

# Executive Director's Report

---

*Kaho'olawe Island Reserve Commission Meeting  
February 26, 2024*

## **Budget, Finance, and Funding**

**Annual Trust Report to Legislature:** See attached.

**FY24 Expenditure Report and Budget Variance:** See attached.

## **Plans, Policies and Procedures**

**Long-range Scheduling:** See the attached long-range schedule.

## **Administration, Staffing and Personnel**

### **Commissioner Status Update:**

#### *Status of current Commissioners' appointments:*

Commissioner Mataafa (Maui Seat): His current term expired on June 30, 2023, and he is currently a hold-over until the end of 2024 legislative session. The Governor's appointment Governor's Message (GM) 584 is pending a confirmation hearing by Senate Water & Land Committee.

Commissioner Souza (Office of Hawaiian Affairs (OHA) Seat): OHA's letter to the Governor requesting Commissioner Souza's appointment to the KIRC did not immediately make it to Boards and Commissions, after contacting the Boards and Commissions Director, an oath of office was sent for Commissioner Souza. The Governor's appointment GM600 is pending a confirmation hearing by Senate Water & Land Committee.

Commissioner Saito (Protect Kaho'olawe Ohana (PKO) Seat): Ms. Saito received an interim appointment until her confirmation. The Governor's appointment GM585 is pending a confirmation hearing by Senate Water & Land Committee.

#### *The following KIRC Commissioners' current terms will expire at the end of FY24:*

Commissioner Evans (PKO Seat): Her current term expires on June 30, 2024. She still has five years of availability remaining and can apply for a second term.

Commissioner Pang (Native Hawaiian Organization Seat): His current term expires on June 30, 2024. He also still has five years of availability remaining and can apply for a second term.

### **KIRC Staff Status Update:**

*New Hire for Public Information Specialist:* The KIRC has hired a replacement for the departed Public Information Specialist, Maggie Pulver whose last day was October 31, 2023. Our new hire is Ashley Razo, who started on November 15, 2023. She is a former volunteer living on Maui who has worked for various agriculture-based for-profit and non-profit organizations. Her prior work experience includes corporate marketing campaigns. She also has a degree in marketing.

*New Hire for Reserve Operations Manager:* The Reserve Operations Manager (ROM) position was created from one of the two new positions allocated to the KIRC in the last year's legislative session. The position oversees the Reserve Operations Program, including boat operations, logistics, Kīhei property management and base camp operations. The position was advertised, and the current Maintenance and Vessel Operator (MAVO) Lopaka White was promoted to Reserve Operations Manager which opens the Vessel Manager position.

*New Hire for Maintenance and Vessel Operator:* With the vacancy of the MAVO, the position was advertised and the current Logistic Specialist (LS), Grant Thompson, was selected for the position. .

*Recruiting for Logistics Specialist:* With hiring of the current Logistic Specialist to fill the MAVO position, staff will be recruiting to fill the currently vacant Logistics Specialist position.

*Recruiting for Cultural Resource Project Coordinator:* There were two applicants for the newly funded position established in last year's legislature. Commissioner Pescaia was assigned to the selection committee and has been involved in the candidate interviews. Both candidates have been interviewed, and one was selected. Staff is currently working with the selectee to make a final offer and to the begin the hiring process.

## **Public Information, Outreach and Government Relations**

### **Legislative Interactions:**

*Senate Ways and Means Committee Maui Briefing:* The Senate Ways and Means Committee (WAM) members attended a briefing on the Kīhei Education and Operation Center on July 27, 2023, at the Kūlanihāko'i High School Library. The WAM staff requested a presentation on the KIRC's Capital Improvement Project (CIP) request regarding its Kīhei building project. The KIRC's presentation included an overview of the project and the completed conceptual designs. The CIP request in this year's legislative package was briefed and seems to have received a positive response.

Additionally, the WAM staff requested a briefing on HRS 6K-9: Transfer of Kaho'olawe Island Reserve to a sovereign entity. The WAM staff also invited Office of Hawaiian Affairs (OHA) Chair Hulu Lindsey and Acting Chief Executive Officer (CEO) Collin Kippen to attend. The KIRC's presentation briefed on the preconditions necessary to trigger this provision of our statute and presented the various forms that the transfer may take. The Sovereign transfer Action Plan KIRC developed in 2009 to address the strategic goal: "Prepare for the transitions of the Kaho'olawe Island Reserve to a future Native Hawaiian sovereign entity" is attached.

*House Water and Land Committee On-Island Access:* Members of the House Water and Land Committee were scheduled for an on-island visit for September 6 to 8, 2023. This access was to be hosted by Representative Amy Perruso. A short two-night access was added to the September schedule, and it was intended that the group be escorted by the KIRC Executive Director and the KIRC Program Managers. The trip was canceled in response to the Maui wildfires as the legislators went back into special session to address emergency responses to the fires.

## Capital Improvement, Reserve Operations and Logistics

**Update on 'Ōhua Repair Status:** The KIRC landing craft, 'Ōhua, has been experiencing engine problems with its drive shaft and water seals, causing excess vibration in the engines. The October 2022 access and part of the November 2022 access were canceled while the jet drive repair tech assessed the problem. Replacement parts were installed and the 'Ōhua had returned to service for the December 2022 access. When the 'Ōhua dropped off volunteers for the January 2023 access, the 'Ōhua crew noticed an unusually loud noise on the newly repaired jet drive and returned to Maui on one engine. The rest of the January 2023 access was completed with the generous support of the Trilogy Company which picked up volunteers from Honokanai'a.

Troubleshooting and various engine and transmission repairs had the 'Ōhua out of service from January 2023 through October 2023. During this time, various other vessels were borrowed to support our monthly accesses including the NOAA boat Koholā, Jonny Mac's boat Hualani, Redline and Pualele.

The bearings on the port jet drive were replaced and the port transmission was rebuilt, but the noise persisted. The KIRC staff tried to get various technicians to look at the boat, but many were too busy or did not want to take purchase orders from the State. Eventually, the KIRC staff and the engine technicians decided to run the boat to see if anything could be discerned after a longer period of operation.

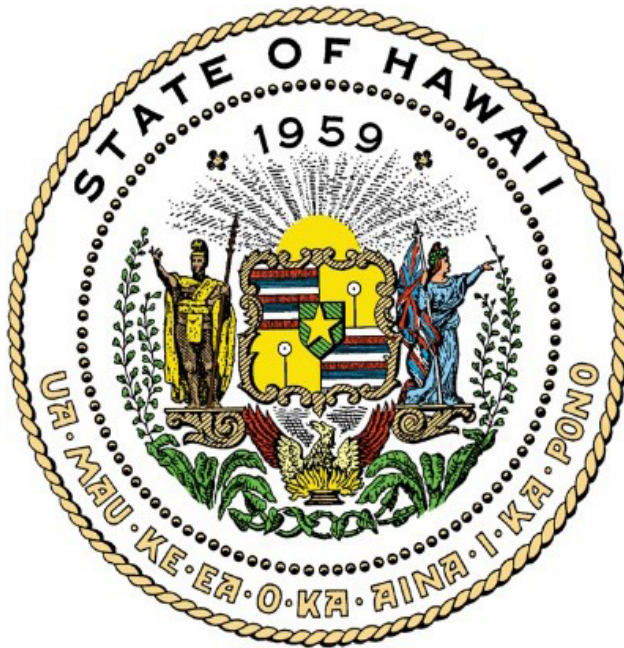
The 'Ōhua returned was returned to service this past November and December 2023 until it encountered a low rpm issue with the engines. A leak in the engine turbochargers is suspected and staff are currently trying to procure replacement turbochargers. Staff also suspects a few other modules will need replacement, but the turbochargers are the first priority.

