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BENTON KEALII PANG, Ph.D  
KEONI SOUZA

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*Executive Director*

KŪKULU KE EA A KANALOA  
**KAHO'OLAWE ISLAND RESERVE COMMISSION**  
**KŌMIKINA MĀLAMA KAHO'OLAWE**

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**DRAFT PUBLIC MEETING MINUTES**

**Wednesday, June 26, 2024**

1:00 pm

In person at 1151 Punchbowl St, Room 132  
Honolulu, HI

Meeting recording located at:

<https://youtube.com/live/MixSPvTC5gE>

**COMMISSION MEMBERS**

**PRESENT:** Michelle Pescaia, Chair; 'Ānela Evans; Faith Kahale Saito, Vice-Chair; Dawn Chang; Saumalu Mataafa (attended remotely); Benton Kealii Pang, Ph.D

**EXCUSED:** Justin Keoni Souza

**KIRC STAFF:** Michael Nāho'opi'i, Executive Director (ED); Daniel Morris, Deputy Attorney General (DAG) (attended remotely); Terri Gavagan, Commission Coordinator (CC); Ashley Razo, Public Information Specialist (PIS); Dean Tokishi, Ocean Resources Program Manager (ORPM)(attended remotely); Paul Higashino, Restoration Program Manager (RPM) (attended remotely); James Bruch, Natural Resources Specialist III (NRS III) (attended remotely)

**IN PERSON**

**GUESTS:** None

**I. CALL TO ORDER**

The meeting was called to order at 1:01 pm. Roll call was conducted and quorum was established with six Commissioners.

**II. APPROVAL OF MINUTES**

**A. Minutes of April 24, 2024 Regular Commission Meeting**

**MOTION:** Commissioner Chang moved to approve the minutes of April 24, 2024. Commissioner Evans seconded the motion.

**Discussion:** Commissioner Evans requested that the okino be corrected in ED Nāho'opi'i's name on page 7. Staff stated the correction would be made.

**ACTION:** The motion was approved including the correction unanimously via roll call: Chair Pescaia-aye; Commissioner Chang-aye; Commissioner Evans-aye; Commissioner Mataafa-aye; Commissioner Pang-aye; Vice Chair Saito-aye

### III. PUBLIC COMMENTS

No public comments were made at this time.

### IV. ACTION ITEMS

#### A. Approve the KIRC Budget for FY2025

ED Nāho‘opi‘i reviewed a PowerPoint presentation explaining the planned budget for FY2025. He stated that the recommended motion was to accept a general fund appropriation budget of \$1,978,072.31 and approve trust fund expenditures of \$303,769.85, totaling an operating budget of \$2,281,842.16 for FY25.

ED Nāho‘opi‘i stated slightly less general funds were used in FY24 but an increase in general funds carryover to FY2025. He also explained that there would be no non-reimbursable use of KIRC Trust Fund money in FY2025.

ED Nāho‘opi‘i reviewed the budget by program. More money was being spent in operations this year. There was a slight decrease in the Ocean Program’s budget because there was a pending grant. The Restoration Program’s budget did not include the Department of Health (DOH) grant which was still delayed. The Culture Program budget included funding for the Cultural Resources Project Coordinator (CRPC).

ED Nāho‘opi‘i noted that there was an increase of \$37,000 in general funds allotment, mostly to cover salary increases. He also noted that staff anticipated a 10% restriction in the use of funds. There was funding to cover current payroll despite this restriction. The KIRC was allocated \$551,700 for other current expenses. The unspent balance will be encumbered into any existing contracts. General funds remain roughly the same as last year.

ED Nāho‘opi‘i reviewed the general fund carryover. He explained than any funding from FY24 that staff encumbered into multiple contracts that cross over into 2025. The majority of these contracts are for the office lease, janitorial services, fuel contracts, , and maintenance of the boat house . There was a vacancy savings of approximately \$100,000. Staff received authorization to transfer personnel savings from unfilled staff positions to operations. The KIRC also received \$200,000 in savings from DLNR/State Parks. They had large vacancy savings and a decision was made to distribute those savings throughout the department. The KIRC submitted a request for \$200,000 and received it. There was a total of \$459,000 in savings in general funds to be carried over to FY2025.

ED Nāho‘opi‘i reported that staff anticipated spending approximately \$303,000 in KIRC trust fund money for reimbursable expenses.

