



KŪKULU KE EA A KANALOA
KAHO‘OLAWE ISLAND RESERVE COMMISSION

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COMMISSION MEMBERS

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JONATHAN CHING, D.ARCH
HŌKŪLANI HOLT
CARMEN HULU LINDSEY

Michael K. Nāho‘opi‘i
Executive Director

DRAFT PUBLIC MEETING MINUTES

Thursday, November 29, 2018

9:00 am

Department of Land and Natural Resources Board Room
Kalanimoku Building
1151 Punchbowl St, Room 130
Honolulu, Hawai‘i

COMMISSION MEMBERS

PRESENT: Michele McLean, Chairperson; Josh Kaakua, Ed.D., Vice Chair; C. Kaliko Baker, Ph.D. (arrived at 9:26 pm); Jonathan Ching, D. Arch.; Carmen Hulu Lindsey

EXCUSED: Suzanne Case, Hōkūlani Holt

KIRC STAFF: Michael Nāho‘opi‘i, Executive Director (ED); Ka‘ōnohi Lee, Administrative Officer (AO); Daniel Morris, Deputy Attorney General (DAG); Terri Gavagan, Commission Coordinator (CC)

GUESTS: Davianna McGregor, Ph.D., Protect Kaho‘olawe ‘Ohana (PKO); Eric Brundage, Zapata, Inc.; Derek Mar, Dawson; JK Alama Chock, PKO; Julio Gleske

I. CALL TO ORDER

The meeting was called to order at 9:20 am by Chair McLean. Quorum was established with five Commissioners. Chair McLean turned the proceedings over to Vice Chair Kaakua.

II. APPROVAL OF MINUTES

A. Minutes of June 5, 2018 Regular Commission Meeting

MOTION: Chair McLean moved to approve the minutes of the June 5, 2018 regular business meeting pending any corrections or edits from Commissioner Baker. Commissioner Lindsey seconded the motion.

ACTION: The motion was approved by all Commissioners present.

B. Minutes of June 5, 2018 Executive Session Meeting

MOTION: Chair McLean moved to approve the minutes of the June 5, 2018 executive session meeting pending any corrections or edits from Commissioner Baker. Commissioner Ching seconded the motion.

ACTION: The motion was approved by roll call of the Commissioners present: Chair McLean: aye; Vice Chair Kaakua: aye; Commissioner Baker: absent; Commissioner Case: excused; Commissioner Ching: abstain; Commissioner Holt: excused; Commissioner Lindsey: aye.

III. COMMUNITY AND PUBLIC COMMENTS

Members of the public introduced themselves. Dr. McGregor explained that she was present to answer any questions regarding **Item IV.B. Review and Approve Proposed CY 2019 Access Dates and Activities for the Protect Kaho‘olawe ‘Ohana**. Mr. Mar explained he was there to answer any questions about the photovoltaic project on Kaho‘olawe. Mr. Gleske stated he was interested in Kaho‘olawe and wanted to go some day.

IV. ACTION ITEMS

A. Review and Approve Legislative Positions for 2019 Session

ED Nāho‘opi‘i reviewed the three items the KIRC wanted to request from the State Legislature during the upcoming session:

- 1) Support the Administration’s request to add a position and funding for the Cultural Resources Project Coordinator (CRPC) and other operating expenses (\$100,000);
- 2) Request \$3,500,000 in general obligation bond funds to complete the final designs and planning for the KIRC Education and Operations Center;
- 3) Request an additional \$500,000 in general funds for fiscal years 2020 and 2021 for KIRC on-island operations and logistical support

ED Nāho‘opi‘i explained that Budget & Finance and Governor Ige only accepted the request and funding for the CRPC and that the KIRC would have to pursue the other two items on its own with legislators. Staff would ask Representative Yamane and Senator Shimabukuro to introduce legislation regarding the additional \$500,000 in general funds for fiscal years 2020 and 2021.

