

## **‘ĀHIHI-KĪNA‘U NAR/KEONE‘Ō‘IO ADVISORY GROUP MEETING**

**DATE:** December 14, 2017

**DRAFT Subject to Approval by the Advisory Group**

**TIME:** 9:08 AM – 12:00 PM

**PLACE:** Courtyard by Marriott – Maui Kahului Airport  
532 Keolani Pl  
Kahului HI 96732

### **ATTENDEES:**

Scott Fretz (Maui Branch Manager)

Jimmy Gomes (BLNR Maui Member/Ulupalakua Ranch)

Pat Borge (Makena Stables)

Ann Fielding (Island Explorations)

Robin Newbold (NARS Commission/Maui Marine Council)

Rob Parsons (County Environmental Coordinator)

Peter Landon (NARS STAFF)

Fern Duvall (NARS STAFF)

Joe FellMcDonald (NARS STAFF)

Sidney Stiefel (NEPM KUPU)

### **ITEM 1. Call to Order; Welcome & Introductions**

Scott F. called the meeting to order at 9:08 AM and welcomed the advisory group and staff present. Fern D. outlined the creation of NEPM and other recent personnel changes to update attendees who were unaware of these.

### **ITEM 2. Update on AK NAR projects from previous meetings**

#### **a. Parking Area/User Fees**

Peter L. announced the completion of AK parking lot and the official posting of rule changes which can be found on the DLNR website. Peter L. notified the group of the need to collect parking lot fees ASAP so Emma Yuen (NEPM Manager) can lobby for NARS to use the special funds that are currently capped. Peter L. highlighted intentions for DOFAW to eventually manage their own auto payment system and collect funds to be used for management of the NAR. Peter L. indicated there is no funding to purchase the machine currently. Scott F. summarized two main reasons why NARS wishes to initially contract a vendor to collect fees: (1) it is more attainable in the short-term which means fees can be collected faster to allow Emma Y. to lobby for release of the special NARS funds and (2) the vendor can take on the risk initially and data can be collected to see how much revenue it brings in, what the visitor demographics look like (local vs. non-local), how cooperative the visitors are to pay the fee and how vulnerable the infrastructure (i.e. payment machine) will be in this specific location.

Peter L. highlighted the reluctance of vendors to have a person physically present working in the booth due to the location. Peter L. also mentioned the possibility of an exemption or IFB to solicit the percentage of cost share where the contract with the largest cut for DLNR is selected. Peter L. suggested the data could also be used to make the opportunity for parking vendors competitive and encourage them to bid with

cheaper rates. Peter L. also underlined that the vendor would carry out all transaction services. Robin N. asked how the machine would know if you are a resident or non-resident and Peter L. explained visitors would have to insert either a credit card for payment or a state of Hawaii id to receive a ticket to put on the dashboard of their automobiles.

Scott F. asked for clarification of the short-term and long-term goals for the payment station. Peter L. clarified they would both be automated with contracted services in the short-term and state managed services in the long-term. Peter L. also indicated there is ongoing communication with state parks who has machines but have yet to go to the site with signage. Scott F. asked why AK cannot just use that service and Peter L. highlighted the large learning curve that comes with operating the service and the risk of liability once the operation is the responsibility of the state. Peter L. asked Rob P. if he knew of any areas where the county took their own money and Rob P. indicated he did not. Peter L. mentioned working with a vendor would be the best move currently with plans to eventually own and operate a machine due to the steep profit-sharing that comes with contracting a servicer (i.e. 'Īao). Scott F. mentioned the value in researching how the state would deal with vandalism loss/state insurance issue. Fern D. emphasized the importance of finding a short-term solution fast to have moneys for the purpose of lobbying the legislature. Peter L. mentioned the probability of reduced profit share due to risk, something like 60:40, state to vendor. Peter L. also described Larry's ('Īao staff?) situation where they are guaranteed \$20,000 a month regardless of production but once revenue passes that, the profit share goes down. Peter L. also highlighted the heavy amount of traffic that passes through AK and the value in getting contractors to come with a lower bid. Peter L. also indicated that in order to structure the bid as desired, it is important to know exactly how the system should be structured which also speaks to the value in 'testing waters' with a vendor for the first year. He also mentioned the state is still working on their model and the possibility of learning from them. Peter L. advised that if you contract with an RFP, there is more opportunity for the vendor to say certain features/services are needed that are not. Jim G. asked if the lease would need to be longer for them to be willing to take the risk and invest in the area. Peter L. indicated that vendors are already contacting them since the new rules have been released and therefore they could go to the board and ask for exemption to ask for approval to contract a new vendor ASAP.

