

Ka`ūpūlehu Development Monitoring Committee

August 20, 2013

Mr. Dan Davidson
Executive Director
State Land Use Commission
P. O. Box 2359
Honolulu, HI 96804-2359

**RE: SLUC Docket A93-701, Condition 1(e)
Ka`ūpūlehu Development Monitoring Committee (KDMC)
2012-2013 Annual Report**

2013 SEP -9 A 9:05
LAND USE COMMISSION
STATE OF HAWAII

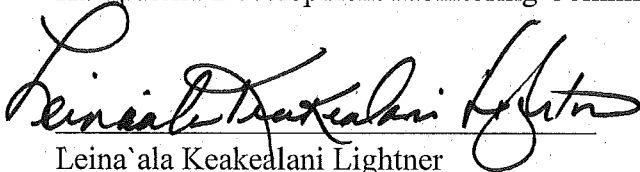
Me ka ha`aha`a Mr. Davidson,

Pursuant to SLUC Docket A93-701, condition 1(e), the Ka`upulehu Development Monitoring Committee (KDMC) hereby submits for your records, our 2012-2013 annual report.

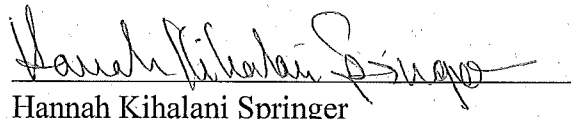
Please do not hesitate to contact us if there are any questions or concerns.

`O maua no me ka `oia `i `o,

Ka`ūpūlehu Development Monitoring Committee:



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Attachment

cc: WB KD Acquisitions, LLC

Ka`ūpūlehu Development Monitoring Committee

2012 – 2013 Annual Report

The KDMC meet on the following dates during the period from May 2012 – May 2013:

<i>Year</i>	<i>Date</i>	<i>Type</i>	<i>Purpose</i>	<i>Comments/Notes</i>
2012	June 25	KDMC	Project Updates	2011 WQ/marine life annual rpt; Kalaemano SPP (draft)
2013	March 18	Special	Consultation w/NPS and DLNR re: Ala Kahakai and signage	Preparation for opening of public access
	April 1	KDMC	Project Updates	2012 WQ/marine life annual rpt; Kalaemano SPP (final); Kaupulehu Foundation
	April 30	Special	Administrative matters	

Below are updates of activities and actions taken during the reporting period as they relate to the KDMC's five areas of general oversight:

<i>Task</i>	<i>Status/Comments</i>
<p>1. Monitoring the availability of natural and cultural resources for present and future generations.</p> <p><i>The natural and cultural resources of the subject were described in the resource management plan preserved to the LUC and referred to in the D&O. KD has developed a Kaupulehu Integrated Resources Management Plan ("IRMP") and an Implementation Plan ("IP") to guide the management of the resources. The KDMC will periodically ascertain that the activities recommended by KD in its IP remain consistent with the LUC's interest to make these resources available for present and future generations. The KDMC will accomplish this through periodic monitoring of the resources and review of data from monitoring plans in place for the project. KD will submit to the KDMC for its review relevant monitoring plan data and information as it becomes available.</i></p>	<p>The KDMC continues to monitor the resources by reviewing the data in the monitoring plans, and works with the Interpretive Center staff to ensure the availability of the natural and cultural resources for present and future generations.</p> <p>Reviewed the 2012 Annual Water Quality Monitoring and Marine Assessment Annual Survey conducted by Environmental Assessment, LLC (Dr. Richard Brock), which were subsequently submitted to the requisite government agencies.</p> <p>Continued work with The Nature Conservancy of Hawaii (TNCH) on a variety of resource management programs (e.g., nearshore fish and reef surveys).</p> <p>Continued work with the Ka`ūpūlehu Marine Life Advisory Committee (KMLAC) on monitoring the marine resources and establishing a marine reserve to return productive and sustainable subsistence fishing to Ka`ūpūlehu.</p>
<p>2. Monitoring to insure that appropriate access is provided within the subject area for the exercise of the traditional and customary native Hawaiian gathering rights.</p> <p><i>KD is required by the County of Hawaii, pursuant to the Special</i></p>	<p>The KDMC has become familiar with the customary and traditional practices conducted at Kalaemanō, and continues monitoring access.</p> <p>In preparation for the opening of public access, the KDMC consulted with the National Parks Service (NPS) and the</p>

Management Area Use Permit grants for the project, to prepare and implement a comprehensive public access plan. The KDMC will periodically ascertain that the access to the project area is being provided in compliance with the plan and traditional and customary native Hawaiian gathering rights are protected.

Through its monitoring activities, the KDMC will become familiar with the customary and traditional practices being conducted therein.

The following specific areas of oversight have been enumerated for the KDMC by the LUC with respect to traditional and customary native Hawaiian gathering rights and cultural practices:

- (a) Monitoring the quality of the salt gathering resource within the resource management area and provide access to it.
- (b) Monitoring the effectiveness of WBKDA's [KD's] action to provide access to and/or preserve and maintain traditional and customary native Hawaiian practices and cultural resources.
- (c) Monitoring burial sites and insuring that WBKDA [KD] adheres to prevailing and/or published protocols and procedures of the Hawaii County Burial Council and/or State Historic Preservation Division.
- (d) Monitoring Pele worship occurring on the petition area within the resource management area and any site designated for Pele worship, if so identified.
- (e) Monitoring nearshore water quality.
- (f) Reviewing WBKDA's [KD's] inventory of Pele's tears and pursuant to Condition 4 of the D&O, making recommendations regarding their disposition.
- (g) Monitoring of KD's provision of appropriate access to the shoreline to preserve and protect access rights to native Hawaiian and the public to kupe`e shells that may be found along the shoreline.