**Update of the Honokanai'a Base Camp CIP Project:** The Fiscal Year 23 Administration budget included \$500,000 in CIP funds for upgrade and repairs in the Honokanai'a Base Camp. The current list of projects include: 1) Improving rainwater collection in Base Camp by applying an elastomeric roof coating to all buildings, installing gutters and downspout collections, installing on-island water tanks; 2) Improving potable water distribution by replacing all freshwater distribution piping; 3) Building upgrades include: replacement of the camp boardwalk, exterior building painting, replacing air conditioning (AC) units with and Energy STAR efficient units, replacing Hut 10 windows; and 4) Replacing LZ-1 shelter.

Funding for the project has been released and the KIRC staff is currently working on developing a scope of work to begin the solicitation process starting in early 2024. The current plan is to release a solicitation for three projects: 1) applying the elastomeric roof coating, 2) replacing the potable water distribution system and 3) installing Energy STAR efficient AC systems for Huts 6 and 12. Staff is looking at purchasing the materials to do the other projects and having those projects completed by the base camp contractor as part of their normal repair operations or having a second solicitation with the remaining funds to complete the rest of the projects.

**Report to the Thirty-Third Legislature  
2024 Regular Session**

**Status of the Kaho‘olawe  
Rehabilitation Trust Fund**



Prepared by:  
Kaho‘olawe Island Reserve Commission  
Department of Land and Natural Resources  
State of Hawaii

In response to:  
Section 6K-9.5(e), Hawai‘i Revised Statutes

July 2023

**Kaho‘olawe Island Reserve Commission**

## Status of the Kaho‘olawe Rehabilitation Trust Fund

Section 6K-9.5(e), Hawaii Revises Statutes (HRS), specifies that a report on the status of the Kaho‘olawe Rehabilitation Trust Fund be submitted to the Legislature not later than twenty days prior to the convening of each Regular Session of the Legislature. The report shall include the total number of and amount of grants, donations, and contributions received and balances remaining on June 30 of each year.

**Appropriation Account Number(s): T-909-C**

**Legal Authority: Section 6K-9.5(e), HRS**

<b>Fiscal Year 2023 Beginning Cash Balance</b>	<b>\$ 782,644</b>
<b>FY 2023 REVENUES</b>	
<b>Grants</b>	<b>\$ 95,653</b>
<b>Income</b>	<b>\$ 136,025</b>
<b>Interest</b>	<b>\$ 2,067</b>
<b>Total Revenue</b>	<b>\$ <u>233,745</u></b>
<b>TOTAL</b>	<b>\$ <u>1,016,389</u></b>
<b>LESS FY2023 Expenditures</b>	<b>\$ <u>309,803</u></b>
<b>Ending Cash Balance</b>	<b>\$ <u>706,586</u></b>
<b>LESS Encumbrances</b>	
<b>Contracts</b>	<b>\$ 0</b>
<b>Claims</b>	<b>\$ 82,112</b>
<b>TOTAL Encumbrances</b>	<b>\$ <u>82,112</u></b>
<b>UNENCUMBERED CASH BALANCE</b>	<b>\$ <u>624,474</u></b>

The Kaho‘olawe Rehabilitation Trust Fund was established to receive federal funds, legislative appropriations, and moneys from grants, donations or proceeds for the rehabilitation and environmental restoration of the Kaho‘olawe Island Reserve (Island Reserve). The Island Reserve includes the Island of Kaho‘olawe and two-miles of surrounding submerged lands and waters.

Federal funds are used to fund the operation of the Kaho‘olawe Island Reserve Commission (Commission) and management of the Island Reserve. Commission activities focus on culture, education, and the preservation, protection, rehabilitation, and revegetation of the Island Reserve.

FY24 KIRC Expense Report through December 31, 2023

		FY24 Approved	Expended to Date	\$ Balance	% Expended to Date	1st Qtr FY24	December	2nd Qtr FY24	3rd Qtr FY24	Total FY24
<b>COMMISSION</b>		\$ 46,380.00	\$ 21,351.45	\$ 25,028.55	46%	\$ 10,753.77	\$ 3,533.04	\$ 10,597.68	\$ -	\$ 21,351.45
	Personnel	\$ 43,920.00	\$ 21,196.56	\$ 22,723.44	48%	\$ 10,598.88	\$ 3,533.04	\$ 10,597.68	\$ -	\$ 21,196.56
	Non-Personnel	\$ 2,460.00	\$ 154.89	\$ 2,305.11	6%	\$ 154.89	\$ -	\$ -	\$ -	\$ 154.89
<b>ADMINISTRATION</b>		\$ 601,923.85	\$ 276,690.60	\$ 325,233.25	46%	\$ 133,753.72	\$ 42,872.82	\$ 142,522.00	\$ -	\$ 276,690.60
	Personnel	\$ 380,592.00	\$ 181,730.78	\$ 198,861.22	48%	\$ 91,615.42	\$ 30,854.88	\$ 89,700.48	\$ -	\$ 181,730.78
	Non-Personnel	\$ 221,331.85	\$ 94,959.82	\$ 126,372.03	43%	\$ 42,138.30	\$ 12,017.94	\$ 52,821.52	\$ -	\$ 94,959.82
<b>OPERATIONS</b>		\$ 895,033.79	\$ 283,141.80	\$ 611,891.99	32%	\$ 205,652.10	\$ 13,427.97	\$ 77,489.70	\$ -	\$ 283,141.80
	Personnel	\$ 237,340.00	\$ 77,113.12	\$ 160,226.88	32%	\$ 38,554.56	\$ 12,852.00	\$ 38,558.56	\$ -	\$ 77,113.12
	Non-Personnel	\$ 657,693.79	\$ 206,028.68	\$ 451,665.11	31%	\$ 167,097.54	\$ 575.97	\$ 38,931.14	\$ -	\$ 206,028.68
<b>OCEAN</b>		\$ 305,338.50	\$ 137,417.81	\$ 167,920.69	45%	\$ 69,835.65	\$ 16,524.17	\$ 67,582.16	\$ -	\$ 137,417.81
	Personnel	\$ 194,238.50	\$ 84,299.62	\$ 109,938.88	43%	\$ 44,318.74	\$ 13,327.44	\$ 39,980.88	\$ -	\$ 84,299.62
	Non-Personnel	\$ 111,100.00	\$ 53,118.19	\$ 57,981.81	48%	\$ 25,516.91	\$ 3,196.73	\$ 27,601.28	\$ -	\$ 53,118.19
<b>RESTORATION</b>		\$ 322,800.11	\$ 110,668.69	\$ 212,131.42	34%	\$ 53,889.04	\$ 18,120.37	\$ 56,779.65	\$ -	\$ 110,668.69
	Personnel	\$ 275,001.11	\$ 110,510.88	\$ 164,490.23	40%	\$ 53,889.04	\$ 17,962.56	\$ 56,621.84	\$ -	\$ 110,510.88
	Non-Personnel	\$ 47,799.00	\$ 157.81	\$ 47,641.19	0%	\$ -	\$ 157.81	\$ 157.81	\$ -	\$ 157.81
<b>CULTURE</b>		\$ 68,000.00	\$ -	\$ 68,000.00	0%	\$ -	\$ -	\$ -	\$ -	\$ -
	Personnel	\$ 68,000.00	\$ -	\$ 68,000.00	0%	\$ -	\$ -	\$ -	\$ -	\$ -
	Non-Personnel	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL</b>		\$ 2,239,476.25	\$ 829,270.35	\$ 1,410,205.90	37%	\$ 473,884.28	\$ 94,478.37	\$ 354,971.19	\$ -	\$ 829,270.35
	Personnel	\$ 1,199,091.61	\$ 474,850.96	\$ 724,240.65	40%	\$ 238,976.64	\$ 78,529.92	\$ 235,459.44	\$ -	\$ 474,850.96
	Non-Personnel	\$ 1,040,384.64	\$ 354,419.39	\$ 685,965.25	34%	\$ 234,907.64	\$ 15,948.45	\$ 119,511.75	\$ -	\$ 354,419.39

