



University of Hawai'i at Hilo

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Minutes

Regular Meeting

Mauna Kea Management Board
Tuesday, May 13, 2008

Kukahau'ula, Room 131
640 N. A'ohoku Place
Hilo, Hawai'i 96720

Attending

MKMB: Chair Barry Taniguchi, 1st Vice Chair Patricia Bergin, 2nd Vice Chair/Secretary Ron Terry, John Cross, Lisa Hadway, and Herring Kalua

Kahu Kū Mauna: Ed Stevens and Arthur Hoke

OMKM: Stephanie Nagata, Dawn Pamarang, and William Stormont

Others: Taft Armandroff, Doug Arnott, Kenyan Beals, Lois Carney, Gerald DeMello, Cory Harden, Masa Hayashi, Arthur Hoke, Jim Kennedy, Ron Koehler, Mike Maberry, Bob Masuda, Bruce Matsui, John Maute, Pablo McCloud, Cindy Nomura, Russ Oda, Stuart Putland, Helen Rogers, Rose Tseng, Ululani Sherlock, and Deborah Ward

I. CALL TO ORDER

On behalf of Chair Barry Taniguchi, First Vice Chair Patricia Bergin called the Mauna Kea Management Board (MKMB) meeting to order on May 13, 2008, at 10:10 a.m.

II. APPROVAL OF MINUTES

It was moved by John Cross and seconded by Lisa Hadway that the minutes of the April 8, 2008, meeting of the MKMB be accepted. The motion was carried unanimously.

III. ASSOCIATE DIRECTOR'S REPORT

A. Comprehensive Management Plan (CMP) Process

Consultation with community groups on the cultural resources management plan has begun. Another section of the natural resources management plan is due soon. Dawn Chang will give an update on the CMP process.

B. Commercial Operator Fees

As of the middle of April, we have collected \$219,000 in commercial fees and have reimbursed the Office and Mauna Kea Observatories Support Services (MKOSS) about \$214,000. The monies are used to help support: 1) the ranger program; 2) Visitor Information Station (VIS); and 3) road improvements.

C. Budget

The Office submitted its budget for the next three bienniums. A large part of our budget is contingent on the CMP. We are requesting about \$1 million in addition to our current allocation for a total budget of \$2 million for each fiscal year.

IV. COMMITTEE REPORTS

A. Kahu Kū Mauna Council

Ed Stevens reported the Council is not meeting this month due to conflicting schedules. Mr. Stevens gave an update on the Canada-France-Hawaii Telescope (CFHT) Ohana project which is measuring the distance between

CFHT and Gemini telescopes. CFHT has decided not to use Pu`u Poliahu as one of the sites for taking measurements.

Mr. Stevens stated the Council meets on the second Tuesday of each month. Currently they are focusing on the cultural management plan. They are also keeping abreast and informed about other matters such as Pan-STARRS.

V. OLD BUSINESS

A. Comprehensive Management Plan (CMP)

Dawn Chang reported that on April 11, 2008, she gave an informational presentation to the Land Board about the University's efforts to develop a CMP. Also present were Ron Terry and Stephanie Nagata. There was much discussion regarding the preparation of an Environmental Assessment (EA) which is listed in Exhibit 3 of the Department of Land and Natural Resources (DLNR) conservation district use administrative rules. OMKM and Ku'iwalu believes that the CMP is a pre-planning document. It does not propose a land use and, therefore, does not require an EA. Land Board members agreed it was a legal question that needed to be addressed by the Attorney General. It is anticipated that this issue will be resolved before the next presentation to the Land Board later this summer.

As part of community outreach efforts, Ku'iwalu launched a website for the CMP: www.MaunaKeaCMP.com. The website includes a fact sheet with general information on Mauna Kea, frequently asked questions, a photo gallery, public meeting updates, a link to OMKM's website, and a "tell us what you think."

Ku'iwalu continues with its small talk story sessions with individuals and groups. This will be an ongoing effort throughout the CMP process.

Ku'iwalu and OMKM have been participating in several public media venues:

- April 25 – Editorial Board with *Hawaii-Tribune Herald*
- April 28 – The Office of Hawaiian Affairs *Na Oiwi 'Oline* radio broadcast
- May 7 – Editorial Board with *West Hawaii Today*
- May 7 – HPR Lava 105 radio broadcast
- May 14 – Editorial Board with *Star Bulletin*

Ku'iwalu and OMKM public community meetings:

- May 6 – Waimea community center
- May 7 – Kealakehe Elementary School, Kona
- May 13 – Hilo High School

In addition to preparing the natural resources management plan, OMKM's consultant, Sustainable Resources Group Int'l, Inc. (SRGII) will assist in the preparation of the CMP.

CMP Schedule:

- Draft CMP over the next several months
- Land Board briefing in June or July
- Present draft CMP to public in September or October
- Present CMP to MKMB in November
- Seek Land Board approval of CMP in December

Discussion

They have been telling the public that regardless of whether there is or isn't new development, OMKM needs a CMP to manage uses and activities to preserve and protect the cultural and natural resources. In her small talk-story sessions she has received nothing - except for one very controversial meeting – but positive support for the development of a CMP.