It is contemplated that the KDMC will primarily perform the monitoring actions required by sections III (B)(2)a-g by reviewing data and reports from the project's or KD's monitoring programs or personal observation.

Any complaints concerning traditional and customary practices associated with these resources and received by KD, the State of Hawaii and/or the County of Hawaii shall be forwarded to the KDMC for review and resolution if appropriate.

DLNR/Na Ala Hele Program, by conducting a site visit and tour of the area to get their input to address safety and liability concerns, as well as signage and general access provisions and protocols.

Continues to participate in and monitor the processes and efforts of the KMLAC to establish a marine reserve as it relates to and affects gathering rights.

(a) Reviewed the 2011 and 2012 annual water quality and marine life assessment report prepared by Dr. Richard Brock, Environmental Assessment, LLC, for submittal to the requisite government agencies. And continues to monitor IC programs which provide access to the salt pans for practitioners and educational purposes.

(b) The IC is an effective and active provider of access to the natural and cultural resources of Kalaemanō, thus preserving and maintaining traditional and customary native Hawaiian practices and cultural resources.

Access to the shoreline is provided through the IC for educational activities and programs.

Reviewed and monitored the provisions for public access (i.e., signage) being implemented, as prescribed by the CPAF, for the opening of public access to the shoreline.

Reviewed and commented on the revised Site Preservation Plan for Kalaemanō, which was subsequently submitted to SHPD by T.S. Dye Archaeologists.

(c) All known burials have been secured in compliance with the protocols and procedures prescribed by the Hawaii County Burial Council and SHPD.

(d) There continues to be none observed.

(e) Reviewed the 2011 and 2012 Annual Water Quality Monitoring Reports, Marine Assessment Annual Surveys, and Salt Pan Monitoring Reports prepared by Environmental Assessment, LLC (Dr. Richard Brock), for submittal to the requisite government agencies. On-going water quality will continue to be monitored by the KDMC.

(f) This condition has been complied with and no further monitoring is necessary.

(g) KDMC has no comments or recommendations regarding kupe`e shells or Pele tears.

<p>3. Monitoring and dispute resolution decisions related to protection of native Hawaiian practitioners exercising customary and traditional practices and rights.</p> <p><i>The KDMC shall adopt procedures for conducting dispute resolution regarding the exercise of customary and traditional gathering rights and practices.</i></p>	<p>There have been no disputes to date.</p>
<p>4. Provide recommendations to the LUC on maintenance and/or preservation of traditional and customary native Hawaiian practices and cultural resources.</p> <p><i>Based upon its monitoring activities, the KDMC shall determine whether any recommendations to the LUC concerning maintenance and/or preservation of traditional and customary native Hawaiian practices and cultural resources are warranted. It shall forward such recommendations to the LUC in writing as part of its required annual report....[The KDMC shall prepare an annual report to the LUC which summarizes its activities during the prior year, the items and issues covered and their deliberations, any other findings and/or recommendations and any other matters it wishes to bring to the attention of the LUC.]</i></p>	<p>The KDMC has accomplished one of the goals stated in this section of the last report with the opening of the IC and the choice of the <i>kahu</i> for it. This provides a framework for the work for maintaining and/or preserving the traditional and customary native Hawaiian practices and cultural resources.</p>
<p>5. Reporting and budgeting obligations.</p> <p><i>(a) The KDMC shall prepare an annual report to the LUC which summarizes the activities during the prior year, the items and issues covered in their deliberations, any other findings and/or recommendations and any other matters it wishes to bring to the attention of the LUC. Such report will be due by May 15, 2002 and by May 15th of each year thereafter, until such time as the KDMC terminated. The KDMC shall give KD a copy of its annual report simultaneous with its filing with the LUC.</i></p> <p><i>(b) The KDMC shall develop annually a budget for the following year and KD shall be given an opportunity to review the budget. Such budget should be approved annually by March 31 of each year. If there is any dispute between the KDMC and KD with respect to the composition of the budget, including adequate staff for the KDMC to carry out its function, the matter shall be submitted to the LUC for its final approval within 120 days of the date of submittal.</i></p> <p><i>(c) In developing the budget, the KDMC shall take into account which phase of the development the project is in, the anticipated level of activity of the KDMC required as result thereof, the experience of the KDMC during the prior year in terms of the number of special and regular meetings which have been held and are anticipated to be required the following year. Consideration shall also be given to the extent to which significant disputes with or among practitioners, have arisen during the prior year and the extent to which the prior year's budget has met the needs of the KDMC that year. The budget should also reflect any surplus or deficit for the prior year.</i></p> <p><i>(d) The KDMC is obligated to account for all funds expended during the prior year and KD shall have the right, upon reasonable notice, to inspect the books and records of the KDMC.</i></p>	<p>(a) This Annual Report for the period covering 2012-2013 fulfills this requirement.</p> <p>(b) The KDMC Operational Plan, approved by the LUC on May 13, 2002, set forth the operating costs and compensation for members and staff of KDMC.</p> <p>(c) KDMC members have been compensated accordingly for special and regular meetings, as well as for consultations and other programmatic activities (see attached meeting log).</p> <p>(d) All KDMC funds and expenses are administered and accounted for by WBKDA.</p>