FY24 KIRC Expense Report through December 31, 2023

		FY24 Approved	Expended to Date	\$ Balance	% Expended to Date	1st Qtr FY24	December	2nd Qtr FY24	3rd Qtr FY24	Total FY24
<b>COMMISSION</b>										
<b>COMMISSION MEETING TRAVEL</b>										
	Airfare	\$ 2,000.00	\$ 77.89	\$ 1,922.11		\$ 77.89	\$ -	\$ -	\$ -	\$ 77.89
	Car Rental	\$ 200.00	\$ 77.00	\$ 123.00	39%	\$ 77.00	\$ -	\$ -	\$ -	\$ 77.00
	Subsistence	\$ 200.00	\$ -	\$ 200.00	0%	\$ -	\$ -	\$ -	\$ -	\$ -
	Parking	\$ 60.00	\$ -	\$ 60.00	0%	\$ -	\$ -	\$ -	\$ -	\$ -
	<b>Total Commission Meeting Travel</b>	<b>\$ 2,460.00</b>	<b>\$ 154.89</b>	<b>\$ 2,305.11</b>	<b>6%</b>	<b>\$ 154.89</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 154.89</b>
	<b>Total IMLS 3 Grant</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
	<b>COMMISSION CONFERENCE/REGISTRATION</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
	<b>COMMISSION OTHER DIRECT COSTS</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
	<b>COMMISSION PERSONNEL</b>	<b>\$ 43,920.00</b>	<b>\$ 21,196.56</b>	<b>\$ 22,723.44</b>	<b>48%</b>	<b>\$ 10,598.88</b>	<b>\$ 3,533.04</b>	<b>\$ 10,597.68</b>	<b>\$ -</b>	<b>\$ 21,196.56</b>
	Commission Coordinator-Labor IMLS4	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
	<b>COMMISSION TOTAL</b>	<b>\$ 46,380.00</b>	<b>\$ 21,351.45</b>	<b>\$ 25,028.55</b>	<b>46%</b>	<b>\$ 10,753.77</b>	<b>\$ 3,533.04</b>	<b>\$ 10,597.68</b>	<b>\$ -</b>	<b>\$ 21,351.45</b>



FY24 KIRC Expense Report through December 31, 2023

	FY24 Approved	Expended to Date	\$ Balance	% Expended to Date	1st Qtr FY24	December	2nd Qtr FY24	3rd Qtr FY24	Total FY24
<b>ADMINISTRATION</b>									
<b>TOTAL OFFICE OPERATIONS</b>	\$ 7,150.00	\$ 2,700.31	\$ 4,449.69	38%	\$ 689.07	\$ 34.52	\$ 2,011.24	\$ -	\$ 2,700.31
<b>OFFICE SPACE / UTILITIES</b>									
Building Repair & Maintenance	\$ 22,000.00	\$ 3,185.22	\$ 18,814.78	14%	\$ 287.48	\$ -	\$ 2,897.74	\$ -	\$ 3,185.22
Electric	\$ 15,061.90	\$ 8,694.33	\$ 6,367.57	58%	\$ 4,261.80	\$ 1,244.60	\$ 4,432.53	\$ -	\$ 8,694.33
Janitorial Services & Supplies	\$ 7,200.00	\$ 3,600.00	\$ 3,600.00	50%	\$ 2,400.00	\$ 600.00	\$ 1,200.00	\$ -	\$ 3,600.00
Office and Storage Lease combined 2/21	\$ 117,462.12	\$ 45,770.20	\$ 71,691.92	39%	\$ 18,308.08	\$ 9,154.04	\$ 27,462.12	\$ -	\$ 45,770.20
Telephone	\$ 10,000.00	\$ 5,503.74	\$ 4,496.26	55%	\$ 3,318.40	\$ -	\$ 2,185.34	\$ -	\$ 5,503.74
Wireless/Cellular Communication	\$ 2,000.00	\$ 1,092.88	\$ 907.12	55%	\$ -	\$ -	\$ 1,092.88	\$ -	\$ 1,092.88
<b>TOTAL OFFICE SPACE / UTILITIES</b>	\$ 173,724.02	\$ 67,846.37	\$ 105,877.65	39%	\$ 28,575.76	\$ 10,998.64	\$ 39,270.61	\$ -	\$ 67,846.37
<b>TOTAL COMPUTER EQUIPMENT &amp; SERVICE</b>	\$ -	\$ 156.15	\$ (156.15)	0%	\$ 156.15	\$ -	\$ -	\$ -	\$ 156.15
<b>MEETINGS - Commission/LEG/WG</b>									
<b>TOTAL MEETINGS</b>	\$ 3,700.00	\$ 2,752.57	\$ 947.43	74%	\$ 1,147.35	\$ 984.78	\$ 1,605.22	\$ -	\$ 2,752.57
<b>OTHER DIRECT COSTS (Prking Permits)</b>	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
<b>ADMINISTRATIVE PERSONNEL BALANCE</b>	\$ 306,084.00	\$ 148,854.34	\$ 157,229.66	49%	\$ 74,948.26	\$ 25,281.44	\$ 73,906.08	\$ -	\$ 148,854.34
<b>OUTREACH / FUND DEVELOPMENT</b>									
<b>Labor - Public Information Specialist</b>	\$ 52,968.00	\$ 27,284.56	\$ 25,683.44	52%	\$ 14,650.88	\$ 5,166.00	\$ 12,633.68	\$ -	\$ 27,284.56
<b>Other Direct Costs</b>	0				0				
<b>TOTAL Other Direct Costs</b>	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
<b>IMLS 4 NHMS Grant</b>									
Total Travel	\$ 3,000.00	\$ -	\$ 3,000.00	0%	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Equipment</b>						0			
Total Equipment	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Supplies</b>						0			
Total Supplies	\$ 3,000.00	\$ -	\$ 3,000.00	0%	\$ -	\$ -	\$ -	\$ -	\$ -
Contractual Comms and Internet	\$ 5,250.00	\$ -	\$ 5,250.00	0%	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total IMLS 4 NHMS Grant</b>	\$ 11,250.00	\$ -	\$ 11,250.00	0%	\$ -	\$ -	\$ -	\$ -	\$ -
<b>IMLS 5 Grant</b>									
Labor-Match	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
Total Labor-Match	\$ 1,000.00	\$ -	\$ 1,000.00	0%	\$ -	\$ -	\$ -	\$ -	\$ -
Travel									
Total Travel	\$ 3,000.00	\$ 155.78	\$ 2,844.22	5%	\$ -	\$ -	\$ 155.78	\$ -	\$ 155.78
<b>Supplies, Materials, and Equipment</b>									
Total Supplies, Materials and Equipment	\$ 22,507.83	\$ 18,960.66	\$ 3,547.17	84%	\$ 10,153.31	\$ -	\$ 8,807.35	\$ -	\$ 18,960.66
<b>Subawards and Contracts</b>									
Total Subawards and Contracts	\$ -	\$ 1,416.66	\$ (1,416.66)	0%	\$ 1,416.66	\$ -	\$ -	\$ -	\$ 1,416.66
<b>Total IMLS 5 Grant</b>	\$ 25,507.83	\$ 20,533.10	\$ 4,974.73	80%	\$ 11,569.97	\$ -	\$ 8,963.13	\$ -	\$ 20,533.10
<b>IMLS 6 Grant</b>									
Labor-Match	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
Materials & Supplies	\$ -	\$ 971.32	\$ (971.32)	0%	\$ -	\$ -	\$ 971.32	\$ -	\$ -
Total Material & Supplies	\$ -	\$ 971.32	\$ (971.32)	0%	\$ -	\$ -	\$ 971.32	\$ -	\$ -
<b>TOTAL IMLS 6 GRANT</b>	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
<b>HTA Grant</b>									
Total HTA Grant	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL OUTREACH / FUND DEVELOPMENT</b>	\$ 97,465.83	\$ 48,788.98	\$ 48,676.85	50%	\$ 26,220.85	\$ 5,166.00	\$ 22,568.13	\$ -	\$ 48,788.98
<b>ADMINISTRATION TOTAL</b>	\$ 601,923.85	\$ 276,275.72	\$ 325,648.13	46%	\$ 133,753.72	\$ 42,872.82	\$ 142,522.00	\$ -	\$ 276,275.72