ED Nāho‘opi‘i reported that staff anticipated the KIRC trust fund balance to be just under \$400,000 at the end of FY24.

ED Nāho‘opi‘i explained that \$200,000 in reimbursements was still outstanding from grants from the previous year. This was included in the impact to trust fund slide under the category of account receivable.

ED Nāho‘opi‘i stated the anticipated balance of the KIRC trust fund would be \$698,533 at the end of FY2025.

Commissioner Chang asked if the KIRC would still be requesting \$4.2 million for the Kihei site next year. ED Nāho‘opi‘i confirmed that staff would be requesting that as Capital Improvement Project (CIP) funding. Commissioner Chang asked if the trust fund balance was under \$700,000. ED Nāho‘opi‘i responded explained that was the projection at the end of FY25. The projected balance at the end of FY24 was about \$400,000.

Commissioner Chang noted that ED Nāho‘opi‘i stated that \$1 million is kind of a threshold for legislators’ attention. She asked if they have raided the trust fund in the past. ED Nāho‘opi‘i responded no, but they have asked questions. Commissioner Chang noted that it was the trust fund was a separate fund. ED Nāho‘opi‘i responded that the legislators sometimes ask why they should provide funding to the KIRC if the KIRC has trust fund money. Staff tries to keep the trust fund balance under seven digits.

**MOTION:** Commissioner Pang moved to A) accept \$1,978,072.31 general appropriation budget, as detailed, to fund KIRC staff positions and program expenses as approved in the State Administration’s budget and B) approve the expenditure of approximately \$303,769.85 from the Kaho‘olawe Rehabilitation Trust Fund to fund reimbursable grants projects and non-reimbursable operations. Vice Chair Saito seconded the motion.

**ACTION:** The motion was approved unanimously via roll call: Chair Pescaia-aye; Vice Chair Saito-aye; Commissioner Chang-aye; Commissioner Evans-aye; Commissioner Mataafa-aye; Commissioner Pang-aye.

**B. Approval of the Revised Palapala ‘Aelike Kahu‘āina Stewardship Agreement with the Protect Kaho‘olawe ‘Ohana (PKO) through its non-profit corporation and fiscal agent Kohemalamalama O Kanaloa from June 26, 2024 through June 26, 2035**

ED Nāho‘opi‘i provided the background to the Palapala ‘Aelike Kahu‘āina Stewardship Agreement with the PKO and the agreement has been revised at five-year intervals. The current draft being presented to the Commission was reviewed by both the staff and PKO.

ED Nāho‘opi‘i discussed the major changes to the agreement:

- the effective date is eleven years rather than five years

- addition of “*Kūkulu Ke Ea A Kanaloa Cultural Plan for Kanaloa Kaho‘olawe*” as a guiding document for cultural protocols on Kaho‘olawe
- Updated background reflecting current conditions on document signing
- Deletion of LOU (letter of understanding) as an attachment
- Addition of “Support staging for ‘Ohana huaka‘i on Maui including at the KIRC Kihei site”
- Addition of “In addition to all of the roles and responsibilities, both the KIRC and the ‘Ohana share mutual interest in keeping each other informed, ongoing, about new developing phenomena and/or needs of the island’s cultural and natural life.”
- Modifying the section on modifications to read: “The terms and conditions of this agreement will remain in full force and effect” by adding “unless modified or amended by written agreement.”

ED Nāho‘opi‘i noted that the PKO requested overnight staging at the KIRC’s Kihei facility prior to their early morning departures to Kaho‘olawe. The parameters and details of this support were still to be determined. The KIRC was supportive of the concept. This agreement does not waiver or grant exemptions from any permits, planning requirements or other external state, county of local approvals needed to conduct this activity.

ED Nāho‘opi‘i explained that there was a PKO request to include:

“With reference to HRS 6K-9, the transfer of management and control of the island and its waters to the sovereign Native Hawaiian entity, it is acknowledged that any progress toward this during the term of this agreement will involve the ‘Ohana, as kahu‘aina for Kaho‘olawe” in Section 12. Terms. This language was not included in the presented agreement in consultation with the Deputy Attorney General’s Office. If and when there is any future progress regarding the transfer of the Island of Kaho‘olawe, the ‘Ohana are currently represented by three Commissioners on the KIRC. The Deputy Attorney General was concerned with making commitments for the State regarding any additional parties that may or may not be involved in such future discussion without any established guidelines or agreements. The KIRC does not think the ‘Aelike was the correct document to address the future transfer of the island since it was a stewardship agreement between two parties for access to the island. Additionally, the KIRC does not think it had the authority to commit any parties to an agreement that does not yet exist.

