on Maui to compare the occurrences on Maui and Kaho'olawe. The purpose for gathering the information is to help with eradication planning; what would be the best method and the extent of effort and resources needed to eradicate. Commissioner Whitehead added that past PKO reports may be helpful with the data collection and correlation.

Ken Wood's report on work being done on 'Ale'ale and Pu'u Koa'e is also included in the commission packet. Seeds that were collected and distributed are doing well at Maui Nui Botanical Gardens and Ho'olawa Farms.

To answer Commissioner Burrows question regarding placing mulch bags on the hardpan area, Paul explained that approximately 2,000+ biodegradable bags filled with mulch, a pinch of 'a'alii seeds and fertilizer were placed in the hardpan area. The bags should break down in 2 to 3 years with the help of rain and wind. A test area using cardboard covered with fencing was created in hopes of providing a barrier that will catch soil and seeds that will grow and cover the hardpan area. Commissioners were informed that KIRC does not fund the AmeriCorps or YCC interns.

Commissioner Whitehead asked if the Ken Wood report was part of a larger off-shore islet report and the answer was in the affirmative. Commissioner Neff also stated that it is helpful that Ken Wood not only reported on his findings but included threats, impacts and recommendations.

- ❖ **Ocean Resources** – Vessel registrations began in January 2009 and to date there are 113 registered vessels. Thus far no registered vessels have been cited, but vessels have registered after being cited.

Staff also participated in the Maui County summer fishing program, “Just for the Fun of It”. The importance of conservative fishing practices and the effects harmful pollution has on the marine environment were shared with Maui youth, ages 7 – 11.

There was a break in the Ocean Program Update to present the final Certificate of Appreciation to the Honorable J. Kalani English, who has supported the KIRC in seeking state CIP funding over the years and was successful in securing CIP funding for Hakioawa Kitchen and other sustainability projects on the island. Senator English commented that it is important to support the efforts of the KIRC so the culture can continue to be practiced on the island.

Ocean Resources – cont’d. A total of 18 honu, 3 ulua, 1 kaku, 3 ‘ilioholokauaua, 6 koa‘e, and 3 manō were documented during aerial surveys. Staff reported spotting a violator ½ mile off of Lae `O Kaule.

Also, FAD J buoy was removed during the Pacific American Foundation (PAF) access. It is not known how this buoy ends up in the Reserve.

PAF access participants provided feedback on how and why near shore resource monitoring and management are important in the Reserve. ED Nāho‘opi‘i added that it was Commissioner Machado who approached PAF 4 or 5 years ago to discuss the development of a curriculum for Kaho‘olawe.

There was a brief discussion on the Roi being spotted in the Reserve; it is a non-native fish but is it invasive. Chair Aluli stated that PKO fishermen have previously recommended that the Roi be removed from the Reserve.

- ❖ **Cultural Resources Management** – The *Mālama Kaho‘olawe* curriculum development continued as the teachers were able to incorporate lessons into the curriculum based on first-hand experiences gained from working with the Hokule‘a and her crew. A few PKO members and KIRC staff were able to serve as crew on the Hokule‘a on her voyage to and from the island. The crew was also able to visit sites on the island directly related to navigation.

Students in the Pathways Maui, a Nā Pua No‘eau program, participated in an access to Kaho‘olawe. In addition to learning about restoration and conservation of natural resources, they visited significant cultural sites. It is important that they understand and learn about the past to build a better future.

During the PKO Kua training at Honokanai‘a, participants learned how to map historic sites with the kōkua from Cultural Surveys Hawaii staff. Three sites were chosen for the training; Piko o Wākea, Pōhaku Kaneloa, and Kuhike‘e. Piko o Wākea and Pōhaku Kaneloa have been designated as top priority for stabilization.

Establishing of the Ala Loa continued with the Hawaiian Canoe Club’s annual ka‘apuni. The route to Kealaikahki was completed and the lining of pōhaku was completed up to Keanakeiki. The first Kaho‘olawe Canoe Regatta was held in Honokanai‘a.