FY24 KIRC Expense Report through December 31, 2023

	FY24 Approved	Expended to Date	\$ Balance		1st Qtr FY24	December	2nd Qtr FY24	3rd Qtr FY24	Total FY24
<b>RESERVE OPERATIONS / VOLUNTEER PROGRAM</b>									
<b>MAUI VEHICLES</b>									
Maui Vehicle R&M	\$ -	\$ 527.36	\$ (527.36)	0%	\$ 527.36	\$ -	\$ -	\$ -	\$ 527.36
Maui Vehicle Fuel and Oil	\$ 700.00	\$ 1,328.16	\$ (628.16)	190%	\$ 726.29	\$ 164.02	\$ 601.87	\$ -	\$ 1,328.16
Purchase Used Vehicles (DRMO)	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
Insurance and Fees	\$ 900.00	\$ -	\$ 900.00	0%	\$ -	\$ -	\$ -	\$ -	\$ -
Other Direct Costs - Shipping & Fees (DRMO)	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL MAUI VEHICLES</b>	<b>\$ 1,600.00</b>	<b>\$ 1,855.52</b>	<b>\$ (255.52)</b>	<b>116%</b>	<b>\$ 1,253.65</b>	<b>\$ 164.02</b>	<b>\$ 601.87</b>	<b>\$ -</b>	<b>\$ 1,855.52</b>
<b>KIHEI SITE / VESSEL OPERATIONS</b>									
Total Materials and Equipment	\$ 30,000.00	\$ 16,951.68	\$ 13,048.32	57%	\$ 16,424.06	\$ -	\$ 527.62	\$ -	\$ 16,951.68
<b>Other Direct Costs</b>									
Boathouse Electric	\$ 1,595.00	\$ 1,093.70	\$ 501.30	69%	\$ 654.27	\$ -	\$ 439.43	\$ -	\$ 1,093.70
Jet O Matic	\$ 1,299.96	\$ 642.55	\$ 657.41	49%	\$ 216.66	\$ 209.23	\$ 425.89	\$ -	\$ 642.55
Phone and Internet	\$ 1,080.00	\$ 467.49	\$ 612.51	43%	\$ 186.28	\$ 94.39	\$ 281.21	\$ -	\$ 467.49
Water	\$ 1,100.00	\$ 226.31	\$ 873.69	21%	\$ 117.57	\$ -	\$ 108.74	\$ -	\$ 226.31
Landscaping	\$ 5,000.00	\$ -	\$ 5,000.00	0%	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Other Direct Costs</b>	<b>\$ 10,074.96</b>	<b>\$ 2,538.38</b>	<b>\$ 7,536.58</b>	<b>25%</b>	<b>\$ 1,174.78</b>	<b>\$ 411.95</b>	<b>\$ 1,363.60</b>	<b>\$ -</b>	<b>\$ 2,538.38</b>
<b>TOTAL KIHEI SITE / VESSEL OPERATIONS</b>	<b>\$ 40,074.96</b>	<b>\$ 19,490.06</b>	<b>\$ 20,584.90</b>	<b>49%</b>	<b>\$ 17,598.84</b>	<b>\$ 411.95</b>	<b>\$ 1,891.22</b>	<b>\$ -</b>	<b>\$ 19,490.06</b>
<b>FIELD EQUIPMENT</b>									
<b>TOTAL FIELD EQUIPMENT</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>TOTAL HONOKANAI'A SUPPLIES</b>	<b>\$ 33,520.00</b>	<b>\$ 3,063.68</b>	<b>\$ 30,456.32</b>	<b>9%</b>	<b>\$ 2,517.87</b>	<b>\$ -</b>	<b>\$ 545.81</b>	<b>\$ -</b>	<b>\$ 3,063.68</b>
<b>TOTAL RESERVE SUPPLIES</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>TOTAL TRAINING/License &amp; Cert Renewals</b>	<b>\$ 700.00</b>	<b>\$ -</b>	<b>\$ 700.00</b>	<b>0%</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>TOTAL CONTRACTS</b>	<b>\$ 580,798.83</b>	<b>\$ 181,619.42</b>	<b>\$ 399,179.41</b>	<b>31%</b>	<b>\$ 145,727.18</b>	<b>\$ -</b>	<b>\$ 35,892.24</b>	<b>\$ -</b>	<b>\$ 181,619.42</b>
<b>OPERATIONS PERSONNEL BALANCE</b>	<b>\$ 194,068.00</b>	<b>\$ 56,226.40</b>	<b>\$ 137,841.60</b>	<b>29%</b>	<b>\$ 28,111.36</b>	<b>\$ 9,371.04</b>	<b>\$ 28,115.04</b>	<b>\$ -</b>	<b>\$ 56,226.40</b>
Logistics Specialist Labor NFWF	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
Logistics Specialist Labor NAWCA	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
Ops and Maintenance Specialist-Labor IMLS4	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
Ops and Maintenance Specialist-Labor NAWCA	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL UXO / SAFETY</b>	<b>\$ 1,000.00</b>	<b>\$ -</b>	<b>\$ 1,000.00</b>	<b>0%</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>VOLUNTEER PROGRAM</b>									
Labor	\$ 43,272.00	\$ 20,886.72	\$ 22,385.28	48%	\$ 10,443.20	\$ 3,480.96	\$ 10,443.52	\$ -	\$ 20,886.72
KIRC Volunteer Coordinator-Labor NAWCA	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
Other Direct Costs - Volunteer T-Shirts	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL Volunteer Program</b>	<b>\$ 43,272.00</b>	<b>\$ 20,886.72</b>	<b>\$ 22,385.28</b>	<b>48%</b>	<b>\$ 10,443.20</b>	<b>\$ 3,480.96</b>	<b>\$ 10,443.52</b>	<b>\$ -</b>	<b>\$ 20,886.72</b>
<b>TOTAL RESERVE OPERATIONS</b>	<b>\$ 895,033.79</b>	<b>\$ 283,141.80</b>	<b>\$ 611,891.99</b>	<b>32%</b>	<b>\$ 205,652.10</b>	<b>\$ 13,427.97</b>	<b>\$ 77,489.70</b>	<b>\$ -</b>	<b>\$ 283,141.80</b>