Peter L. mentioned plans to work out contract details to present to the board soon. Scott F. highlighted the two reasons to have this approach for clarification for the group and notes: the first being the need to have revenue stream ASAP for Emma Y. to lobby the legislature and the second being to minimize risk and allow a year for data collection/learning without a huge investment. Peter L. clarified that they are trying to raise the spending ceiling to allow them to use the money being collected at the parking lot. Fern D. further clarified that NARS has a special fund which has been frozen. Scott F. outlined that the idea is to have admin be able to go to leg and say there is revenue currently coming in and that is what they want to use. Peter L. emphasized this is the reason why they are trying to move this issue along fast. Scott F. asked what would happen if the legislature still refused to open the fund and mentioned this is something to be cautious of. Jim G. suggested checking with Paul in Mā'alaea where they have had some issues with their private contract, one being towing. Jim G. further explained that

in Mā'alaea operations are run by the state but they don't have the funds to have them tow.

The group discussed the difficulty of towing at AK due to remoteness. Peter L. indicated staff at AK who see people not paying should be able to have someone come in and tow but the state does not have the means to set that up. Scott F. asked if he meant the state would have to set up their own towing company contract. Peter L. mentioned the only towing service he has seen run by the state is at Makena where state workers call DOCARE who cite as they tow. Scott F. outlined the situation at Mā'alaea where people did not have to pay for the first 6 months and when payment started to become enforced by the towing of vehicles the state got sued.

Fern D. indicated he will reach out to Emma Y. to discuss (1) how to discuss the issue of the NAR fund being present but unusable with the NARS commission and (2) how NARS can go to the board and discuss this fund that is not being used.

Robin N. expressed concern in having a tow truck get to AK before people drive away as visitors often do not stay all day. Peter L. suggested they could use signage to mark the tow away zones, towing company, and impound fee. He also indicated the need to contact procedure in writing to either be able to cite or have response from tow truck in a timely manner. Jim G. also suggested the towing response may not be fast enough considering how fast people are leaving and the need to set precedence so people know towing is actually being enforced. Fern D. also emphasized the importance of towing happening especially if people end up parking on the street.

Scott F. asked what is wanted from the committee and mentioned the committee would like to see more details i.e. contract. He also mentioned that if the machine is \$50k and is destroyed once a year, you could still come out ahead considering the amount of revenue it is expected to bring in. Peter L. clarified that the process would be getting a vendor, researching values, and writing all data into a contract. He furthered with mentioning he has been steering away from people because he hasn't had the chance to get the paperwork all lined up to present to the board. Scott F. asked what the board would want. Jim G. indicated the board will probably approve it and asked what kind of enforcement will be implemented alluding to cameras (written on the agenda). Peter L. shared there have been recent hardware issues but currently they are working on fixing the cameras and are getting a license plate recognition (LPR) camera to better catch any vandalism/illegal activities.

Pat B. asked if there is no guarantee AK will get the pool of money, who has to be contacted to make sure the money being made from the parking lot area goes back to Maui. Scott F. asked if the rules were written to allow the fees to go specifically to Maui. Fern D. clarified that the money would just go to the NARS special fund. Robin N. mentioned this topic has been discussed amongst the NARS Commission and the majority decided it is best the money goes back to the NARS fund, not Maui specifically. Scott F. suggested following up with Emma Y. to see how the money collected from the parking lot can go directly to the reserve – whether by policy or rules. Peter L. commented that having parking lot funds go back to the NAR is the intention but currently the collected moneys are expected to be used for the ceiling spending increase. Scott F. suggested a briefing from Emma Y. on this topic and previous discussions with the legislature would be helpful. Robin N. suggested the advisory committee should also work with legislators. Scott F. asked for the last call on the fee