ED Nāho‘opi‘i conveyed Commissioner Case’s comments to the Commission as she was unable to attend this meeting. She was informed that there was \$200 million less than expected in revenue and that an increase in recovery funds would be needed, given the natural disasters on Kauai and Hawai‘i Island.

ED Nāho‘opi‘i commented that staff would not seek the \$500,000 this year but would wait until next year.

MOTION: Commissioner Lindsey moved to approve the legislative slate as presented. Commissioner Ching seconded the motion.

ACTION: The motion was approved by all Commissioners present.

B. Review and Approve Proposed CY 2019 Access Dates and Activities for the Protect Kaho‘olawe ‘Ohana

ED Nāho‘opi‘i explained that there were no changes in the list of KIRC approved and authorized activities scheduled to be performed by the PKO during 2019. These dates

and activities were developed during a stewardship meeting between the KIRC and the PKO in November.

ED Nāho‘opi‘i stated that there were two recommended motions needed to cover both the KIRC approved and authorized activities as well as the activities which are only KIRC approved. He explained that authorized activities were activities were those permitted within the Reserve as specified in HRS 6K and that KIRC approved and authorized activities were those that have been formally approved by Commission decision as meeting the criteria of Section 8 of the Stewardship Agreement (Palapala ‘Aelike Kahu‘aina).

MOTION: Commissioner Ching moved pursuant to HAR §13-261-13 and Section 8 of the Palapala ‘Aelike Kahu‘aina, approve the proposed access dates and activities for the 2019 calendar year requested by the Protect Kaho‘olawe ‘Ohana as KIRC approved and authorized activities with the exception of the November 8-12, 2019 Opening Makahiki, February 12-17, 2020 Closing Makahiki and the Ka‘apuni portion of the June 30-July 3, 2019 access request. Chair McLean seconded the motion.

Discussion: Chair McLean noted that the current Makahiki closing scheduled in February 2019 was previously approved by the Commission as a KIRC approved activity.

Staff noted that the Stewardship Agreement would expire in April 2019 and that staff was already meeting with the PKO regarding any needed revisions. Staff anticipated returning to the Commission with any revisions in February 2019. The agreement would need to be approved by the Department of the Attorney General and would be effective April 2019. There was discussion as to whether a revised agreement would affect the activities and dates up for current approval. It was determined by the Commission that the PKO could come back to the Commission to make any needed amendments due to the revised agreement.

There was a discussion about what constitutes KIRC authorized and approved activities and KIRC approved activities with regards to volunteer status. DAG Morris explained that the agreement states that the Attorney General has discretion in determining the volunteer status of an individual involved in activities within the Reserve. In this respect there was no difference between a volunteer engaged in a KIRC access or a PKO access.

ACTION: The motion was approved by all Commissioners present.

MOTION: Commissioner Ching moved pursuant to HAR §13-261-13 and Section 2 and 6 of the Palapala ‘Aelike Kahu‘aina, approved the request for access by Protect Kaho‘olawe ‘Ohana as KIRC approved only for November 8-12, 2019, Opening Makahiki; February 12-17, 2020,

Closing Makahiki; and June 30 – July 3, 2019, Ka‘apuni. Chair McLean seconded the motion.

ACTION: The motion was approved by all Commissioners present.

Dr. McGregor provided a summary of the huaka‘i for 2018 in a printed document. Commissioner Ching asked how the huaka‘i was meshing with the *I Ola Kanaloa* plan. Dr. McGregor responded the Ala Loa project was closely aligned with the plan. She discussed the Greenpeace marine debris cleanup access. The PKO and the KIRC would need to coordinate the disposal of the remaining debris collected from the access.

Commissioner Baker explained that the March access with UH Mānoa and UH Hilo faculty members was to examine curriculum development and that during the August access, potential research projects were examined which could be standing projects for incoming staff. He stated that the island has been instrumental in building a bridge between the Hawaiian language programs at UH Hilo and UH Mānoa.

Vice Chair Kaakua stated that the KIRC and the UH Mānoa were looking at the possibility of a Memorandum of Agreement (MOA). UH Mānoa was developing an institute of sustainability and resilience.

