

OFFICE OF MAUNA KEA MANAGEMENT

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Mauna Kea Management Board
Regular Meeting
Thursday, January 11, 2001
Building 393, Room #1
Hawai'i Community College
1175 Manono Street
Hilo, Hawai'i 96720

Minutes of Regular Meeting

Members Present: Arthur Hoke, Chair; Barry Taniguchi, 2nd Vice Chair/Secretary; Heather Cole; Dr. James Kennedy; Barbara Robertson; Harry Yada.

Interim OMKM Staff Present: Walter Heen, Director; Stephanie Nagata, Assistant Director; Moses Haia, Resource Specialist; and Arnold Hiura, Communication/Community Outreach.

Others Present: Ed Stevens, Kahu Ku Mauna Council; Ron Koehler, MKSS; and Robert McLaren, IfA.

I. CALL TO ORDER

Chair Hoke called the Mauna Kea Management Board (MKMB) Meeting to order on January 11, 2001 at 9:35 am.

II. APPROVAL OF MINUTES

Dr. Kennedy had a few suggested changes to the Design Review Process section. He suggested replacing the first two bullets under the second paragraph (significant changes) with three bullets that better summarizes the recommended changes. He also submitted his recommended changes in writing:

- All projects, except those totally "inside the dome," are reviewed in parallel by both OMKM/MKMB, and the office of the originating UH campus Chancellor, and then flow to the President.
- OMKM/MKMB is responsible for ensuring that the impacts on the external environment conform to the requirements of the Master Plan
- The originating UH campus Chancellor is responsible for ensuring that the proposed program itself is consistent with the UH mission and policy.

Ms. Cole cited a misspelling of Reynolds Kamakawiwoole's last name (missing a "w" between the "i" and "o") of his last name.

It was moved by Mr. Yada and seconded by Dr. Kennedy that the minutes from the December 12, 2000 MKMB Meeting be accepted as corrected. The motion was carried unanimously.

III. OLD BUSINESS

A. Committee Reports

Budget, Education, and Hawaiian Culture Committees, and Kahu Ku Mauna - no reports.

Mr. Taniguchi mentioned an article in the January 10, 2001, *Honolulu Advertiser* citing President Mortimer's statements relating to Mauna Kea funding and its listing as a separate line item in the UH Budget.

Even though UH has been granted autonomy, it still depends heavily on the Legislature for funding. MKMB/OMKM and the University will need to lobby the Legislature to fund the University's requested budget (rather than the Governor's smaller budget request). The Legislature funds the University in a lump sum manner but allocation of those funds is determined by the President and the Board of Regents. President Mortimer indicated that including the Mauna Kea funding request under his office would provide greater assurance that Mauna Kea will be funded.

Environment Committee. Ms. Cole reported the Group held its first meeting on December 12, 2000. Present were: Heather Cole, Rob Pacheco, Bill Stormont, Jim Juvik, Julie Williams, Reginald David, Hannah Springer, Jim Kauahikaua, and Debbie Ward's representative, Nelson Ho.

The meeting was basically an orientation meeting, to get to know one another and get members' thoughts on the issues. Several issues and concerns were discussed including human activities, impact of astronomy activity, and access. A number of ideas were suggested, including monitoring, restoration, and assessment programs, and the development of a mechanism for responding to proposals relating to the mountain. There was also discussion relating to the establishment of limits of acceptable change.

Ms. Cole reassured Board members that individuals representing some of the more vocal environmental groups were represented in the Group.

The next Environment Group meeting will be held on January 22, 2001.

Public Safety and Conduct Committee. The group held its second meeting on January 5, 2001. Present were Rob Pacheco, Arthur Hoke, Harry Yada, Doug Lentz (Hawaii Volcanoes National Park); Ron Koehler (MKSS).

It was agreed to keep the group size to six, including a representative from either DLNR's Forestry and Wildlife or Resource Enforcement Divisions.

The group reviewed the first draft of the rules for cultural and natural resource management and protection. Suggested changes will be submitted to Moses Haia for incorporation into the next draft rules. The group set a goal of submitting a final draft to the Board by the end of March 2001.

