

December 11, 2013

MEMO TO: KIRC Commissioners

FROM: Michael K. Nāho‘opi‘i, Executive Director

SUBJECT: Request by the Protect Kaho‘olawe ‘Ohana to approve access dates and activities for 2014.

RECOMMENDED MOTION:

A. Pursuant to HAR §13-261-13 and Section 8 of the Palapala ‘Aelike Kahu‘aina, approve the proposed access dates and activities for the 2014 year requested by the Protect Kaho‘olawe ‘Ohana as KIRC approved and authorized activities with the exception of the November 7-11, 2014 Opening Makahiki and February 11-16, 2015 Closing Makahiki and the Ka‘apuni portion of the July 5-8, 2014 access request pending satisfactory acceptance of an end of year report by the PKO.

B. Pursuant to HAR §13-261-13 and Section 2 and 6 of the Palapala ‘Aelike Kahu‘aina, the Protect Kaho‘olawe ‘Ohana request for access for November 7-11, 2014, Opening Makahiki; February 11-16, 2015, Closing Makahiki and the Ka‘apuni portion of the July 5-8, 2014 access is authorized only.

BACKGROUND & SUMMARY:

At the July 13, 2012 Stewardship Working Group meeting and as reported at the August 10, 2012 Commission meeting, the KIRC and PKO have agreed to use the following terminology:

- **Authorized Activities** – Activities permitted within the Reserve as specified in HRS 6K
- **Stewardship Agreement Authorized Activities** – Activities approved in the Stewardship Agreement Section 2.
- **KIRC Approved and Authorized Activities** – Activities that have been formally approved by Commission decision as meeting the criteria of Section 8 of the Stewardship Agreement.

As approved at the February 16, 2012 Commission meeting and amended at the December 17, 2012 Commission meeting, the following table is a summary of “KIRC Approved and Authorized Activities”. Contingent upon the continuing approval of these activities is the satisfactory compliance of the coordination and reporting requirements as specified.

Table 1: KIRC Approved and Authorized Activities

Activity Name	Activity Description	Coordination Requirements	Reporting Requirements
PKO Revegetation	Includes DLNR Revegetation Phase II	KIRC staff will provide project for the PKO to complete consistent	Report after each access documenting

Memorandum: KIRC Commissioners

December 11, 2013

Page 2 of 6

Activity Name	Activity Description	Coordination Requirements	Reporting Requirements
Projects	Grant, Invasive weed management, Erosion control, Hakioawa well maintenance	with the Restoration Program	observations, activities, finding, results and any other relevant information.
Ka 'Ai a Kanaloa - Marine Debris Cleanup	Collecting, sorting, counting and bagging of beach rubbish.	Coordination between KIRC Ocean staff and PKO	See above
Ka 'Ai a Kanaloa - Marine Monitoring	Monitor and document fish and reef conditions.	Coordination between KIRC Ocean staff and PKO for a list of project and monitoring sites	See above
Archaeological/Culture Site Restoration and Management	Stabilize, dedicate, re-dedicate and use cultural, religious and historic sites.	Activities consistent with the CUP, comply with HRS 6E and applicable HAR. Projects involving construction or erecting new sites require prior Commission approval. Spiritual and religious activities as proposed activities under the Stewardship Agreement are denied.	See above
Practice of Hawaiian Arts and Science	Implementation through observations, recording, documenting and reporting training of cultural practitioners through the CUP.	Activities consistent with CUP. Requires coordination with KIRC Culture Coordinator.	Report after each access documenting observations, information gathered, training conducted, and any other relevant information
Ala Loa	Surveying, flagging, identifying UXO and arch sites, clearing brush with mechanical equipment, power and hand tools, moving rock to create paths, building/rebuilding ahu sites	KIRC staff will provide site-specific UXO and safety procedures that the PKO must follow. Requires coordination with KIRC Culture Coordinator.	Report after each access documenting their progress, data points (GPS) for surveying, flagging, and identifying UXO.
Trail Stabilization	Evaluate, repair, build, stabilize, align trails, steps, install trail markers/steps and erosion control measures & identify UXO & arch sites, clearing brush with mechanical equipment, power and hand tools, moving rocks to create paths	KIRC staff will provide site-specific UXO and safety procedures that the PKO must follow. Requires coordination with KIRC Culture Coordinator.	Report after each access documenting their progress, data points (GPS) for surveying, flagging, and identifying UXO.
Hakioawa Helicopter Landing Pad	Survey, evaluate site, prepare materials after transport to Hakioawa, and install materials.	Requires coordination with KIRC Culture Coordinator.	Report after each access documenting their progress.