The first stages for the construction of Kahualele-Honokanai‘a began in July with Attwood Makanani as the po‘o. This work is in preparation for a ceremony marking 20 years since the bombing of Kaho‘olawe was stopped.

- ❖ **Outreach** – Assisted with the publishing of the *Kaulana and Hakioawa Watershed Restoration Report*, a requirement of the DOH grant. Collaborated with program staff on putting together the display for the 2009 Hawaii Conservation Conference and gathered materials for two conference presentations by ED Nāho‘opi‘i. The summer edition of the KIRC Newsletter was mailed to all subscribers including e-subscribers.

A sample of the KIRC stainless steel sports bottle was unveiled. It was recommended that a bottle with a wider opening be purchased the next time.

- ❖ **Reserve Operations** – The boneyard in Honokanai‘a has been cleared except for the vehicles. Staff from the DOH Solid and Hazardous Waste Branch conducted a re-inspection. Oil drum removal can begin once SOP’s are in-place.

Hut 10 renovations should be completed in early September.

Contrary to the written report, the ‘Ohua is running better and the need to remove the fuel tank to clean it is no longer necessary. There will be a dry run of fuel transport operations with full gear. The major issue during those operations would be stabilizing the ‘Ohua at Honokanai‘a. Once fuel operations are established, the ‘Ohua will be able to transport in one run what currently takes three runs (i.e. currently 300 gallons/run; fuel ops 1,000 gallons/run). The bottom line is one run will provide fuel for a whole month. There was a brief description of the fueling procedures when using the fuel bladders. The filling of the bladders would take approximately 30-40 minutes, pumping into the tanks on island would take approximately 1 hour.

In answer to commission inquiry regarding the prosecution of Reserve violators, DAG Somerville reported that there were four cases and violators were ordered to pay restitution; an amount the judge deems appropriate.

B. Staff Report on the 2009 Hawai‘i Conservation Conference (HCC)

ED Nāho‘opi‘i explained that staff was given the opportunity to choose one conference/training at the beginning of the budget process and they picked the HCC. He also noted that each staff who attended the conference was required to submit a report and the reports were included in the commission packets.

NRSV Higashino stated that attending the conference is a means of making new contacts, to gather new ideas in various areas of restoration, an opportunity to inform others of the working being done by the KIRC on Kaho‘olawe, seeing colleagues and meeting new people and realizing that many of them have been to Kaho‘olawe.

Commissioner Whitehead summarized Aunty Pua Kanahale’s presentation and also reported that staff had a beautiful display. Commissioner Neff commented that the staff reports provided a view of where they are culturally. He suggested that staff talk/report about their work culturally as well as scientifically.

Commissioner Machado recommended that staff be part of the planning for the 2010 conference.

C. Review and Acceptance of FY09 Budget and Finance Report

ED Nāho‘opi‘i noted that staff was able to end FY2009 14% below the approved budgeted amount. The FY2009 report and all future budget proposals and expense reports will include estimates to be expended within that specific fiscal year. The new method of budgeting and reporting allows staff to better manage expenses and provide more accurate accounting reports.

Note: Action for Items VI.C and D will be done after Item VI.D discussion

D. Review and Acceptance of FY2010 Budget and Finance Report for July 2009

ED Nāho‘opi‘i provided an Organization Chart to all the commissioners. He stated that should the commission change the direction in the work of the KIRC, then the chart would be revised accordingly to support the new direction. The goal is to stay 10% under budget. The Budget Variance Reports shows that the overall spending is under budget by 2%, however, the Ocean Program is at 9% due to the Annual Hawaii Conservation Conference and the completion of the bottom fish monitoring project where no further expenses will be incurred for FY2010. Therefore, no corrective action is necessary at this time and it is hoped that the spending level will even out next month.

Chair Aluli reported the Budget and Finance Task Force had a teleconference and agreed to amend the budget within the year if necessary. He also noted that in the report, that personnel cost is allocated to each project. Commissioner Arakawa added that staff stayed under budget for FY09, though they fell short on the fund development end given the economic situation.