B. Staff Report

Winter Solstice, December 21, 2000

Ms. Nagata, Mr. Haia and Mr. Hiura participated in the Winter Solstice ceremony. They reported it was a very positive experience. Members of the Royal Order were on hand providing ceremonial chants. Anyone wanting to offer a ho'okupu on Pu'u Wekiu were welcome.

Meeting with Hawaii County Prosecutor, Jay Kimura

Director Heen and Ms. Nagata met with Jay Kimura on January 5, 2001 on the matter of the November 2000 laser incident. Mr. Kimura agreed that misdemeanor and/or felony charges could be brought against the individuals involved, however, due to the length of time that has passed since the incident, it would be best to let sanctions brought by the Royal Order against two of its members who participated in the incident, stand.

Civil penalties can also be filed by individual observatories, but observatories must assess the extent of damages. Dr. Kennedy indicated it costs about \$3,000/hour to operate some of the larger telescope facilities.

The Office will develop guidelines for the observatories to follow in the event other incidences occur in the future. Guidelines would include the type of information to record and what type of action to take. Fortunately, despite the lack of security on the mountain, to date there has not been any serious incidents.

IV. NEW BUSINESS

A. Criteria for Determining Project Classification

Since the Master Plan did not specifically delineate criteria for determining a project's classification, Staff drafted a preliminary list of items that should be considered:

- 1) Nature of project
 - a. Scientific
 - b. Internal construction
 - c. External construction

- 2) Impact on:
 - a. Environment
 - b. Cultural resources
 - c. Other observatories
 - d. Public access

B. Underground Storage Tank Removal Project Status Classification

Director Heen stated that analysis and review of the project based on the above criteria, staff is recommending minor project classification. OMKM will submit a memo stating OMKM's recommendation to the Chancellor, who if she concurs, will forward the recommendation to the President. If the President concurs, it will start the design review process during which, if necessary, conditions could be imposed. Director Heen also stated that one member of MKMB should be prepared to serve on the review committee.

Mr. Koehler provided a brief background and history of the storage tank. No leaks were discovered during a tightness test and, although all remaining diesel has been emptied from the tank, a vapor flammability risk appears low.

Mr. Yada asked if Mr. Koehler looked into whether a CDUA permit was required, a matter Mr. Yada specifically noted in his correspondence with the Oahu Office. Mr. Koehler stated he did not look into this matter.

Concern was expressed if funding would be in jeopardy if the project was not completed by June due to a potential lengthy review and project approval process. This is the first project presented to the Board and the review process could take longer than anticipated. The Board was reminded that once the President makes a decision regarding the project classification, OMKM/MKMB and the Chancellor have a 30-day review window. Mr. Koehler was not certain about the funding situation, but stated this project was part of another tank removal project at the Manoa Campus, and therefore, may be constrained by a June deadline.

C. Wekiu Mitigation Plan Project Status Classification

Dr. Robert McLaren reported receiving a draft assessment from the State Historic Preservation Division (SHPD). The draft essentially states it is a fundamentally good project but there is potential for adverse effects that can be mitigated if some precautions are written into the procedures. Four issues were mentioned:

1. Guarantee that the spreading of new cinder be restricted to previously disturbed areas except for a small, few inch margin area that will join up with existing undisturbed areas.
2. New cinder must match the color of existing cinder
3. SHPD agrees with having signs, but signs must be well done and not be an eyesore or objectionable. There needs to be careful control over the content, style and location of the signs.
4. Washing process of the cinder must not develop into or create an erosion or runoff problem.

SHPD recommended IfA provide an explanation of the need for Six E involvement, description of activity in the summit cinder cone complex (an historic property) and avoidance of impact on historic properties. SHPD also recommended explaining that the washing of cinder will occur away from the cinder cone complex, and although part of the historic district, will not impact the historic property. Dr. McLaren acknowledged affirmatively Dr. Kennedy's request for clarification regarding whether the washing process was to take place after the spreading of cinder and if so, the erosion issue would pertain to a remote location.