C. Authorize the Executive Director to fill the Cultural Resource Project Coordinator position

ED Nāho‘opi‘i explained that the Cultural Resource Project Coordinator (CRPC) position was not filled at the time of the funding authorization for existing positions at the KIRC. Funding for this position was released on October 2, 2018. Staff has placed advertisement in *The Maui News* as well as posted the position on the KIRC website. The position description was also distributed to the Commission.

ED Nāho‘opi‘i also stated that a Commissioner would be needed to participate in the interview process. Commissioner Baker volunteered to be on the interview committee.

MOTION: Commissioner Ching moved to authorize the Executive Director to fill the Cultural Resource Project Coordinator position and assign Commissioner Baker to the interview process. Commissioner Lindsey seconded the motion.

ACTION: The motion was approved by all Commissioners present.

There was a break from 10:13 am to 10:18 am.

V. ADMINISTRATIVE BUSINESS
A. Executive Director’s Report

ED Nāho‘opi‘i referred the Commission to the long range schedule. He commented that the staff tried to match its schedule with the PKO accesses. Effective January 2019 the KIRC boat runs will change. The Zapata crew will be mobilized on

Wednesdays to open Base Camp. The first group of volunteers and the CIP crew will go out on Fridays and the volunteers will return to Maui on Monday. The second group of volunteers will go out from Monday to Thursday. These changes are being implemented to reduce stress on the boat crew. There were no questions from the Commission regarding the schedule.

ED Nāho‘opi‘i reported that the Ocean Resources Specialist (ORS) II position was filled by Courtney Payne. Staff was currently reassessing the position description for the UXO Safety Specialist position. Staff was continuing recruiting for the Public Information Specialist (PIS) position.

There was a discussion about the Base Camp photovoltaic (PV) system and the renovation of the Base Camp. Commissioner Baker commented he was impressed with the new galley and dining areas, particularly the outside eating areas.

Mr. Brundage commented that the generator is on for one hour per day and that a lot less fuel was being utilized on island— three gallons or less of diesel per day versus 45 gallons per day. There was plenty of power during the day which allowed for the making of potable water using the reverse osmosis (RO) system. The PV system also provided data which it maintains. The galley is more pleasant and more efficient to work in.

Commissioner Ching asked if Zapata was archiving the data. Mr. Brundage explained that the data is submitted to him on an Excel spreadsheet which he keeps. He summarizes key points and forwards them to ED Nāho‘opi‘i. Commissioner Ching stated that staff should be very purposeful about the data being collected for use in the case study and model. Mr. Brundage explained that the system is maintaining the data regardless of whether it is downloaded. Commissioner Ching stated the data needed to be examined to improve the system and as proof points for pursuing future funding for expansion. He asked that due diligence be done of what other people are looking for as far what data is pulled and tracked. ED Nāho‘opi‘i added that staff was looking at how to reduce fossil fuel usage, particularly in vehicles on Kaho‘olawe. Staff estimated that the KIRC has saved \$120,000 in fuel expense.

Mr. Mar commented that the Base Camp photovoltaic (PV) system and the renovation of the Base Camp project was a good project. There were some challenges such as getting a new generator to island after Puerto Rico got hit by a huge hurricane. The computer for the project was difficult to integrate and was expensive but he believed it was worth it. There were design revisions which resulted in something buildable and sustainable.

Vice Chair Kaakua discussed how to generate publicity about the project. ED Nāho‘opi‘i stated he wanted to make sure all bugs were worked out prior to making a big announcement. Staff was trying to coordinate an event with the department and to incorporate this achievement with the Governor’s initiative on alternative energy.

ED Nāho‘opi‘i reported that the first \$1.5 million was released for the Native Dryland Forest CIP Project. The project goal was to create a 100-acre native dryland forest in the hardpan area mauka of Pōkāneloa. The CIP team consisted of four workers who

work eight days per month preparing the planting areas in conjunction with volunteers who do the actual planting. These funds also cover Base Camp operations. It will additionally fund the design of a native plant nursery at the KIRC's Kīhei site. Staff was trying to encumber the funds by the end of this year. Staff planned to use any unspent money in the second year to expand the water system by utilizing solar power to pump water to Kealaikahiki from the RO system. Coastal plantings seem to be hardening the beaches which safeguards the inland and road access from erosion.