In response to Chair Aluli’s inquiry regarding overtime, DD McLean stated that \$1,000 has been allocated for overtime in the current budget. Commissioner Burrows asked if the furloughs will affect the trust fund and he was informed that with furloughs, the draw on the trust fund would be reduced by 14%.

With regard to amending the budget if necessary during the year, Commissioner Neff suggested that staff revise the action plans first and then make amendments to the budget.

MOTION: Commissioner Arakawa moved to accept the FY09 Final Budget and Finance Report and the FY2010 Budget and Finance Report for July 2009, second by Commissioner Machado.

ACTION: Motion carried

E. Executive Director’s Report

ED Nāho‘opi‘i reported that three excluded staff are affected by the furloughs at this time. They are the ED, Deputy, and DAG.

The search for a fiscal agent is moving forward to allow KIRC the opportunity to seek non-profit funding. Commissioner Machado asked if the fiscal agent charges a fee, ED Nāho‘opi‘i stated that they do not. He noted that there was an updated Grant Summary Report included in the packet

ED Nāho‘opī‘i noted an updated “Consolidated Strategic Action Plan Milestones – FY 2009” spreadsheet was included in the commission packet. It provides completion dates for various milestones in all of the strategic priorities.

On July 9, 2009, staff met with the staff of all of the Hawaii congressional delegation. The briefing provided an overview of KIRC programs, the strategic and action plans, as well as potential funding opportunities. The hope is that the meeting will provide a starting point for potential federal funding opportunities.

There are plans for a legislative access in September. Targeted participants are members of the Hawaiian caucus, Senate Ways and Means, and House Finance Committees. The purpose of the access is to provide them with an update on program accomplishments and begin dialog on future State funding opportunities. Members of the commissioner were invited to participate in the access.

Final structural drawing for the Hakioawa kitchen was circulated and staff is awaiting comments from the committee. Staff is also working with DLNR Engineering Division to provide documentation for the FY10 CIP budget for the release of the CIP funds allocated for the project.

Chair Aluli made a presentation to Public Information, Specialist Ellen Pelissero who is retiring and moving to California at the end of September.

Recess: 11:39 am – 11:45 am

MOTION: Commissioner Machado moved to enter into Executive Session pursuant to HRS Chapter 95-5(a)(4) to consult with the board’s attorney on questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities, second by Commissioner Neff.

ACTION: Motion approved by all members present.

At 12:56 pm, Commissioner Machado rose to report out of Executive Session, second by Commissioner Burrows.

VII. ACTION ITEMS

A. Kaho‘olawe Island Reserve Commission Executive Policy Manual

DAG Somerville provided a brief overview of the KIRC Executive Policy Manual (Manual) and noted changes that were incorporated based on the discussion during the July 22, 2009 workshop. The following changes/additions were incorporated into the Manual:

- Section 1.3.o. Commission Meetings: Access Authorization – Appendix D: Administrative Access Approval Policy. This policy was added to define what a commission-approved program is, defines and provides criteria for administrative approval of time sensitive activities. The policy allows for the taking of no more than ten specimens of plant, wildlife, aquatic life, or natural resources from the Reserve for time sensitive activities, which would otherwise require commission approval.

- Section 2.3.e. Grants and Donations – Appendix I: Grant Approval Policy. The policy was added to define and provide a uniform grant approval process; to fulfill the duties and responsibilities of the commission with regard to soliciting and accepting grants, donations, and contributions pursuant to Chapter 6K-6(11) HRS; and to delegate their authority, pursuant to Chapter 6K-6(10) HRS, to the Executive Director and KIRC staff.

It was noted that Section 2.5 defines criteria for granting authority to the Executive Director to approve grant applications and proposals that are time sensitive; Section 2.6 defines the process for approving grants using a Fiscal Sponsoring Agency (FSA); and Section 2.7 delegates the authority to the Executive Director to administratively approve time sensitive grant applications and proposals using an FSA.

