



University of Hawai'i at Hilo

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**Minutes  
Regular Meeting**

Mauna Kea Management Board  
Friday, March 20, 2009

University of Hawaii at Hilo  
University Classroom Building Room 127  
200 W. Kawili Street  
Hilo, Hawaii 96720

**Attending**

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

**Kahu Kū Mauna:** Arthur Hoke and Ed Stevens

**OMKM:** Stephanie Nagata and Dawn Pamarang

**Others:** Hawe, Lehua Waipa Ah Nee, Jason Armstrong, Thomas Anthony, Ellen Aoki, Al Beeman, Mary Begier, Larry Black, Forest Bremer, T. Carlson, Dawn Chang, Keonipaa Choy, Robert Christenson, Roberta Chu, Luella Crutcher, Sandra Dawson, David DeLuz Jr., Hanalei Fergerstrom, Robert Fox, Suzanne Frayser, T. Ilihia Gionson, Mike Gleason, Barbara Hastings, Masa Hayashi, Keali Ho, Nelson Ho, Russell Ho, Arthur Hoke, John Holley, Jacqui Hoover, Keith Hughes, Wallace Ishibashi, Luana Jones, Patrick Kahawaiola'a., Malcolm Kahili, Mike Kaleikini, Jim Kennedy, Ka`iu Kimura, Ron Koehler, Barbara Kozuma, Pete Lindsey, George Martin, Mike Middlesworth, Mark Miranda, Barry Mizuno, Dwayne Mukai, Kihei Soli Niheu, Cindy Nomura, Russ Oda, John Ota, Mildred Paltin, Stuart Putland, Helen Rogers, Judi Steinman, Bill Stormont, Hideki Takami, Nimr Tamimi, Mark Travalino, Deborah Ward, Bob Williams, and Dwayne Yoshina

**I. CALL TO ORDER**

Chair Taniguchi called the meeting of the Mauna Kea Management Board (MKMB) to order at 9:05 a.m.

**II. APPROVAL OF MINUTES**

Upon motion by Ron Terry and seconded by Patricia Bergin the minutes of the February 5, 2009 meeting of the MKMB were unanimously approved.

**III. INTERIM DIRECTOR'S REPORT**

Since the last meeting in February, the Office has been working on reviewing and developing responses to the comments on the draft environmental assessment and on legislative matters.

Interim Director Nagata reported that HB 1174 HD 3 successfully passed the House and has crossed over to the Senate. There will be a joint committee hearing on Monday, March 23, with the Committees on Higher Education and Water, Land, Agriculture, and Hawaiian Affairs.

HB 1174 is a request by the University to attain rule making authority from the legislature. It is important for this Office to have these rules to manage public and commercial activities on the mountain. This Bill is not about taking

lands out of the public trust and is not a delegation of the Department of Land and Natural Resources' (DLNR) responsibilities.

**IV. KAHU KŪ MAUNA COUNCIL (KKMC)**

Ed Stevens recognized Arthur Hoke who was also present at this meeting today. The Council met three times in February. The third meeting concentrated on the details of the Comprehensive Management Plan (CMP). They had no problems with the CMP, but would like a carrying capacity study of the mountain. We are adding that in our comment letter as a consideration. The Council also reviewed the draft environmental assessment, and after reviewing the CMP in detail, we have no further comment and no problem with the Finding of No Significant Impact.

**V. OLD BUSINESS**

**A. Update on the Comprehensive Management Plan (CMP) for Mauna Kea**

Dawn Chang gave an update and review of the development of the CMP, which she hopes will be her final report on the CMP.

**B. Update on Environmental Assessment**

Interim Director Nagata provided some background on the Draft Environmental Assessment. Back in October, 2008, the Board of Land and Natural Resources (BLNR) advised the University to do an environmental assessment (EA) for the CMP. The University concurred with BLNR's recommendation and President McClain designated the University of Hawaii at Hilo and the Office of Mauna Kea Management to prepare this document. The EA and CMP worked together in close coordination with Ku`iwalu.

The EA was published in the State Office of Environmental Quality Control's *The Environmental Notice* on February 8, 2009. This began the 30-day comment period which closed on March 10, 2009. As of March 13, 38 letters and comments were received. They fall into 3 categories: supportive (21 received), no comments or minor comments (11) and extensive comments (6).

Because the Office is participating in responses to comments, we will not be addressing comments today due to potential litigation. We will, however, discuss comments in the executive session.

**C. Public Comment Period**

Twenty (20) people provided oral and/or written testimony in support of the CMP: Pete Lindsey, Laborers' Union Local 368; Barbara Hastings, Hawaii Island Chamber of Commerce; Mike Kaleikini, Puna Geothermal Venture; Wallace Ishibashi, International Longshore & Warehouse Union Local 142; Mary Begier, Realtor; David DeLuz, Jr., Big Island Toyota; Nimr Tamimi, Kanoelehua Industrial Area Assn, Inc.; Arthur Hoke; Barry Mizuno; Roberta Chu; Judi Steinman, Hawaii Island Chamber of Commerce; Jacqui Hoover; Bob Williams, Prudential Orchid Isle Properties; Kyle Chock, The Pacific Resource Partnership; Eugene Nishimura, Japanese Chamber of Commerce & Industry of Hawaii; Barbara Kozuma; Lyle Phillips; Mike Gleason, The Arc of Hilo; Harry Yada, and Jere Usui.