ED Nāho'opi'i reported that the KIRC received an approval for its SMA permit from Maui County. The hearing went well and he was appreciative of Commissioner Lindsey's testimony in favor of the project. There were some pending requirements—SHPD needed to provide comments before the nursery could be built. The next step was to design the educational component of the Education and Operations Center so that the architectural design could be adapted to it. Staff would look for funding for construction in the next biennium. Staff did not have an estimate for the educational component of the center. The estimates determined so far are:

Design	\$3 million (including contingency requirements)
Construction	\$29 million
PV system	\$2.6 million

The current estimated total was \$42 - \$44 million including furnishings.

ED Nāho'opi'i reported that staff was scheduled to meet with Senator Keith-Agaran on December 13 and was working on scheduling a meeting with Representative Yamane. The KIRC legislative bills may be going through Hawaiian Affairs which is chaired by Senator Shimabukuro and staff would be scheduling a meeting with her as well. There was a new Kīhei representative, Tina Wildberger, with whom staff will meet. Chair McLean suggested staff reach out to Representative Yamashita and the new Wailuku representative, Troy Hashimoto. Staff would also meet with Senator English and Representative DeCoite.

B. Review Expenditures as of September 30, 2018

ED Nāho'opi'i referred the Commission to the expense report and current budget included in the Commission packet. The current budget was approximately \$1,121,000. Available FY19 funds were \$1,146,000 from General Funds. Available funds exceed the current budget.

ED Nāho'opi'i explained that the funding included the CRPC position which has not been filled yet. Staff anticipates losing approximately \$30,000 of this funding since it cannot be transferred from personnel to non-personnel costs and cannot be carried over to the following year. Commissioner Ching asked if those funds could be utilized for a 90 day hire. Staff explained that the funding bill was very specific about how the funds could be used.

ED Nāho'opi'i explained that the KIRC was within its spending limit for the first quarter except for the Culture Program which was over budget. This was because the Hui Kāpehe Program ended in October 2018 so all its funding had to be spent before October. Staff anticipated spending all of the Hui Kāpehe funds.

Vice Chair Kaakua asked for clarification regarding oversight of the KIRC. Prior spending came out of the KIRC's trust fund which was under the Commission's oversight. The Commission had given the Executive Director authority to spend up to \$50,000. Anything over \$50,000 required Commission approval. ED Nāho'opi'i explained that with funding from the state's general funds he was able to spend up to \$20,000. Anything over \$20,000 required the approval of the DLNR Chair. Vice Chair Kaakua asked if there was too much oversight since the Commission does not have as much authority over state funds. Staff commented that the Commission still needed to give approval for what staff was doing.

Commissioner Baker expressed concern regarding the increased work load on administrative personnel as a result of the change in funding sources. If the burden was too great ED Nāho'opi'i should consider adding another administrative position. Staff acknowledged that there was an increase in work from this change but the trend within DLNR was to move administrative positions from within the divisions to Fiscal which means the position might be placed outside of the KIRC.

IV. PROJECT STATUS UPDATES

ED Nāho'opi'i referred the Commission to the project status updates included in the Commission packet and asked if there were any questions.

The Commission asked about the status of the mobile app. CC Gavagan responded that there was a delay in enhancing the app due to unforeseen difficulties with the island camera. It was decided to forego the delay live feed of island images and to install a data gathering function to the mobile app.

VII. ANNOUNCEMENTS/FYI

Commissioner Baker commended the KIRC staff for the respectful manner in which the iwi kohalā repatriation was conducted.

VIII. NEXT MEETING AND FOLLOW UPS

The next meeting would be in February 2019. It was determined that Commissioner Ching should submit his available dates to staff.

IX. ADJOURNMENT

The meeting was adjourned at 11:55 am.