Commissioner Machado asked what methods are used when a grant requires KIRC to provide matching funds. ED Nāho‘opi‘i stated by using Staff and Volunteer hours. It was also noted by staff that the Hawaii Community Foundation recommended using Tri-Isle as a FSA.

- Section 2.3.f. Procurement Process for Goods and Services – Appendix J: Solicitation and Contracting Policy. Aside from typographical corrections, staff recommendations presented at the July 22, 2009 workshop were accepted by the Commission with one notable change requested by the Commission, to remove the word “notably” as follows: Paragraph 2.3 - At any point during the procurement process, if a purchase price exceeds the approved budgeted amount, the matter will be placed on the agenda as an Action Item for the Commission to consider as an Unbudgeted Funding Request. To explain it simply, any proposed price that exceeds the approved budgeted amount need Commission approval.

MOTION: Commissioner Machado moved to approve the Kaho‘olawe Island Reserve Commission Executive Policy Manual to include the Personnel Recruitment and Hiring Policy, Administrative Access Approval Policy, Grant Approval Policy, Solicitation and Contracting Policy, Travel Policy; and to approve the delegation of authority to the Executive Director, second by Commissioner Arakawa.

The Chair requested a roll call vote; AO Lee proceeded with the roll call for the motion as stated by Commissioner Machado:

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| ○ Commissioner Machado – Aye | Commissioner Burrows – Aye |
| ○ Commissioner Neff – Aye | Commissioner Whitehead – Aye |
| ○ Commissioner Arakawa – Aye | Chair Aluli – Aye |

ACTION: The ayes have it, motion passed.

Chair Aluli and Commissioner Machado excused at 1:30 pm

Vice-Chair Neff presided over the remainder of the meeting.

VIII. OLD BUSINESS

Follow-up Presentation on Future Program and Base Camp Operations

Approved at 8/30/2010 Mtg.

ED Nāho‘opi‘i began the discussion by stating that Title X is the federal legislation that appropriated funds for the environmental rehabilitation and restoration of Kaho‘olawe and Chapter 6K is the state statute that established the KIRC to manage and control access and to preserve, restore, and protect its historical and natural resources. He noted that the Organization Chart shows staff support in the areas cited by the Commission as the Core Functions, in its current Strategic Plan. The goal is to “do more with less”. Commissioner Whitehead, referencing the organizational chart, stated that though this is not the time to expand, the Cultural Program could use more assistance because strategic priority #2 is to stabilize cultural and historic sites and provide for appropriate access and cultural practices.

ED Nāho‘opi‘i offered that possible cutbacks in the area of plantings which could affect various areas of the restoration budget, personnel cost savings as much as \$160,000 could be realized by not filling current vacancies as well as the upcoming furloughs, and by cutting \$400,000 from the CIP projects.

The Commission asked that if neither staff nor base camp operations can be cut, then show where cuts can be made. The Commission was advised that once base camp is shut down, it would be more difficult to bring it back on line at a later time. As an example, once a vehicle is taken off line due to its in-operability, there is no provision in the budget to purchase a new vehicle. The cost of fuel is approximately \$105,000/year. An alternate suggestion was for base camp to be an example of going “green” and using alternative energy; have meters installed to see which areas are using more energy and then upgrade for more efficient energy consumption. Eric Brundage suggested using solar and/or wind energy to “go green”. There are numerous grant opportunities out there for alternative energy. Another possibility could be in the area of food service, cut the fulltime cook; however better planning would be required.

Commissioner Arakawa offered that the budget was approved at approximately \$4.5 million, therefore suggested that \$2 million would come from the Trust Fund and the remaining \$2.5 million would be a Fund Development goal.

It was recommended and staff agreed to present a “leaner” FY2010 budget at the next meeting.

IX. ANNOUNCEMENTS

The next Commission meeting will be on September 24, 2009.

X. ADJOURNMENT

MOTION: Commissioner Arakawa moved to adjourn the meeting, seconded by Commissioner Burrows.

ACTION: Motion approved by remaining four commissioners.

Meeting adjourned at 1:50 pm