collection issue and suggested the committee proceed with the concept of contracting a service for one year to understand issues that would be faced with the parking lot fee collection and collect data to aid in the development of the best protocol for the collection of fees. Rob P. suggested having a person working to collect fees would get rid of a lot of issues that came up in discussion. Scott F. asked if there would be a gate. Peter L. clarified there is no funding to put in a gate and hiring someone to physically collect fees would also be costly. Scott F. asked if staff would be present to see if visitors have purchased tickets on their dashboards. Peter L. suggested talking to MPP and DOCARE would be helpful to gain an understanding of how towing would work. Peter L. furthered that the only way he knows is if there is a cop at the site to detain the owner for the tow to happen and mentioned the only gate system by the state is at Big Beach where they lock up the gate and have a DOCARE officer there to ensure sweeps. Pat B. expressed uncertainty in being able to control the situation on days of high surf. Scott F. suggested the most persuasive thing is the threat of getting towed. Fern D. commented that the majority of visitors are tourists and he believes most being non-resident visitors will pay.

Scott F. checked this portion of item 2 off the agenda at 10:07 AM.

Peter L. announced that cones are still being used to direct traffic and outlined the implementation of directional arrows as the next step so the in and out gates may function properly. Peter L. also showed the committee where out-planting has happened, is happening and will probably never be established around the parking lot. Peter L. mentioned they are still looking at ways to beautify the parking lot. Rob P. asked to be reminded how they were exempt from the code that requires shade trees in the parking lot. Peter L. and Fern D. clarified that since the parking lot was not adjacent to another property it was not subject to that regulation. They also furthered that due to the location of the parking lot, no shade trees are expected to be able to stand the rigor. Peter L. outlined the definite needs being directional arrows, necessary signage and a kiosk with shade. Peter L. furthered that the shade tree ultimately was not applicable because the lot is in the middle of a single property and that there were codes for how big the tree should be in a certain amount of years but nothing that meets those codes is expected to survive in that environment. Scott F. mentioned trees would be nice in the middle of the parking lot and Peter L. clarified that the ground is essentially impenetrable. Jim G. suggested implementing solar panels. Fern D. suggested saving that for a future project and funding it with the moneys collected from the parking lot. Scott F. suggested not building anything because it is a NAR.

b. Sign System

Peter L. outlined recent signage changes that have been made and are to be made which include sign system upgrades, an informational kiosk and signs along the road that still need to be placed. Peter L. mentioned it took the NARS field crew one week to put up 30 signs. He also explained that artwork for the kiosk still needs to be designed. He further expressed the need to work on poaching use. Peter L. explained that the border of the reserve is really 'soft' and is typically where the poachers are, outlining the difficulties of enforcement. Peter L. explained ulua fishermen will paddle out floats into the NAR from coastline not in the NAR. Peter L. also explained that divers regularly park in front of residences and go unnoticed especially because often they are not using a floater. Peter L. explained there is hope to put a sign where fishermen are entering the

water to advise poaching is not legal and highlight where the exact boundary is. Peter L. announced that the sign at Hoapili trail in La Perouse has been approved by Na Ala Hele. Pat B. asked why there are two signs at the entrance of the NAR further commenting that they are very big. Fern D. commented that the double signage was intentional and Peter L. further explained that coming across two coconut fronds that are parted means it is safe to enter if you treat the area with respect, traditionally. Joe F. gave compliments to Keoneō'io and the work that is being done to give back the name to the place.

c. Cameras – to deter illegal activity

Peter L. explained there is a camera looking down the trail from the parking lot, one on the road to catch license plates, two watching the compound and one scanning the parking lot. He announced that he solicited one to put at the bay further explaining the cove is a hot spot for fisherman. He also announced there is current collaboration with a vendor to run conduit all the way down. Peter L. explained he envisions the pole catching a few people and after that news spreads not expecting having people down there. Jim G. explained he has seen people pulling up to the cove with tanks and diving at night. Peter L. further explained estimating accurate numbers for poachers is difficult and that the only effective method is having cameras, especially license plate recognition ones, for night catches. Peter L. announced the camera situation will be back to 5 pan tilted zoom cameras in a couple of months. He further explained that with license plate recognition they can turn in plate numbers to DOCARE who can go to houses of the registered vehicle owners to prosecute/cite. Peter L. announced maintenance fees are estimated at \$15,000 annually with the original investment of \$29,000. Peter L. further explained he believes the price tag is minor compared to what is being accomplished with the cameras and outlined that the only way to keep poachers out of the area is to have a visual of the area 24/7. Peter L. identified future goals for a camera at the entrance because it is the next weakest spot. Robin N. suggested the potential benefit of having a camera and tow sign where the poachers are parking.