She generally asks three very difficult questions at the public meetings. The first one is: Does the community support the idea of requiring everyone, astronomers and visitors, to participate in a cultural orientation or training? There is support for some kind of cultural training/orientation.

The second question is: Does the community support the coexistence and new development of science and culture on Mauna Kea? Some would like all the telescopes removed, others are willing to look at how there can be coexistence. The majority of people would like to see community benefits, in particular educational benefits, from telescope development.

The last question is: How would you propose that we manage access? We have been getting different viewpoints. Some do want a toll gate, and there might be room for discussion regarding charging people.

Mr. Kalua stated it was sad that people do not attend the meetings. Education is key and should include the environment and culture. A project's give back to the community and Hawaiians should be to the educational system, including preschools, charter schools, on up to college level. We are now trying to correct some of the mistakes. If people have concerns they have opportunities to speak out and their comments added to the plan.

Cory Harden asked about Judge Hara's ruling and did not understand why UH was doing the plan and not DLNR. She thought DLNR is supposed to develop the plan and the Board of DLNR is supposed to approve it, and that it cannot be delegated to anyone else, including UH.

Ms. Chang thought it might be subject to interpretation of Judge Hara's decision. Judge Hara's decision does not say that DLNR needs to prepare the management plan. It says the Land Board needs to approve it. She does not believe Judge Hara's decision stated who was to do the management plan, but many of DLNR's lands are managed either under lease or under executive order by another agency or another entity. It is generally understood that entity, not DLNR, is responsible for managing the land. DLNR does not have the resources to do management plans for all their lands. The DLNR rules only talk about an applicant, and generally, DLNR is not the applicant. It is whoever has management authority/jurisdiction over the land that does the plan.

Ron Terry stated he does a lot of work with DLNR permits. Based on his experience, he agreed with Ms. Chang. He has never seen any exception to that. Secondly, and perhaps more importantly, if we waited for DLNR to prepare a comprehensive management plan, we would not get one. So if you do not care if the resources are managed, then you can hold out for that argument. If you care, we have to be proactive.

Ms. Chang added are working closely with DLNR staff, Sam Lemmo, and Chairperson Laura Thielen. The purpose of the briefings to the BLNR is to make sure we are on track and keep them informed about the process.

B. Mauna Kea Observatories Support Services (MKOSS) Transfer

Associate Director Nagata reported Christian Veillet continues to discuss with observatory directors on the transfer. Legal counsel is currently reviewing the operating and site development agreements (OSDA) and subleases for legal issues concerning the transfer.

C. Natural Area Reserve (NAR) Memorandum of Understanding (MOU)

Director Stormont had no report and nothing further to add at this point regarding the matter.

D. Administrative Rules

Director Stormont had no report and nothing further to add at this point regarding the matter.

E. Future Vision for Mauna Kea – A Planning Guide

Chancellor Tseng agrees that a review of the Master Plan is due. However, before going to the Board of Regents (BOR) she wanted to discuss with the MKMB how best to proceed. The BOR does not get involved in these types of matters, they delegate to somebody. OMKM and MKMB are the managers of the mountain.

Chair Taniguchi suggested asking the BOR to delegate the review of the Master Plan to her. We should ask for it, state we want to do it, and appoint the chancellor to head the delegation. Dr. Terry felt this was a good approach. His concern is that the astronomy aspect of the Master Plan, which is a very important section, needs to be properly handled. He does not think our Board could handle designing the future of astronomy in terms of new telescopes and decommissioning. Somebody has to tell us what they would like to see regarding astronomical development or lack of it on the mountain. It would be great if this could be down under UHH's chancellor.

Mr. Stevens stated that revising the Master Plan is huge undertaking, but if we were to get funding to hire a consultant to do it for us, we could provide input. Chair Taniguchi stated a consultant would have to be retained. The key is who directs the consultant. The original Master Plan was under the direction of the Institute for Astronomy's (IfA). That cannot happen again. It would be better to have UH Hilo manage the process of reviewing and revising the Master Plan. The BOR should be made aware that the plan is outdated and needs to be updated, delegate it to OMKM and MKMB, and fund it.

Action

It was moved by Ron Terry and seconded by Herring Kalua recommending that Chancellor Tseng inform the Board of Regents of the need to review and update the Master Plan. If the Board of Regents is in agreement, the task of leading the process should be delegated to UH Hilo Chancellor, and allocate appropriate funding for the process. The motion was carried unanimously.

VI. NEW BUSINESS

A. Caltech Submillimeter Observatory's (CSO) Request to Add a Temperature Sensor Solar Radiation Shield to Existing Mast Supporting Anemometer

CSO is proposing to install a temperature sensor solar radiation shield onto a mast that is attached to the welding shed on the summit. This mast currently supports an anemometer and wind vane.