Commissioner Chang asked if the PKO had reviewed this draft. ED Nāho‘opi‘i confirmed that PKO representatives did review this document.

Commission Pang requested that the document eventually be written in Hawaiian as well as English. Chair Pescaia agreed. He also noted that the some of the diacritical marks were incorrect and requested they be corrected.

**MOTION:** Commissioner Pang moved to approve the Revised Palapala ‘Aelike Kahu‘āina Stewardship Agreement (Agreement) with the

Protect Kaho‘olawe ‘Ohana (PKO) through its non-profit corporation and fiscal agent Kohemalamalama O Kanaloa from June 26, 2024 through June 26, 2035, as amended. Commissioner Evans seconded the motion.

**ACTION:** The motion was approved unanimously via roll call: Chair Pescaia-aye; Vice Chair Saito-aye; Commissioner Chang-aye; Commissioner Evans-aye; Commissioner Mataafa-aye; Commissioner Pang-aye.

**C. To authorize KIRC Ocean Program staff to conduct the excavation of known honu nest(s) on Kaho‘olawe with the presence of cultural supervision and direction**

ORPM Tokishi provided background on this request. On May 15 Dawson staff documented and confirmed a honu nest in the middle of the beach in Honokanai‘a. ORPM Tokishi estimated that if the nest was a true turtle nest the hatching of the eggs would be July 14-August 3, 2024. The Ocean Program would be monitoring the condition of the nest. If the nest does hatch the excavation would be conducted to determine the success and/or mortality rate. Staff would also be able to determine if it was a false nest such as the ones which appeared sixteen years ago.

Chair Pescaia explained that the KIRC’s legal authority under which this activity can legally be conducted. She asked if anyone had any questions about the proposed activity, methodology or history.

Commissioner Pang noted there were current excavations on O‘ahu. One of his staff, Dr. Plantovich, had developed an app for mapping turtle nests on O‘ahu. The excavations were conducted with a non-profit, Malama Na Honu Cultural protocol did take place. He noted that Dr. Plantovich may reach out to KIRC staff because he did let her know about this request. Commissioner Pang also offered to give ORPM Tokishi her contact information. ORPM Tokishi thanked Commissioner Pang and noted that staff was currently working with NOAA, specifically Nicole Davis through PIRO and NFWF. Staff was currently unsure who would be assisting from the federal side so Dr. Plantovich may be a good resource. ORPM Tokishi stated staff would seek cultural direction and supervision suggestions from the PKO and the Commission.

Commissioner Saito asked if staff was looking to collaborate with the PKO. ORPM Tokishi noted that there was cultural staff during this activity the last time it was conducted. ORPM Tokishi responded that staff was seeking guidance from both the PKO and the Commissioners since the CRPC position was currently unfilled. Commissioner Saito noted caution was needed in the area because there was an ‘iwi kupuna site nearby. ORPM Tokishi responded that the potential nest was at the high-water mark and not near any documented archaeological sites. The nest was in the Honokanai‘a. It was in the middle of the landing beach and was currently staked and flagged.

Commissioner Evans stated it would behoove the KIRC to involve the PKO. She stated that Craig Neff would definitely want to be involved.

Commissioner Mataafa asked what was involved into a nest excavation. ORMP Tokishi responded that he had never led an excavation but had participated in three excavations. Excavation would be to the side of the nest by hand. He stated that Chair Pescaia would be able to provide more information.

Chair Pescaia stated that most of the honu seen in the main Hawaiian Islands actually nest outside of the main Hawaiian Islands, specifically a small atoll named Lalo. This small island was very low lying and could disappear at any time. Honu behavior was changing and they are exploring alternatives. As stewards, the monitoring and tracking of this information about these kupuna was valuable. The excavation would require slow removal of the sand to see if there was an attempt to lay eggs. If eggs were laid, they may be and examined. There are a lot of details that go into the process. It is a mindful process. Staff was asking for the Commission's support for this activity and that ORMP Tokishi would be charged with developing a plan that aligns with all the regulations and kuleana to be respectful culturally and scientifically. Chair Pescaia agreed with Commissioner Pang that there are other entities that the KIRC could tap into. It was also a great opportunity to network. She also looked forward to the PKO also participating. She also stated that there was lots of room for education.