FY24 KIRC Expense Report through December 31, 2023

	FY24 Approved	Expended to Date	\$ Balance		1st Qtr FY24	December	2nd Qtr FY24	3rd Qtr FY24	Total FY24
<b>OCEAN RESOURCES MANAGEMENT PROGRAM</b>									
EQUIPMENT & SUPPLIES	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
LABOR FIELD SURVEYS	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
<b>BOATER EDUCATION AND ENFORCEMENT</b>		<b>0</b>			<b>0</b>				
Labor	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
Other Direct Costs	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL BOATER EDUCATION</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
NFWF - 10/1/19 to 9/30/21 \$76,025						\$ -			
<b>TOTAL NFWF Grant</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>CWC - 1/1/22 to 8/31/24 \$355,531</b>						<b>0</b>			
Labor				0%		\$ -			
Ocean Resource Specialist I-Labor Grant Paid	\$ 41,267.00	\$ 21,457.92	\$ 19,809.08	52%	\$ 10,728.56	\$ 3,576.72	\$ 10,729.36	\$ -	\$ 21,457.92
<b>Total Labor</b>	<b>\$ 41,267.00</b>	<b>\$ 36,922.64</b>	<b>\$ 4,344.36</b>	<b>89%</b>	<b>\$ 18,182.80</b>	<b>\$ 6,899.20</b>	<b>\$ 18,739.84</b>	<b>\$ -</b>	<b>\$ 36,922.64</b>
Fringe Benefits				0%		\$ -			
Ocean Resource Specialist I-Fringe Benefits-Grant P	\$ 26,031.50	\$ 4,338.58	\$ 21,692.92	17%	\$ 4,338.58	\$ -	\$ -	\$ -	\$ 4,338.58
<b>Total Fringe Benefits</b>	<b>\$ 26,031.50</b>	<b>\$ 4,338.58</b>	<b>\$ 21,692.92</b>	<b>17%</b>	<b>\$ 4,338.58</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 4,338.58</b>
Travel				0%		\$ -			
<b>Total Travel</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
Supplies				0%		\$ -			
<b>Total Supplies</b>	<b>\$ 111,100.00</b>	<b>\$ 53,118.19</b>	<b>\$ 57,981.81</b>	<b>48%</b>	<b>\$ 25,516.91</b>	<b>\$ 3,196.73</b>	<b>\$ 27,601.28</b>	<b>\$ -</b>	<b>\$ 53,118.19</b>
Contractual	\$ -	\$ 6,393.46	\$ (6,393.46)	0%	\$ -	\$ 6,393.46	\$ 6,393.46	\$ -	\$ 6,393.46
<b>Total Contractual</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>TOTAL CWC Grant</b>	<b>\$ 178,398.50</b>	<b>\$ 94,379.41</b>	<b>\$ 84,019.09</b>	<b>53%</b>	<b>\$ 48,038.29</b>	<b>\$ 10,095.93</b>	<b>\$ 46,341.12</b>	<b>\$ -</b>	<b>\$ 94,379.41</b>
<b>Total FY22 Grants not in FY23</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>IMLS 6</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>					
Ocean Resource Specialist III-Labor	\$ -	\$ 3,096.52	\$ (3,096.52)	0%	\$ 439.56	\$ -	\$ 2,656.96	\$ -	\$ 3,096.52
Ocean Resource Specialist II-Labor	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
Ocean Resource Specialist I-Labor Grant Paid	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total</b>	<b>\$ -</b>	<b>\$ 2,327.40</b>	<b>\$ (2,327.40)</b>	<b>0%</b>	<b>\$ 439.56</b>	<b>\$ -</b>	<b>\$ 1,887.84</b>	<b>\$ -</b>	<b>\$ 2,327.40</b>
<b>LABOR OCEAN PERSONNEL BALANCE</b>	<b>\$ 126,940.00</b>	<b>\$ 40,711.00</b>	<b>\$ 86,229.00</b>	<b>32%</b>	<b>\$ 21,357.80</b>	<b>\$ 6,428.24</b>	<b>\$ 19,353.20</b>	<b>\$ -</b>	<b>\$ 40,711.00</b>
Ocean Program Manager/ORS III-Labor IMLS4	\$ -		\$ -	0%	\$ -	\$ -	\$ -	\$ -	
<b>TOTAL OCEAN PROGRAM</b>	<b>\$ 305,338.50</b>	<b>\$ 136,978.25</b>	<b>\$ 168,360.25</b>	<b>45%</b>	<b>\$ 69,396.09</b>	<b>\$ 16,524.17</b>	<b>\$ 67,582.16</b>	<b>\$ -</b>	<b>\$ 136,978.25</b>