d. Maonakala Village

Peter L. explained that the archaeological surveys need to be completed before any work in this area can be executed. He further explained that the last survey of the area happened in the 70s highlighting the advancement of technology since then that warrants a new survey of the area. Peter L. explained after the survey is performed and the report is written the NARS crew will be able to know where they can and cannot work. He explained it has been written that nothing can be done within a 0.5 mile radius of any significant property. Peter L. explained the hope to receive an archaeological survey that NARS can use to know where to work around. He further identified these areas as historical properties that make NARS rules essentially irrelevant. Peter L. shared that Barker Fariss (Maui Lead Archaeologist) has visited Maonakala with Peter L. a couple of times and that they are working with the vendor to get the plan approved. Peter L. emphasized that the scope of work is relatively unknown until more steps are taken with SHPD (State Historic Preservation Division). Scott F. asked if no work can be done in the area until the management plan outlines what can be done. Peter L. explained that NARS will propose a type of work and SHPD would advise how they can proceed. Peter L. emphasized that historic property rules

trump NARS rules which necessitates the completion of the survey. He further explained that until SHPD defines historic boundaries, the boundaries are unknown. Peter L. shared that he has met with the burial specialist a couple of times but announced the AIS needs to be completed before anything else can. Jim G. asked if they visited the other site across from the trailer. Peter L. explained that site is owned by DHHL (Department of Hawaiian Home Lands) but they are trying to see how more parcels can be transferred to them. He proposed investigating how more lands for DOFAW can be brought into the boundary. Peter L. further explained that anything not on historic property will be treated like a NAR, meaning nonnative plants will be removed. He also identified that nonnatives might have to be left in historic properties but it is ultimately up to SHPD with their stabilization plan and all the steps that go into that. Scott F. asked for clarification if they are currently not proposing to do any work on the ground in the historic sights but working towards a plan to do so. Peter L. explained that is not the case and that they are rather working to complete their duties in terms of vegetation management in the kīpukas but they are trying to clean up historic sites and the stabilization of them. Peter L. identified that after talking to SHPD it became clear that stabilization will be driven by SHPD. Scott F. asked if they do not plan to disturb vegetation within the cultural site boundaries but plan to remove vegetation outside of the historical boundaries at the time. Anne F. asked if the boundaries are defined. Peter L. explained they are not which is why the AIS is needed. Anne F. explained that her real question was whether or not they plan on removing coastal mesquite. Peter L. explained mesquite will be removed if they are outside of historic boundaries because they are nonnative. Robin N. suggested mesquite trees could be very important for the ecosystem. Anne F. added they provide nice shade and suggested having another expert survey the sight to see what the effects of removing those trees will be. She further commented that they shouldn't remove the trees and surprise people. Robin N. agreed, alluding to the unannounced removal of mesquite at the bay. Peter L. clarified that those trees were hazardous and had to be removed due to liability. Jim G. commented that mesquite were culturally important to cattle. Pat B. mentioned they are important for shade and the golf courses still keep them. Peter L. explained when working in the mesquite they do not have to remove the whole tree because they can be treated but treating would be hazardous at the coast. Robin N. commented that when the trees are treated the poison it also seeps into the porous rock. Jim G. asked Peter L. how old the village is. Peter L. said it has been there since pre-contact. Fern D. explained the plans for NARS is to have indigenous or Hawaiian native vegetation. He also shared that the methodology for removing and replacing are still addressable. Jim G. asked if they are going to have an independent contractor for removal of mesquite trees. Peter L. explained the need for an arborist to cut big projects down. Peter L. further shared that he would hate to see them managing a NAR for people when they protect places to reinforce the nature of the ecosystem. He further explained that from a biological standpoint it is important to maintain the integrity of the native ecosystem and native/endangered rare plants are found in the coastal mesquite area. He used the condition of the restored kīpuka (which used to be a mesquite woodland) as a model for the possibilities of restoration of a healthy native ecosystem at the coast. Peter L. announced that they ultimately need to wait for the new

AIS from SHPD to know what can be done in the area. Peter L. explained that one way or another it is part of the management plan to remove nonnative vegetation.