Memorandum: KIRC Commissioners

December 11, 2013

Page 3 of 6

Activity Name	Activity Description	Coordination Requirements	Reporting Requirements
Hakioawa Hale/Halau Building	Survey, evaluate shore-side site, prepare materials re-purposed from Hale Halawai.	Requires coordination with KIRC Culture Coordinator.	See above
Kilohoku and Kilo Pae Honua	Worldly and Celestial Observations. (approved 12/17/12)		See above

Section 9 of the Stewardship Agreement specifies that “access dates for each year from February to January will be submitted each year in December. The parties shall submit reports of activities, access participants and closing reports prior to the annual review meeting in December after the first year.”

On December 1, 2012, PKO Access Coordinator Davianna McGregor submitted the following dates and corresponding activities for 2014.

Table 2: PKO Access and Activities Request for 2014

Month	Dates	Activities
January 2014	January 23-26	Kuhe‘ia: Ala Loa work from Kuhe‘ia toward Ku‘iku‘i Point; Ka ‘Ai a Kanaloa - Clean Up and monitoring
February 2014	February 12-17 February 28- March 9	Ka ‘Ai A Kanaloa - monitoring; Honokanai‘a: Ala Loa; Hakioawa to Kealaikahiki: Closing of Makahiki Practice of Hawaiian Arts and Sciences, Kilohōkū Training of Navigators, Captain, Crew;
March 2014	March 20-23 March 23-26	Hakioawa and Kuheia: Ala Loa; Ka ‘Ai A Kanaloa - Cleanup & Monitoring; Trail Stabilization; Revegetation Projects; Practice of Hawaiian Arts and Sciences,
April 2014	April 21-May 2	Hakioawa: Ala Loa; Ka ‘Ai A Kanaloa - Clean up & Monitoring;

Memorandum: KIRC Commissioners

December 11, 2013

Page 4 of 6

Month	Dates	Activities
	April 10-13	Trail Stabilization; Practice of Hawaiian Arts and Sciences; Revegetation Projects Honokanaia: Practice of Hawaiian Arts and Sciences, Kilohōkū Training of Navigators, Captain, Crew
May 2014	May 22-26	Hakioawa: Ala Loa; Ka 'Ai A Kanaloa - Clean up & Monitoring; Trail Stabilization; Practice of Hawaiian Arts and Sciences; Revegetation
June 2014	June 19-22	Hakioawa: Ala Loa; Ka 'Ai A Kanaloa - Clean up & Monitoring; Trail Stabilization; Practice of Hawaiian Arts and Sciences; Revegetation
July 2014	July 5-8	Hawaiian Canoe Club Ka'apuni to monitor coastline resources; Hakioawa or Honokanai'a: Ala Loa; Ka 'Ai A Kanaloa - Clean up & Monitoring; Trail Stabilization; Practice of Hawaiian Arts and Sciences; Revegetation
August 2014	August 7-10	Hakioawa: Ala Loa; Ka 'Ai A Kanaloa - Clean up & Monitoring; Trail Stabilization; Practice of Hawaiian Arts and Sciences; Revegetation
September 2014	September 18-21	Hakioawa: Ala Loa; Ka 'Ai A Kanaloa - Clean up & Monitoring; Trail Stabilization; Practice of Hawaiian Arts and Sciences;