Purpose is to:

1. Protect the air temperature sensor from heating or cooling from radiative heat transfer.
2. Improve the quality of weather data which is posted on the CSO web site and is accessible by other observatories and the public.
3. Improve the quality of data needed to characterize the subtle effects of temperature variations on the CSO primary mirror.
4. Improve the quality of data needed to accurately compensate for atmospheric effects on astronomical data.

Kahu Kū Mauna Council

Kahu Kū Mauna Council reviewed the proposal and has no major concerns with this request.

DLNR Permit

Pursuant to Hawai'i Administrative Rules HAR §13-5-22 "construction or placement of structures accessory to existing facilities as identified in the exempt classes established in §11-200-8" do not require a permit from DLNR. The "construction or placement of minor structures accessory to existing facilities" is an exempt activity under HAR §11-200-8.

Recommendation

OMKM recommends classifying this project MINIMAL IMPACT and allowing the applicant to proceed. Recommendation is based on the following:

- The proposed activity does not significantly alter the exterior appearance or structure of an existing facility.
- No excavation is involved.
- The impact to the immediate surroundings and summit region is minor.

Action

It was moved by John Cross and seconded by Herring Kalua to accept OMKM's recommendation to classify this project Minimal Impact and approve it with conditions. The motion was carried unanimously.

VII. ANNOUNCEMENTS

A. Thirty-Meter Telescope (TMT)

Chancellor Rose Tseng reported that Dr. Henry Yang, Chair of the Thirty-Meter Telescope project, approached her earlier this year expressing interest in Mauna Kea as a potential alternate site for the TMT. Dr. Yang understands and recognizes that UH Hilo's OMKM, MKMB, and Kahu Kū Mauna Council are the stewards of Mauna Kea. He is asking for guidance. Dr. Yang recognizes the cultural and environmental significance of Mauna Kea to the community, particularly to Native Hawaiians. He has a deep respect for Native Hawaiian history, culture and traditions, and during any process they engage in Hawai'i they are committed to community consultation and outreach.

Chancellor Tseng has spoken to President McClain, who recognizes UH Hilo's stewardship role, and strongly feels that she should rightfully be the point of contact for the TMT. In this capacity, Chancellor Tseng wished to formally inform the Board that the TMT board is considering Mauna Kea as one of two potential sites.

The TMT is planning to do an environmental impact statement (EIS). They feel it would be a good thing to know and keep the public informed about the potential impacts the TMT might have on Mauna Kea before they make a decision on a site. Before they launch their EIS process, they are seeking our advice on how to proceed. Dr. Yang wishes to work closely with UH Hilo to engage the Big Island community in assessing potential impacts and benefits.

Discussion

Dr. Terry commented it is a little out of order in our project review process. Normally the applicant will first comes to us with their project followed by discussion, determining the need for a design review and an EIS. This project, if it were to move forward, obviously will need to prepare an EIS and the sooner they start it, the better. He suggests that they look at our project review form, study it, and figure out how they are going to fit in there. They need to begin their studies right away and he does not have any problem with that.

Chair Taniguchi thanked Chancellor Tseng for informing the Board. There has been a lot of talk and speculation about this project. We are pleased that they recognize that the local body here, not Oahu, controls and manages the mountain and that he did the right thing by approaching and informing us of their intentions. Regardless of whether they end up selecting Mauna Kea or Chile, we will gain a lot of information through the EIS process. We understand that the final decision has not been made but they are still in their investigatory process. The EIS for the Chile site is completed and they are now in the process of looking at Mauna Kea. We are not saying that if they decide on Hawai'i, we are going to automatically approve it. We need to look at the results of the EIS. Should they decide that this is their prime choice, the still need to go through other required steps.

Dr. Terry stated we should consider this in the context of all development on the mountain. The cumulative impact of this is the most important thing right now. The discussion on the Future Vision of Mauna Kea is relevant because this is a new project that needs to be considered in the whole, not as an isolated piece.

Chair Taniguchi added we should recognize that we are in the middle of the CMP process, and we look forward to its successful completion. He believes that the EIS can help supplement this process. He emphasized no decision has been made on Mauna Kea as the site and no decision made to approve the project, but at least the steps are going in the right direction. MKMB will consider all factors in making its decision.

B. Canada-France-Hawaii Telescope (CFHT) Ohana Project

Mr. Stevens announced that CFHT will resume activities for the completion of the conduit installation beginning this week and that he will be checking into it.

VIII. NEXT MEETING

The next meeting of the Mauna Kea Management Board is scheduled for Thursday, July 24, 2008.

IX. EXECUTIVE SESSION

Chair Taniguchi asked for a motion to move into executive session to 1) approve the minutes of the last executive session held on May 8, 2008; 2) discuss with the Board's attorney regarding questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities; 3) discuss the bylaws; and 4) discuss the evaluation of executive personnel (for Board members only).

It was moved by Ron Terry and seconded by Herring Kalua to enter into Executive Session.

X. ADJOURNMENT

There being no further business, Chair Taniguchi adjourned the meeting at 12:45 p.m.

Respectfully submitted:



Dr. Ron Terry, Secretary, MKMB



Date