	FY2022 Approved February 24, 2022	Expended to Date	\$ Balance	% Expended to Date	1st Qtr FY24	December	2nd Qtr FY24	3rd Qtr FY24	Total FY24
<b>NATURAL RESOURCES MANAGEMENT / RESTORATION PROGRAM</b>									
DOH V - (Hakioawa Watershed) 10/2020 est \$80,665.12									
Labor/Personnel Services						\$ -			
Labor KIR Specialist II 1 Year	\$ 51,705.11	\$ -	\$ 51,705.11	0%	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Labor/Personnel Services</b>	<b>\$ 51,705.11</b>	<b>\$ 341.92</b>	<b>\$ 51,363.19</b>	<b>1%</b>	<b>\$ -</b>	<b>\$ 341.92</b>	<b>\$ 341.92</b>	<b>\$ -</b>	<b>\$ 341.92</b>
Materials & Supplies	\$ 47,799.00	\$ -	\$ 47,799.00	0%	\$ -	\$ -	\$ -	\$ -	\$ -
Other Direct Costs Printing	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL DOHV Grant</b>	<b>\$ 99,504.11</b>	<b>\$ 341.92</b>	<b>\$ 99,162.19</b>	<b>0%</b>	<b>\$ -</b>	<b>\$ 341.92</b>	<b>\$ 341.92</b>	<b>\$ -</b>	<b>\$ 341.92</b>
NAWCA Small Grant 7/21-2023 \$90,000			\$ -			\$ -			
<b>Total NAWCA Small Grant 7/21 to 2023 \$90000</b>	<b>\$ -</b>	<b>\$ 8,254.93</b>	<b>\$ (8,254.93)</b>	<b>0%</b>	<b>\$ 3,954.64</b>	<b>\$ 2,790.69</b>	<b>\$ 4,300.29</b>	<b>\$ -</b>	<b>\$ 8,254.93</b>
<b>RESTORATION PERSONNEL BALANCE</b>	<b>\$ 223,296.00</b>	<b>\$ 102,071.84</b>	<b>\$ 121,224.16</b>	<b>46%</b>	<b>\$ 49,934.40</b>	<b>\$ 14,987.76</b>	<b>\$ 52,137.44</b>	<b>\$ -</b>	<b>\$ 102,071.84</b>
<b>TOTAL RESTORATION PROGRAM</b>	<b>\$322,800.11</b>	<b>\$ 110,668.69</b>	<b>\$ 212,131.42</b>	<b>34%</b>	<b>\$ 53,889.04</b>	<b>\$ 18,120.37</b>	<b>\$ 56,779.65</b>	<b>\$ -</b>	<b>\$ 110,668.69</b>
<b>CULTURAL RESOURCES MANAGEMENT / CULTURE &amp; EDUCATION PROGRAM</b>									
<b>TOTAL CULTURAL PROGRAM</b>	<b>\$ 68,000.00</b>	<b>\$ -</b>	<b>\$ 68,000.00</b>	<b>0%</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>TOTAL OPERATING BUDGET FY 2022</b>	<b>\$ 2,239,476.25</b>	<b>\$ 828,415.91</b>	<b>\$ 1,411,060.34</b>	<b>37%</b>	<b>\$ 473,444.72</b>	<b>\$ 94,478.37</b>	<b>\$ 354,971.19</b>	<b>\$ -</b>	<b>\$ 828,415.91</b>

**KIRC Calendar FY 2024**

	Holidays/Events	Base Camp	Ocean	Operations	Restoration	Culture	PKO	Other KIRC Base	Comments
3-MONTHS	<b>February 2024</b>								
	29-Jan	4-Feb						Open	DARK
	5-Feb	11-Feb						Open	DARK
	12-Feb	18-Feb		Mob (W)		No volunteers, Staff (1)		Closing Makahiki (W-M)	Caroline
	19-Feb	25-Feb	President, Mon Feb 19	Helo Extract (F)	Staff (3)			Alaloa (Kuheia) Sa-Tu	Lyman
	26-Feb	3-Mar						Open	DARK
	<b>March 2024</b>								
	4-Mar	10-Mar						Alaloa (Kuheia) Th-Su	Paul
	11-Mar	17-Mar		Mob (W)		Waldorf (12) F-M			Christina
	18-Mar	24-Mar		Helo Extract (F)	Staff (3)	IC (3) M-Th		Spring Break (Su-W, W-Sa)	Cassie
	25-Mar	31-Mar	Kuhio, Tue Mar 26, Good Friday					Open	DARK
	<b>April 2024</b>								
1-Apr	7-Apr								DARK
8-Apr	14-Apr							Open	DARK
15-Apr	21-Apr		Mob (W)	Staff (3)	Kaipukukui (15) F-M		Hakioawa (W-Su)		
22-Apr	28-Apr		Helo Extract (F)		Maui Public Arts (12) M-Th		Open		
<b>May 2024</b>									
29-Apr	5-May								
6-May	12-May							Open	
13-May	19-May		Mob (W)		Patagonia (12) F-M			Open	
20-May	26-May		Helo Extract (F)	Staff (3)	Trilogy (12) M-Th		Hakioawa (Th-M)		
27-May	2-Jun	Memorial, Mon May 27							
<b>June 2024</b>									
3-Jun	9-Jun					FestPact (Th-Su)		Open	
10-Jun	16-Jun	Kamehameha, Tue Jun 11				FestPac (M-Su)			
17-Jun	23-Jun						Hakioawa (Th-Su)		
24-Jun	30-Jun						Open		
<b>July 2024</b>									
1-Jul	7-Jul	Independence, Thu Jul 4	Mob (W)			HCC (Th-Su)		HCC (Th-Su)	
8-Jul	14-Jul		Helo Extract (F)			Legislature		Open	
15-Jul	21-Jul								
22-Jul	28-Jul							Open	
29-Jul	4-Aug							Open	
<b>August 2024</b>									
5-Aug	11-Aug		Mob (W)	Staff (3)	Na Kamalei (15) F-M			Open	
12-Aug	18-Aug	Statehood, Fri Aug 16	Helo Extract (F)		Restoration (15) M-Th				
19-Aug	25-Aug						Hakioawa (Th-Su)		DARK
26-Aug	1-Sep								DARK
<b>September 2024</b>									
2-Sep	8-Sep	Labor, Mon Sep 2						Open	DARK
9-Sep	15-Sep						Hakioawa (Th-Su)		DARK
16-Sep	22-Sep		Mob (W)		Piko o Wakea (15) F-M				
23-Sep	29-Sep		Helo Extract (F)		Kanehunamoku (12) M-Th		Open		
<b>October 2024</b>									
30-Sep	6-Oct								DARK
7-Oct	13-Oct		Mob (W)		KS Kumu (12) F-M			Open	
14-Oct	20-Oct		Helo Extract (F)		Nalu Studies (15) M-Th		Hakioawa (Th-Su)		
21-Oct	27-Oct							Open	DARK
28-Oct	3-Nov				Kaholokalani (15) M-Th		Open		DARK
<b>November 2024</b>									
4-Nov	10-Nov	Election, Tue Nov 5							DARK
11-Nov	17-Nov	Veteran's, Mon Nov 11	Mob (W)					Open	
18-Nov	24-Nov		Helo Extract (F)						
25-Nov	1-Dec	Thanksgiving, Thu Nov 28					Opening Makahiki (W-Su)		DARK
<b>December 2024</b>									
2-Dec	8-Dec		Mob (W)						
9-Dec	15-Dec		Helo Extract (F)					Open	
16-Dec	22-Dec								DARK
23-Dec	29-Dec	Christmas, Wed Dec 25						Open	DARK
<b>January 2025</b>									
30-Dec	5-Jan	New Years, Wed Jan 1							DARK
6-Jan	12-Jan								DARK
13-Jan	19-Jan		Mob (W)		Moolono (12)				
20-Jan	26-Jan	Martin Luther King, Mon Jan	Helo Extract (F)						
27-Jan	2-Feb								DARK
<b>February 2025</b>									
3-Feb	9-Feb								DARK
10-Feb	16-Feb		Mob (W)				Closing Makahiki (W-M)		
17-Feb	23-Feb	President, Mon Feb 17	Helo Extract (F)						
24-Feb	2-Mar								DARK

3-MONTHS

6-MONTHS

9-MONTHS

12-MONTHS



*Kūkulu Ke Ea A Kanaloa*

## KAHO'OLAWE ISLAND RESERVE COMMISSION



## SOVEREIGN TRANSFER ACTION PLAN

**Strategic Goal #8:** Prepare for the transition of the Kaho'olawe Island Reserve to a future Native Hawaiian sovereign entity.

**SUMMARY**

The strategic goal listed above was developed by the Kaho`olawe Island Reserve Commission (KIRC) during strategic planning sessions held from March to April 2008. By statute, the island and its surrounding waters are to be transferred to a state and federally recognized Native Hawaiian sovereign entity. The timeline is yet to be determined, but it is the desire of the KIRC to establish an initial plan that will form a procedural template for the future transfer.