Dr. McLaren indicated IfA will revise the project description incorporating SHPD's recommendations and will resubmit the project description to SHPD for reconsideration. SHPD has indicated a Six E clearance would be given provided IfA can provide assurances that SHPD's issues and concerns are addressed. The entire process is expected to take 3-4 weeks. Dr. McLaren withdrew IfA's original proposal to the OMKM and indicated it will resubmit a revised proposal.

A concern was raised regarding the passing of the winter season, and it was understood the project required a winter season. Dr. McLaren indicated the project coordinators wanted to start this project before snow arrived (an important factor in the wekiu life cycle) and did not want to disturb snow-covered ground. The theory being the Wekiu relies on snow cover to capture its food that is blown up to the summit.

D. Laser Incident

Dr. McLaren commented on the laser incident. Potential impact on scientific activities is an important issue but one must also be aware of health and safety issues as well. If someone were outside at night on the mountain with pupils dark-adapted and fully dilated and happened to become illuminated by a laser, it could do permanent or serious damage to a person's eyes. This type of incident would have far more serious consequences than losing observing time.

Director Heen indicated this matter should be referred to the Public Safety committee.

V. ANNOUNCEMENTS

A. Dr. Rolf-Peter Kudritzki's Presentation on Dark Matter

Director Heen stated that staff and several members of the MKMB attended the January 5, 2001 presentation by Dr. Kudritzki on dark matter. Director Heen provided a short layman's interpretation of Dr. Kudritzki's talk.

B. Dedication of the IfA Building

Dr. McLaren mentioned a dedication ceremony of the IfA building is scheduled for February 23, 2001, 11:00 a.m., and invited members of MKMB, OMKM and Kahu Ku Mauna. He requested addresses for Board and Kahu Mauna Council members.

C. NASA Open House in February

Mr. Stevens mentioned that NASA will be hosting open houses on February 5, 2001, 1:00 p.m. to 7:00 p.m. at the University of Hawaii at Hilo's Campus Center, and on February 7, 2001, 1:00 p.m. to 6:00 p.m. at the old Kona Airport. Mr. Stevens wanted to know if anyone knew what the real purpose was behind the open houses.

Dr. McLaren stated a delegation from NASA headquarters is coming in early February to meet with consulting parties for Section 106 as well as to meet with the MKMB. The open houses are informal, informational displays for the general public describing the outrigger project as well as NASA's activities in general

D. Monthly Broadcast Featuring Perspectives on Hawaiian Culture

Chair Hoke stated he has been asked to participate in a monthly recurring TV program to present a cultural viewpoint of what's happening on Mauna Kea. Each week will feature a different topic on Hawaiian culture. Chair Hoke explained he will be representing himself and the focus of his discussion will be on cultural

perspectives rather than management views of the mountain. At this point, he asked what the status of the final version of the Master Plan was. Dr. McLaren stated that it was being printed. Chair Hoke warned that some people may find some of the discussions offensive, but he felt this may provide an impetus for getting things done. Mr. Haia cautioned Chair Hoke to make it make clear by stating beforehand a disclaimer that he was representing himself and not the Board.

The program will be filmed at Olelo on Oahu and aired on public access channels. He was seeking funding to broadcast it on additional stations and/or channels.

E. Presentation of the Master Plan to the Land Board

Mr. Yada stated if a Big Island Land Board Representative is selected by February, MKMB may want to request moving the February 23 Land Board (LB) meeting to Hilo to brief the LB on the Master Plan as well as attend the IfA dedication.

F. Future Meeting Time of MKMB

Future MKMB meetings will be 9:30 a.m. instead of 10:00 a.m.

VI. DATE OF NEXT MEETING

The next MKMB Meeting will be held on January 23, 2001 at 9:30 am.

VII. ADJOURNMENT

The meeting was adjourned by Chair Hoke at 10:43 am.

Respectfully submitted:

Signed by Barry K. Taniguchi

Barry K. Taniguchi, Secretary, MKMB

2/6/01

Date