Scott F. called for a break at 11:11 AM.

e. Veg Control and Outplanting

The committee resumed at 11:25 AM.

Peter L. presented on the work that is being done to control mesquite and other invasive plants and restore the native ecosystem. Peter L. outlined the process to restore the ecosystem which started with eradication of goats from the area, followed by mass outplanting. He explained that much of the native vegetation came up on its own and shared that Fern D. found many rare plants. Peter L. explained that mesquite is aggressive in Hawaiian ecosystems and shared the process of trailing new herbicides. He further explained that the area is basically gridded out so they can hand weed and pull up re-sprouts. He shared that many natives grow when the mesquite is taken out—native seeds are still in the seed bank. Peter L. explained they are looking to diversify but seed sources are hard to find. He shared the need to get more organized and start tracking plants they want to get seeds from. He announced that from April 2016 to December 2017 there has been much regrowth and survival of 2 dry seasons. Peter L. asked if anyone had questions. Scott F. expressed his understanding of the goal and goals consistent with the management plan but highlighted a gap in the information regarding the transition from removing mesquite to restoring the native ecosystem. Scott F. suggested identifying a plan for the transition could be useful for the constituency to see. Peter L. shared that he is driven by budgets, deliverables, timelines and seed availability. He also highlighted that it is upon NARS to come up with propagation material for these endeavors. He shared that in Nakula they are supposed to be restoring the forest for forest birds and planting three trees and in Kanaio they have built some plant zoos. Peter L. further explained that AK gets a lot of scrutiny due to the number of eyes on the area. Fern D. explained that NAR lands are the most pristine areas in the state. He alluded to Kanaio highlighting the healthy native vegetation there but the lingering presence of weeds and the necessary work being done to remove those weeds so the native ecosystem can take over on its own. Fern D. commented that downslope at AK the ecosystem is altered due to koa haole and mesquite therefore the plan is to remove them and put back species that belong there. He identified that this is how NARS plans usually are carried out, explaining when ungulates are killed and large invasive plants like mesquite are removed, many plants come back that existed in the seed bank and could persist. Fern D. addressed concerns of siltation if coastal mesquite were removed and explained they would not be removed until a replacement could be put in like williwilli, naio or kou – large native tree species that are found in the area naturally.

Peter L. commented that they started their restoration work at the largest kīpuka to perfect methods and that it is natural to continue to the next one, which happens to be the sight with coastal mesquite. He explained that he hears the committee members' concerns about shade but NARS is not working in the area for that purpose. Peter L. expressed surprise when discovering the cutting of the mesquite was upsetting to some. Scott F. announced that there had only 14 minutes left. Peter L. moved on to pickleweed control, highlighting that when it is removed it all eventually dies out. Scott F. requested NARS address concerns of the scope of the management plan in terms of the vegetation.

He asked for a simple brief on what is proposed to be done over the next year for vegetation control and what the methods will be. Scott F. asked what the native vegetation of the area is and if there is a seed bank there. Peter L. said they have a species list from Jon Price. Fern D. explained they have used the best science for what is there. He further suggested the plants that arise on their own should be there because they have persisted in the seed bank from before the introduction of nonnative species. Fern D. clarified that trees were cut at AK bay because they were overhanging other properties and presented a hazard.