Commissioner Pang agreed that this was a good learning experience for all parties involved while also being mindful of not disturbing other sites.

**MOTION:** Commissioner Pang moved to authorize KIRC Ocean Program staff to conduct the excavation of known honu nest(s) on Kaho'olawe with the presence of cultural supervision and direction. Vice Chair Saito seconded the motion.

**Discussion:** Commissioner Chang asked if staff intended to excavate after the latest date of the hatch, August 3. ORMP Tokishi stated yes and added it would probably be during the August 12<sup>th</sup> access.

Commissioner Saito asked ORMP Tokishi would prefer to communicate with. ORMP Tokishi asked for suggestions from the PKO Commissioners. Chair Pescaia, Vice Chair Saito and Commissioner Evans suggested he contact Lopaka Aiwohi. ORMP Tokishi stated that if the motion was approved, he would start communicating with Lopaka Aiwohi on who the cultural advisor should be for this project.

**ACTION:** The motion was approved unanimously via roll call: Chair Pescaia-aye; Vice Chair Saito-aye; Commissioner Chang-aye; Commissioner Evans-aye; Commissioner Mataafa-aye; Commissioner Pang-aye.

## V. ADMINISTRATIVE BUSINESS

### A. Executive Director's Report

#### 1. Status Update on Budget, Finance and Funding: Review Expenditure Report and Budget Variances

ED Nāho'opi'i referred the Commission to the expense report up to May 2024 included in the Commission packet and reported that there was no variance. He also reported that the KIRC was currently 74% under budget. He noted that the Restoration Program has not spent much of its budget because of the delay in the DOH grant.

#### 2. Status Update on Plans, Policies and Procedures: Review Long Range Schedule

ED Nāho'opi'i referred the Commission to the long-range schedule included in the Commission packet. He noted that Makahiki would coincide with Thanksgiving weekend this year. There was also a mo'olono access scheduled in January to prepare for Makahiki. He also noted that Kānehūnāmoku was coming in September. He also noted that staff was trying to catch up with accesses that had to be rescheduled due to boat issues.

#### 3. Status Update on Administration, Staffing and Personnel: Report on Status of Current Commissioner's Appointments; Report on Commissioner's Term expiring at end of FY2024; Report on New KIRC Staff hires and recruitments

ED Nāho'opi'i explained that the terms of Commissioner Evans and Pang will end on June 30, 2024 and both are eligible to serve another term.

ED Nāho'opi'i reported that Kalei Guth was hired as Logistics Specialist, the position vacated by Grant Thompson. She will also serve as first mate on the 'Ohua. Staff made an offer to Hoku Cody to fill the Cultural Resources Project Coordinator (CRPC) and are working to get her on board.

#### 4. Status Update on Capital Improvements, Reserve operations and Logistics: Update on, KIRC vessel, 'Ohua, Repairs and Update on Base Camp Capital Improvement Project (CIP)

A blanket encumbrance was received by staff to cover the balance of the Base Camp CIP contract which also allowed for future scopes of work. Staff was still working with Dawson to establish a project schedule as well as transportation schedule.

Commissioner Mataafa was excused at 2:00 pm

## VI. PROJECT STATUS UPDATES

### A. Status Update on Current Commission/Administration Projects

#### 1. KIRC Live-Stream and VR Expedition Project (IMLS4)

This project was completed. ED Nāho'opi'i explained the project was completed and staff was waiting for the funds to be properly placed by DLNR Fiscal.

## **2. Going Mobile: Upgrading the Technological Infrastructure of Kaho‘olawe Island Reserve Commission (IMLS5)**

ED Nāho‘opi‘i reported that one cloud server still needed to be purchased and staff was awaiting for the reimbursements.

## **3. Sharing the Stories of Kahoolawe’s Past, Present and Future (HTA)**

PIS Razo reported that \$15,000 was allocated to repair the topographic map. The electricians at the Maui Ocean Center (MOC) repaired so PIS Razo submitted a budget request to reallocate those funds to upgrade the MOC exhibit such as purchasing monitors and new photographs. The request was approved. KIRC stickers with QR codes were purchased for distribution at the MOC exhibit. Another QR code to scan the wahi pana on Kaho‘olawe will be created. The grant was scheduled to end on August 31, 2024.