The Sovereign Transfer Action Plan will shape the KIRC's plan of action, address the treatment of assets and obligations, define potential transfer models, and explore each model's requirements and projected results. From this plan, a foundation for transition will emerge that will address the as yet-to-be-determined conditions and methodologies of transfer.

**BACKGROUND**

According to HRS §6K-9; "upon return to the State, the resources and waters of Kaho`olawe shall be held in trust as part of the public land trust; provided that the State shall transfer management and control of the island and its waters to the sovereign native Hawaiian entity upon its recognition by the United States and the State of Hawai`i. All terms, conditions, agreements, and laws affecting the island, including ongoing obligations relating to the clean-up of the island and its waters, shall remain in effect unless expressly terminated."

A precedent similar to this transfer is Public Law 103-139, 107 Stat. 1418, Title X, FY 1994 Department of Defense Appropriation Act. In this legislation, Congress directed the U.S. Navy (Navy) to convey the island and waters surrounding Kaho`olawe to the State of Hawai`i. Title X further directed the Navy to enter into a Memorandum of Understanding with the State to govern the terms and conditions of key elements of the turnover, including: access to the island, details and specifics regarding the clean-up, standards of clearance, means of protecting historic and cultural sites, public participation, and means of long-term response to previously undetected ordnance. Additionally, the United States indemnified the State of Hawai`i from liability and responsibility for the conduct of any cleanup or response action arising from and relating to the Navy's clearance.

The 1994 conveyance of Kaho`olawe, from the Navy to the State of Hawai`i, established a historic example of how the intent of HRS 6K-9 can be formulated for the future. Based upon the events of the past, a future model can be developed and then implemented when conditions warrant transfer.

**PURPOSE**

The purpose of this action plan is to develop an outline for the future transfer of Kaho`olawe and its surrounding waters to a Native Hawaiian sovereign entity as prescribed in HRS 6K-9, to identify and establish key legislative statutes and policy issues that would be in play, and, to present a range of transfer models for discussion by future members of the KIRC.

**ACTION PLAN**

The action plan proposes a schedule of events and timetable to be established upon the execution of HRS 6K-9. This plan is presented in phases, versus dates certain, because an actual start date event date

– that will trigger all subsequent transfer events – is undetermined at this time. This plan will be reviewed and updated annually for any changes in the social, political, or legal environment that may effect or affect this plan.

**PRE-TRANSFER:**

The most likely trigger event in the transfer of Kaho`olawe will be a federal recognition bill that has passed Congress and been signed into law. The State of Hawai`i legislature will then be required to interpret this statute and will likely draft additional legislation toward its implementation. The KIRC is expected to participate in determining the terms and conditions of transfer. Should this model be enacted, the KIRC may either present a recommended model of transfer or leave that decision to the claimant entity.

*Discussion: The wording in HRS 6K-9 regarding transfer of “management and control” will require clarification during this period. Clarification will affect future discussion and, perhaps, steer future policy development. One interpretation might advocate that “management and control” of the island and its waters remain with the state and that the KIRC retain management of the Reserve, but that commissioner selection is transferred to the sovereign entity. At the other end, an interpretation might propose complete conveyance of property and funds to the entity along with liability and fiscal responsibility.*

**PHASE 1: Initial Actions (0 to Year 1)**

The most likely occurrence will be that a Native Hawaiian entity will be recognized without reference to Kaho`olawe. Therefore, it would be up to the KIRC to determine if all pre-conditions have been met to trigger implementation of HRS 6K-9. The following are actions to be accomplished in this phase:

1. KIRC requests a determination from the state Office of the Attorney General (AG) that the prerequisite conditions – “Native Hawaiian Sovereign entity recognized by the United States and the State of Hawai`i” – have been met.

*Discussion: This step will verify that conditions required to execute HRS 6K-9 are valid. Federal and state recognition may not be readily apparent; therefore, a definitive interpretation must be made before proceeding. As the Governor’s legal representative, a request for authentication will be drafted and presented to the AG’s office to determine that the necessary conditions to proceed further in the transfer process have been met.*

2. The Governor’s office or designated representative creates a registry of claimants and establishes a point of contact for each claimant. A legislatively designated body will most likely be established to meet with the assorted claimants to register their claims.

*Discussion: It is unknown what form of federal and state recognition will be granted. Consequently, the possibility exists that multiple claimants may present themselves to register claims to the island. Each claim will be registered and treated as credible until such time as a resolution of claimants is settled. During this step, all claims are documented and duly recorded. Once claims are recorded,*



*each will most probably be researched and presented to an arbitration committee, if agreed upon, or settled within the court system.*

3. KIRC participates on a state response team. Conduct public meetings that inform the public of that the terms of HRS 6K-9 have been met and that the State of Hawai'i is proceeding in developing a relationship with a sovereign Native Hawaiian entity for the purpose of transferring management and control of the island of Kaho`olawe and its surrounding waters.

*Discussion: The KIRC would assist the state in organizing informational meetings with the public, other state agencies, and the legislature, to inform them that a transfer of Kaho`olawe is being considered. These sessions will also act as fact-finding events, seeking public and official input as to their and other stakeholders' concerns.*

### **PHASE II: Consolidation and Documentation of Assets (Month 6 to Year 1)**

Upon receipt of the Attorney General's determination that conditions requiring implementation of HRS 6K-9 have been met, the KIRC will institute the necessary actions to resolve the terms and conditions of any transfer. As stated in the second part of HRS 6K-9: "All terms, conditions, agreements, and laws affecting the island, including ongoing obligations relating to the clean-up of the island and its waters, shall remain in effect unless expressly terminated." The following actions will be accomplished in this phase:

1. Complete an inventory of all KIRC property, equipment, supplies and consumables.
2. Conduct a financial audit to identify all outstanding financial obligations, contracts, and/or agreements. Conduct an audit of the Kaho`olawe Rehabilitation Trust Fund to identify the totality of the trust fund, any outstanding obligations, and/or future investment obligations.
3. Complete an inventory and document all records, documents, reports, memoranda of agreement and any other pertinent files in preparation for transfer.

### **PHASE III: Negotiation of Terms of Transfer (Year 1 to Year 3)**

In this phase, the terms and conditions of the transfer are negotiated between the parties. Based upon the historic precedent set during the transfer of Kaho`olawe from the Navy to the state, a Memorandum of Understanding between the parties will most likely be negotiated to establish the timeline and conditions of transfer.

1. Establish an arbitration process and establish elements of the MOU.
2. Negotiate the conditions and timetable for transfer.
3. Submit MOU to Governor's office for approval and public hearings.

### **Model 1: Conveyance of Title and Transfer of Trust Fund**

In this model, the claimant requests the complete transfer of title and the residual balance of the Rehabilitation Trust Fund. The KIRC is dissolved and complete management and control of the Kaho`olawe Island Reserve is transferred to the Native Hawaiian sovereign entity.