Memorandum: KIRC Commissioners

December 11, 2013

Page 5 of 6

Month	Dates	Activities
		Revegetation
October 2014	TBD	Kaholokalani
	October 16-19	Hakioawa: Ala Loa; Ka 'Ai A Kanaloa - Clean up & Monitoring; Trail Stabilization; Practice of Hawaiian Arts and Sciences; Revegetation
November 2014	November 6-10	Hakioawa Opening Makahiki
December 2014	December 18-22	Practice of Hawaiian Arts and Science: Observations for Ke Ala Polohiwa A Kanaloa -
January 2015	January 15-19	Trail Stabilization – trail and campsite clearance for Closing Makahiki
February 2015	February 11-16	Hakioawa to Honokanai'a: Closing Makahiki

METHODS & DISCUSSION:

The annual Stewardship Meeting is still being planned for this month and will most likely not occur prior to this Commission meeting. During this past year (2013) the PKO has submitted regular post huaka'i reports after each access to Kaho'olawe. The reports documents participants, group movements and activities worked on each month. Missing from the monthly reports and stated in the reporting requirements listed in Table 1 above is the further detail regarding observations made, finding, results and any other relevant information.

Furthermore a consolidate end of year report on the accomplishments made and status of each KIRC authorized and approved activity is necessary to evaluate the effectiveness of this Stewardship Agreement and would contribute to making any amendment or modifications upon renewal of the agreement.

The activities listed in the PKO request (Table 2) are consistent with the approved and authorized activities (Table 1) with the exception of the Opening and Closing of Makahiki in November 2014 and February 2015 respectfully, and the Hawaiian Canoe Club Ka'apuni in July 2014. The first two activities are authorized activities (see definitions above), but not KIRC Approved (Section 6. Spiritual and Religious Activities, Stewardship Agreement). The last is also authorized, but not KIRC approved. A request for this activity to be placed on the authorized and approved list was made in December 17, 2012, but decision making was deferred.

There are no new activities in the PKO request for 2014 that were not previously authorized and approved other than those listed in the paragraph above. Any new requests for KIRC approval

Memorandum: KIRC Commissioners

December 11, 2013

Page 6 of 6

are not being considered at this time due to insufficient information and preparation for staff analysis and recommendation.

RECOMMENDATION:

An end of year report on the various activities engaged by the PKO is important to document the accomplishments made under the Stewardship Agreement, to assist coordination for next year's access requests and to evaluate the effectiveness of the current agreement for any modifications, amendments upon renewal. This report should consolidate the inputs of the various post huaka'i reports made during the past year and show the accomplishment made under each activity, current status of each activity, goals for the upcoming year.

Stewardship Working Group is planning to meet later this month and expect a summary report should be ready for the meeting.

The staff recommendation for this motion is to approve the PKO's request for dates and activities as presented above (Table 2) as KIRC Authorized and Approved, with the exception of the November 2014 and February 2015 Opening and Closing Makahiki Access and the Ka'apuni portion of the July 2014 access. This approval should be contingent upon the PKO providing to the KIRC a satisfactorily acceptable end of year report on the accomplishment, status and projected goals of the activities accomplished under the stewardship agreement.

See recommended motion above.

LEGAL AUTHORITY:

Pursuant HRS §6K-6(1), the KIRC shall establish criteria, policies, and controls for permissible uses within the island reserve.

Pursuant HRS §6K-6(5), the KIRC may enter into curator or stewardship agreements with appropriate Hawaiian organizations such as the 'Ohana.

Pursuant to HAR §13-261-13, the KIRC will allow activities for the preservation and practice of all rights customarily and traditionally exercised by native Hawaiians for cultural and subsistence purposes; allow activities which are educational and which relate to native Hawaiian cultural practices or to the natural or cultural resources of The Reserve.