## **B. Status Update on Current Restoration Projects**

### **1. Coastal and Upland Wetland Restoration on Kaho‘olawe, HI (NAWCA-Wetlands)**

RPM Higashino reported staff and volunteers were removing alien species, specifically kiawe trees in Lua ‘O Kealialalo and cutting alien grasses. Staff was planning to plant from September to November 2024.

### **2. Ka Palupalu o Kanaloa Partnership Project (Kanaloa Plant Working Group)**

RPM Higashino reported there were 20 plants in cultivation. He reported that three plants from mealy bugs. Staff will be more cautious as to where the next plants are placed. The working group are working on a website design focusing on the plant and the activities of the working group.

### **3. Kamōhio Watershed Restoration Project 2023-2026 Phase I, Department of Health (DOH 6)**

RPM Higashino reported a lot of DOH personnel have been pulled away to address recovery in Lahaina. He stated that a memorandum of agreement (MOA) was pending and staff makes monthly contact with DOH.

## **C. Status Update on Current Ocean Program Grant Projects:**

### **1. Coastal Wetland Restoration of Kahoolawe, HI, National Coastal Wetlands Conservation Grant Program (CWC)**

ORPM Tokishi reported the goal of the grant was to restore coastal wetland habit in Honokanai‘a. A lot of the project’s deliverables have been completed as indicated by the checklist in the submitted update including the hiring ORS II Wine, roadwork and clearing out of silt ponds. Over the next two accesses staff and volunteers will focus on planting and removal of invasives in the balance of the 2.69 acres field site. An extension request has been submitted in order to extend ORS Wine’s position. Staff and volunteers have planted more than the 20,000 plants committed to in the grant project.

### **2. Developing a Digital Application for the Collection of Kilo ‘Ike Pili (IMLS 6)**

ORMP Tokishi reported that staff was cataloging data and was working with the PKO. The first aerial was conducted on April 12, 2024. There was a meeting with the PKO in May to solidify the communications regarding responsibilities and grant deliverables. Staff also shared the database and collected data. Aerial



surveys have allowed staff to monitor of all the beaches, including where the current potential turtle nest was. If there is a turtle nest, usually the female turtle will return to the nest a couple of days after digging the nest. Staff did not see any turtle returning.

Commission Chang asked if staff was seeing impacts of climate change through the aerial surveys. ORPM Tokishi stated not necessarily through the aerial surveys, but it was his opinion that staff could see effects of sea level rise during island accesses. The CWC grant was an attempt to bio-arm the shoreline. Baldwin Beach Park on Maui and north Kihei where no native revegetation was being done the beaches are being lost. It was just a matter of time before the infrastructure such as roads would be high impacted. ORMP Tokishi reported that restoration work on the coastline seems to be showing some success in resiliency.

Commission Chang stated that she chairs the Climate Commission and she thought that they had an opportunity to utilize the observations on Kaho‘olawe where the environment is relatively untouched versus impacts of shoreline hardening via seawalls or other manmade features as they escalate the impacts of climate change. It would be interesting to do a comparative study utilizing Kaho‘olawe as a baseline when you do not have the manmade impacts. She asked if there was an attempt to do something like that. ORMP Tokishi agreed with her and pointed out that one methodology the KIRC was trying to use was beach slope change. In the areas that staff was conducting coastal plantings of 23,000 staff want to see the impact and what rate of impact this was having to the beach slope or how much beach was being lost over time. Commissioner Chang stated she hoped that there would be more opportunities to learn from what KIRC staff was doing on Kaho‘olawe.

Chair Pescaia thanked the staff for their diligence and hard work and appreciated the updates.

#### **VIII. NEXT MEETING AND FOLLOW UPS**

ED Nāho‘opi‘i suggested that the next KIRC meeting be held in September to address legislative priorities for the new biennium. Staff also plans to encumber the funds early for the Base Camp and Communications renewal contracts. Legislative priorities will include funding for the Kihei property. Staff was also discussing developing the property with NOAA.

Commissioner Chang urged ED Nāho‘opi‘i to meet with Senator Yamashita regarding CIP projects. She also stated that the administrative budget needed to be in by approximately the first of September. She encouraged having a meeting in early September. ED Nāho‘opi‘i responded that he was planning on meeting with Senator Yamashita.

#### **IX. ADJOURNMENT**

The meeting adjourned at 2:15 pm.