

November 21, 2019
Item IV.B

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 2020.

RECOMMENDED MOTION:

Pursuant to HAR §13-261-13 and Section 8 of the Palapala ‘Aelike Kahu‘āina, approve the proposed access dates and activities for the 2020 calendar year requested by the Protect Kaho‘olawe ‘Ohana as KIRC approved and authorized activities.

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 action taken at a duly noticed public meeting 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 and February 16, 2017 Commission meetings, the following table is a summary of “KIRC Approved and Authorized Activities.” Continued approval of these activities is contingent upon satisfactory compliance with the coordination and reporting requirements as specified.

The Palapala ‘Aelike Kahu‘āina signed on June 13, 2019 amended Section 8 so that “volunteers acting in a KIRC approved capacity may be regarded as volunteers under chapter 90 HRS. The Department of the Attorney General has the sole authority to determine whether volunteers will receive representation from the Department of the Attorney General for purposes of chapter 662 HRS. Persons conducting only religious and spiritual activities, including but not limited to those listed in Section 6 of this agreement, might not be deemed volunteers for the purposes of Chapter 90, HRS, as each determination will be made on a case by case basis.”

There was no request for any changes to the list of KIRC Approved and Authorized Activities.

Table 1: KIRC Approved and Authorized Activities

Activity Name	Activity Description	Coordination Requirements	Reporting Requirements
PKO Revegetation Projects	Includes Native planting, Invasive weed management,	KIRC staff will provide project for the PKO to	Report after each access documenting observations,

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Activity Name	Activity Description	Coordination Requirements	Reporting Requirements
	erosion control, Hakioawa well maintenance	complete consistent with the Restoration Program	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 Mapping, Restoration and Stewardship	Map, 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 Cultural Resources Project 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 Cultural Resources Project 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 Cultural Resources Project Coordinator.	Report after each access documenting their progress, data points (GPS) for surveying, flagging, and identifying UXO.
Hakioawa Hale/Halau Building	Survey, evaluate shore-side site, and prepare materials re-purposed from Hale Halawai	Requires coordination with KIRC Cultural Resources Project Coordinator.	Report after each access documenting their progress

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Activity Name	Activity Description	Coordination Requirements	Reporting Requirements
Kilohoku and Kilo Pae Honua	Worldly and Celestial Observations (approved 12/17/12)		Report after each access documenting their progress
Hakioawa facilities and infrastructure maintenance	Maintenance of Hakioawa camp sites and trails. Repairs to Hakioawa Hale and other built facilities in Hakioawa	Repairs and maintenance to Hakioawa Hale made with prior approval and coordination of KIRC	Report any repairs necessary or made to Hakioawa Hale

Section 9 of the Stewardship Agreement specifies that “access dates and list of activities for the upcoming year shall be submitted prior to the December meeting.”

On October 1, 2019, PKO Access Coordinator Kylee Mar submitted the following dates and corresponding activities for 2020.

Table 2: PKO Access and Activities Request for 2020

Month	Dates	Notes
February 2020	February 12 – 17	Closing Makahiki (Hakioawa to Honokanai`a)
March 2020	March 5 – 8	Hakioawa
	March 15 – 18	Spring Break 1 (Hakioawa)
	March 18 – 21	Spring Break 2 (Hakioawa)
April 2020	April 23 – 26	Hakioawa
May 2020	May 11 – 14	Ala Loa Access
	May 14 – 17	Ala Loa Access
	May 21 – 25	Hakioawa
June 2020	TBD	Festival of Pacific Art – Honokanai`a
July 2020	June 30 – July 3	Hakioawa
	July 16 – 19	Hakioawa
August 2020	August 6 – 9	Hakioawa
September 2020	September 17 – 20	Hakioawa
October 2020	October 12 – 15	Kaholokalani (Honokanai`a)
	October 22 – 26	Hakioawa

Month	Dates	Notes
November 2020	November 25 – 29	Opening Makahiki (Hakioawa)
December 2020	None	
January 2021	None	
February 2021	February 10 – 15	Closing Makahiki (Hakioawa to Honokanai`a)

METHODS & DISCUSSION:

The annual Stewardship Meeting has not been held yet. We are planning to schedule a meeting to review access coordination and to receive the 2019 report on the status of PKO activities and access issues by the end of the calendar year.

The activities listed in the PKO request (Table 1) are consistent with the approved and authorized activities (Table 1).

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.

RECOMMENDATION:

Staff recommends pursuant to HAR §13-261-13 and Section 8 of the Palapala ‘Aelike Kahu‘āina, approval of the proposed access dates and activities for the 2020 calendar year requested by the Protect Kaho‘olawe ‘Ohana as KIRC approved and authorized activities.