Eleven (11) people provided oral and/or written testimony in opposition of the CMP: T. Carlson, Kanaka Council; Deborah Ward; Thomas Anthony; Keonipaa Choy; Nelson Ho, Sierra Club; Hanalei Fergerstrom, Temple of Lono; Luana Jones; Hawe; Manu Ku Hawai'i; Kihei Soli Niheu; and John Ota.

One person provided comments encouraging the younger generation to step up and participate in the process: Lehua Waipa AhNee

**D. Executive Session (closed to the public)**

Ron Terry moved and Herring Kalua seconded the motion to go into executive session to 1) approve the minutes of the last executive session held on February 5, 2009; and 2) pursuant to HRS §92-5(a)(4) to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to the Comprehensive Management Plan. Upon unanimous approval, executive session commenced at 11:30 a.m. and ended at 12:10 p.m.

The Board reconvened the public session at 12:20 p.m.

**E. Action Item: Comprehensive Management Plan**

Chair Taniguchi explained that the Office of Mauna Kea Management (OMKM) is part of UH Hilo which reports to its Chancellor. The Mauna Kea Management Board (MKMB) is a 7-member board representing different disciplines that are advisory to the Chancellor and the Office. Kahu Kū Mauna Council is also an advisory board of 9 members who advise the MKMB, OMKM, and the UH Hilo Chancellor.

It is not within this Board's purview to adopt or approve the CMP. The CMP is a system document as explained earlier. Our role today is to make a recommendation to the Office and UH Hilo Chancellor who will then pass the recommendation to the UH president. This Board believes the Land Board will evaluate and seriously consider the MKMB's recommendation and therefore, we believe our recommendation will carry some weight.

For purposes of discussion, Dr. Terry moved to recommend the approval of the CMP ultimately to the BLNR with conditions that would be described during the discussion. Herring Kalua seconded the motion.

Discussion

Christian Veillet felt that the Board can advise the UH to commit to providing funding and resources for the plan. The OMKM tries to do a good job but he feels it does not receive support from the UH. More resources would be helpful to make things better. We should encourage the UH have a commitment in writing.

Dr. Terry commented he agreed with a lot of the comments made today, even some of which were negative. He stated that the Office has been developing a Natural Resources Management Plan and a Cultural Resources Management Plan completely independent of Judge Hara's decision. Much of the factual information and many of the management recommendations come from these two plans. The CMP is an over arching vision. He does not object to it and agrees with almost everything in the CMP. Getting it to be the official policy of the DLNR will help us, as a group, manage the resources better. We will have a stamp of approval on these basic management options and will allow us to continue to go forward. For that reason Dr. Terry supported it. Although he agrees that it is not a perfect plan, it was meant to be a start.

Another comment made by Dr. Terry was in regards to development of additional observatories on the mountain and the connection between the CMP and future development. He does not care if there is another telescope on the mountain. We still have huge resource management challenges on Mauna Kea that has nothing to do with future observatory development. Should some telescopes be decommissioned? Absolutely. Do we have conflicts with what some people perceive are cultural practitioner's rights? There are disagreements. We need a management structure to deal with those issues.

Lisa Hadway informed everyone that the decision-making body to adopt or not adopt the CMP is the BLNR. That meeting will be heard in Hilo on April 8 & 9. All of those who testified today were encouraged to show up at that meeting as well. The comment period for the EA process has closed. Comments received will be published as part of the final EA. She asked Dawn Chang if the comments received on the CMP will be made public to the BLNR. Ms. Chang replied they will be. Many have actually gone to DLNR and she is trying to provide DLNR with responses to the comments before the Land Board meeting.

Herring Kalua thanked everyone for coming and appreciated the comments made. He has seen three generations here talking about how complicated things are. We need to evaluate ourselves and see what we can do for the next generation.

John Cross stated it is the Office's job to implement the CMP. They need the tools to do it.

Patricia Bergin commented that although this plan is not perfect and we all agree it could be improved upon it is a beginning and it will give OMKM some clout to manage the Mauna Kea area. If we can go ahead and make sure the conditions we feel are necessary to be improved upon in the plan, than she can live with it. There has to be some improvements in it. She respects the cultural practices. Please understand where we are coming from as a board. We are an advisory board.

Dr. Terry proposed that the University make a firm commitment to provide proper funding and staffing to fulfill the objectives of the management plan to the BLNR. Chair Taniguchi added "authority" to the condition.

Action

The original motion was amended to read: the Mauna Kea Management Board recommends to the chancellor of UH Hilo that the CMP be approved by the BLNR with the condition that the University of Hawaii make a firm commitment to the BLNR to provide proper funding, staffing and authority to fulfill the objectives of the CMP. The motion was carried by a 6 to 1 vote. The dissenting vote was cast by Lisa Hadway.

Ms. Hadway recognized that a management plan is very important, but she felt that this plan needed more work.

**F. Action Item: Environmental Assessment for the Comprehensive Management Plan**

Upon advice of legal counsel no action was taken on this matter because it was not within the purview of the MKMB to make a recommendation.

**VI. ANNOUNCEMENTS**

Hanalei Fergstrom stated it would make it much easier for him to be on board with this CMP if we included the word religion in addition to culture. He felt that religion preceded culture, and that culture does not exist without the religious contact. There is no legal protection for culture; but there is for religion.

**VII. ADJOURNMENT**

There being no further business, Chair Taniguchi adjourned the meeting at 1:00 p.m.

Respectfully submitted:

Signed by Ron Terry  
Dr. Ron Terry, Secretary, MKMB

May 8, 2009  
Date