**ITEM 3: Fern D. updates on UXO**

Fern D. discussed the Maui bombing targets at Kanahena point. He explained that the Army wants to remove UXO on site and that there is one area where they are going across the road for a removal, but that is because they were requested to do so. There are proposed areas of clearance (see map). He shared this will happen between March and May and that they expect to be complete by May 1. Fern D. shared there will be 100% surface clearance of areas accessible meaning they are not moving stones aside unless they detect there is actually something. He explained they plan to remove all material potentially presenting explosive hazards (MPPEH), demolish MEC, and dematerialize MDAS. He explained they will be using GIS to maintain and manage the area and plan to protect ecological and cultural resources. He highlighted the importance of having an archaeologist talk to ARMY especially concerning demolition and if those sites overlap with historic ones. Fern D. further clarified that if they find something worthy of blowing up they will move forward with “blow in place”. Fern D. announced they are going to survey the site so when they walk away they are sure there are no ordinance in the area. In terms of educational signage, Fern D. shared that DOH and ARMY Corps of Engineers want to address how and what the public should do if they see any ordinance – recognize, retreat, and report (the three R’s). Fern D. highlighted much of the importance comes from DOH which is suggesting kiosks as a good medium to attract visitors and inform them of the risk of going off trail. He announced they will have another meeting on January 26, 2018. Fern D. outlined their time frame for reporting as they are presented in the PowerPoint slides on “Remedial Action Field Activities/Reporting”. He highlighted that currently they have people sign a waiver like in Kaho’olawe or any risky area. Joe F. asked how far inland they are going. Fern D. said 300 feet. Fern D. also announced they got their funding for 1.8 million and are going to perform the removal. Scott F. asked if there are any questions or comments. Jim G. asked if they will be done in one year. Fern D. said they will be done by May 1, 2018.

**ITEM 4: Peter L. Monitoring human impacts at Kanahena and Keoneoio with GIS**

This item was deferred to the next meeting.

**ITEM 5: Discussion on enhancement of Advisory Group**

Scott F. announced they have been working on recruiting more people to sign up and that they are assembling a list of organizations, groups and individuals to make sure all spots are filled. He asked for anyone to email him if there are any comments or suggestions of attendees. Scott F. also suggested checking in with people who have not been attending meetings and suggested reconsidering their representation. He asked for members to email

comments due to time restriction further explaining that if it is not addressed via email it will be on another agenda.

Peter L. shared that it was his hope they could discuss ways to enhance membership participation and underlined the committee's failure to approve minutes. He also asked the committee to think about the various stakeholder groups that should be represented and whether the committee has people in those groups when compiling comments. He highlighted how it is easy to get state staff involved but asked members to consider the private sector and getting them engaged. Peter L. suggested this would be helpful with discussion of various projects, not necessarily the biological conversation but projects like the engineering of the parking lot. Peter L. also announced that he is able to host these meetings remotely and asked if there are people who members believe would be excellent for the council but could not physically participate to make it known that the meetings can be held through telecommunications.

Fern D. suggested having an open house at AK so people can be invited to come to the site, network and see the work being done with their own eyes. He mentioned there is potential to make this happen for the June meetings and to advise other people about this idea.

#### **ITEM 6: Discussion on agenda items for future meetings**

Scott F. asked for comments and announced the next meeting is already scheduled for March 15 and June 14. Peter L. commented he would not like to host an open house until there is more certainty in the advisory group, further explaining this would be helpful to better know how to host guests at the open house and allow capitalization on certain members' specialties. Peter L. also shared his desire to get more regional coverage, highlighting the group was formed to control commercial activity but it is still happening now. Peter L. identified the inability to come up with a strategy for the road and other larger projects. He also shared that his hope is to be able to talk about a more regional subject that NARS cannot handle on their own at these meetings. He further commented that he creates the agenda and wants to talk about bigger issues like commercial activity, the road and development of water systems. He emphasized that the road is very important to fix with boulders already in the water. Scott F. commented that the situation with the road has not changed and DLNR does not own the road. He further explained, for DLNR to take the road it would require the board, chair or someone in leadership to take it on. He shared that they have contacted the county and asked if they would like to renew the MOU as if it still existed and are waiting for them to respond. Scott F. commented that DLNR would not be able to take the road without convincing the chair or board for approval. Fern announced that the approved water line by the board now needs to go through preserve property. Scott F. commented as long as it is not in the NAR. Peter L. suggested this could influence the county of the future of the road which needs to be re-routed or re-paved even if they do not acquire it, suggesting they could use revenue. Scott F. reminded they are not responsible for the road to La Perouse. Peter L. explained it still maintains NAR management and highlighted they may lose access to the reserve if nothing is done. Pat B. expressed desire to know more about what is happening at the coast line and how the fish count is doing. Peter L. announced they are looking at way to get a camera in the water and since most of the resources are in the intertidal potentially putting one in one of the tide

pools. Pat B. commented that he was asking because he saw people coming up with kayaks one morning.

Meeting was adjourned at approximately 12:00 PM.