*Discussion: As worded in HRS 6K-9, transfer of management and control is stated in the referenced statute. Transfer of title is not. Therefore, transfer of title may entail additional legislative action. Title to the island could be conveyed either by executive order of the Governor or by special legislation. If this is the resultant model of transfer, sufficient time will be needed to develop appropriate legislation. As stated in the Navy's quitclaim deed to the island, the MOU between the Navy and State of Hawai'i specifies that all terms, conditions, restrictions of use, and warnings specified in the quitclaim deed shall be conveyed with the land to any future subsequent deed. Therefore, issues regarding liability and land use restrictions may have to transfer with the land as the entity accepts title. Additionally, since the Navy retains responsibility for long-term UXO response, they may enter into the negotiations as an interested third party.*

*The Kaho`olawe Island Rehabilitation Trust Fund, as specified in HRS 6K-9.5, authorizes the KIRC to utilize the moneys in the fund for the purposes of HRS 6K. If the KIRC is dissolved, that action might trigger termination of the trust fund, or, at a minimum, not allow the sovereign entity to accessing the trust fund. The recommended action is to revise HRS 6K to allow access to and utilization of the trust fund by the follow-on entity and keep the trust fund open. Upon termination of the trust fund all residual moneys shall be transferred to the state general fund.*

*This model could be greatly affected by recognition language developed by the federal government. It is most likely that the issue of a sovereign land base will be among the elements of any sovereign recognition legislation and may supersede HRS 6; therefore, KIRC representation would be necessary during the formulation of any sovereign recognition legislation.*

**Model 2: Conveyance of Title without Transfer of Trust Fund**

In this model, title transfers to the sovereign entity, but due to the provisions of the trust fund, the trust is terminated, and its funds revert to the general fund.

*Discussion: In this model the conveyance of title and the control of the surrounding waters are transferred to the entity, but the trust fund is terminated, and residual funds revert to the state general fund. This is a possible scenario if the legislature views the entity is already financially self-sufficient, based upon the results of any governing legislation. All issues described above, regarding liability and land use restrictions, would most likely follow on with the land and will be an issue for negotiation.*

**Model 3a: Transfer of Management and Control without Title,**

In this model, management and control of the island and its waters are transferred to the sovereign entity without the transfer of title or the trust fund. This action is completed by the sovereign entity replacing the KIRC organization, commission and staff, but remaining within the state structure.

*Discussion: This model fulfills the mandate to "transfer of management and control" while the state retains liability. The entity would develop its own management structure either within the Department of Land and Natural Resources, or as a separate organization within the state. In this model, HRS 6K dissolves and new legislation replaces the existing statutes. This affords the entity the opportunity to develop its own strategic plan for Kaho`olawe and revise any current legislative restrictions placed on land use by HRS 6K. This model would also most likely keep in place current land use restrictions, as*

*there would be no change to the title documents. Any procedural agreements with the Navy would likely transfer to the entity but would be an issue for negotiation during the transfer.*

**Model 3b: Transfer of Management and Control without Title,**

In this model, management and control of the island and its waters are transferred to the entity without transfer of title or the trust fund. This action is completed by keeping the existing structure of the KIRC but transferring the commissioner's positions to the sovereign entity.

*Discussion: This model accomplishes the intent of HRS 6K by transferring "management and control" of the Reserve and its waters by transferring control of the KIRC organization to the entity. The entity would then receive some or all the commission seats on the KIRC, thereby receiving "management and control" of the island and surrounding waters by assuming control of the KIRC. The State would retain liability, but also retain an influential position regarding the Reserve's management in return for this liability. The entity would be able to manage and control the use of the Reserve by directing the policies of the KIRC, thereby enjoying the benefits of HRS 6K-9, without any of the long-term liabilities. All land use restrictions, procedural agreements, obligations, and claims would remain intact.*

**Model 4: Rejection of all claims**

In this model, the sovereign entity rejects all claims to management and control of the island and its surrounding waters or defers transfer to a later period.

*Discussion: The transfer of Kaho`olawe and its surrounding waters may not be consistent with the long-term desires and plans of the entity. The extent of responsibility and degree of liability for people accessing a partially cleared former weapons range may be too great for a newly established entity, so that transfer of the Reserve may be deferred until such time as the entity has resolved other more immediate procedural issues such as self-governance, fiscal reliability, and representation.*

**PHASE IV: Transition Process (Year 3 to Year X)**

In this phase, the terms and conditions of transfer are executed and based upon the selected model of transfer, the process might be shortened if there is no immediate structural change in the management of the Reserve or control of access. Through an extended period, the KIRC works with the sovereign entity to develop management capability, conduct joint transfer of property and equipment, and finally, transition operations and contracts to the entity.

**ANNUAL REVIEWS**

Annually, this plan will be reviewed and updated to reflect the current political, legal and social climate. All time-specific issues and relevant amendments summaries will be identified in this section.

**FY2008 Update:**

In the case of *Office of Hawaiian Affairs v. Housing and Community Development Corporation of Hawaii*, the State Supreme Court reversed an earlier Circuit Court judgment and has barred the state from the sale or transfer of all ceded lands. This decision has essentially frozen all ceded land transfers until such time as determined by higher courts or through legislation.

**Table 1: Sovereign Transfer Model Summary**

	Transfer Model	Elements of Transfer	Issues
I	Conveyance of Title and Trust Fund	<ul style="list-style-type: none"> <li>• Complete conveyance of title.</li> <li>• Control of surrounding waters.</li> <li>• Residual of the trust funds.</li> </ul>	<ul style="list-style-type: none"> <li>• Transfer of title will most likely include the transfer of all non-UXO related liabilities. Federal government will retain perpetual UXO liability, limited to the conditions of Title X, but all other future liabilities will be absorbed by the entity.</li> <li>• There will most likely be no state sharing of resources, as the current KIRC structure is a division of the Department of Land and Natural Resources. Therefore, all support functions provided by other state agencies will most likely terminate as the entity assumes all state functions, including legal and enforcement.</li> </ul>
II	Conveyance of Title only	<ul style="list-style-type: none"> <li>• Complete conveyance of title.</li> <li>• No transfer of trust fund.</li> </ul>	<ul style="list-style-type: none"> <li>• Same issue with liability as above.</li> <li>• Trust fund may be determined non-transferable, and may revert to the state general fund, if the entity is awarded separate financial capabilities as part of the recognition process.</li> </ul>
IIIa	Transfer Management and Control, Replace KIRC	<ul style="list-style-type: none"> <li>• Management and control transfer and new governing body established.</li> </ul>	<ul style="list-style-type: none"> <li>• KIRC is replaced by a new governing entity, but still within the state structure.</li> <li>• The state retains liability while the entity will enjoy the use and management of the Reserve through control of the KIRC.</li> <li>• Trust fund language changes in order for new organization to utilize funds.</li> </ul>
IIIb	Transfer Management and Control, Retain KIRC	<ul style="list-style-type: none"> <li>• Entity is designated all or selected seats on KIRC.</li> </ul>	<ul style="list-style-type: none"> <li>• The current structure of the KIRC is retained, but management and control is transferred to the entity by transferring the controlling interest in the KIRC Commissioner selection to the entity.</li> <li>• The state retains liability while the entity enjoys the use and management of the Reserve through control of the KIRC.</li> <li>• No changes in the trust fund language are required, as the KIRC will retain use of the trust fund for the operation of the Reserve.</li> </ul>
IV	Rejection of All Claims	<ul style="list-style-type: none"> <li>• Entity relinquishes management and control of the Reserve</li> </ul>	<ul style="list-style-type: none"> <li>• Status quo, no changes.</li> </ul>

