

November 29, 2018
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 2019.

RECOMMENDED MOTIONS:

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 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.

B. 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.

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 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.

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, erosion control, Hakioawa well maintenance	KIRC staff will provide project for the PKO to complete consistent with the Restoration Program	Report after each access documenting observations, activities, finding,

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Activity Name	Activity Description	Coordination Requirements	Reporting Requirements
			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 30, 2018, PKO Access Coordinator Kylee Mar submitted the following dates and corresponding activities for 2019.

Table 2: PKO Access and Activities Request for 2019

Month	Dates	Notes
February 2019	February 13 – 18	Closing Makahiki (Hakioawa to Honokanai`a)
	February 21- 24	Ala Loa Access: Kuheia
March 2019	March 17 – 20	Spring Break 1 (Hakioawa)
	March 20 – 23	Spring Break 2 (Hakioawa)
April 2019	April 18 – 21	Hakioawa
May 2019	May 23 – 27	Hakioawa
June 2019	June 13 – 16	Hakioawa
	June 30 – July 3	Hawaiian Canoe Club (Hakioawa)
July 2019	July 11 – 14	Hakioawa
August 2019	August 8 – 11	Hakioawa
September 2019	September 12 – 15	Hakioawa
October 2019	October 17 – 20	Hakioawa
	October 22 – 26	Kaholokalani (Honokanai`a)
November 2019	November 8 – 12	Opening Makahiki (Hakioawa)
December 2019	None	
January 2020	None	

Month	Dates	Notes
February 2020	February 12 – 17	Closing Makahiki (Hakioawa to Honokanai`a)

METHODS & DISCUSSION:

The annual Stewardship Meeting was held on October 30, 2018. An end of year report on the status of PKO activities and access issues was submitted and is attached.

The activities listed in the PKO request (Table 1) are consistent with the approved and authorized activities (Table 1) except for the Opening and Closing of Makahiki in November 2019 and February 2020 respectively, and the Hawaiian Canoe Club Ka‘apuni portion in June 2019. 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.

The current Stewardship Agreement was approved and signed on April 15, 2014 and is set to expire in 2019. A request to amend “Section 8. Volunteers” was made and we are currently working on an amendment for the Commission approval prior to the expiration of the current agreement.

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 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 2019 and February 2020 Opening and Closing Makahiki Access and the Ka‘apuni portion of the July 2019 access.