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## Minutes Regular Meeting

Mauna Kea Management Board  
Friday, August 28, 2009

Kukahau`ula, Room 131  
640 N. A'ohoku Place  
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
- BOR:** Dennis Hirota and Eric Martinson
- Kahu Kū Mauna:** Arthur Hoke
- OMKM:** Stephanie Nagata and Dawn Pamarang
- Others:** Debbie Chang, R. Christensen, Sandra Dawson, Gerald De Mello, Jesse Eiben, Paul Gillett, Cory Harden, Saeko Hayashi, Nelson Ho, Jim Kennedy, Mike Maberry, Cindy Nomura, Stuart Putland, Bill Stormont, Rose Tseng, Deborah Ward, and Harry Yada

### I. CALL TO ORDER

Chair Taniguchi called the meeting of the Mauna Kea Management Board (MKMB) to order at 10:00 a.m.

### II. APPROVAL OF MINUTES

Upon motion by Patricia Bergin and seconded by Herring Kalua the minutes of the July 21, 2009 meeting of the MKMB were unanimously approved.

### III. INTERIM DIRECTOR'S REPORT

#### A. Caltech Submillimeter Observatory (CSO) Hydraulic Leak Follow Up

On July 9<sup>th</sup>, CSO removed about 60 cubic feet of soil. Tests of the soil indicated the level of contamination was five times below Department of Health's standard.

#### B. Mauna Kea Rangers

One of our rangers will be resigning in mid October and is moving to Canada. Another ranger is taking family leave from mid September thru December 2009. Recruitment has been initiated and the deadline to apply is September 11, 2009.

#### C. Submillimeter Array (SMA) Incident

On July 28<sup>th</sup> the Rangers reported an incident between an SMA employee and Nelson Ho. According to the report and subsequent follow up, SMA placed a barrier across the road that leads to the Thirty-Meter Telescope (TMT) site. The barrier was used to temporarily close the road for antennae reconfiguration. Apparently, Mr. Ho drove off the road around the barrier. There was an angry exchange of words between the SMA employee and Mr. Ho. Our rangers appeared at the scene and diffused the situation by explaining the safety issues during periods when SMA reconfigures their array.

Mr. Ho mentioned to the rangers that his visit was related to a law suit that will be filed on behalf of the Sierra Club and that he plans on returning in the next few weeks with media.

R. Christensen, from SMA, explained they close the road when they are reconfiguring their array. One move usually takes about an hour, hour and a half. The schedule for reconfiguring the antennae varies and can range from once a month to bi-weekly, depending on the science need.

Mr. Ho clarified the SMA employee asked what his purpose was for being there and explained that he wanted to review what was going on with the 30-meter telescope site. He told the rangers that if they proceeded to remove him or attempted to call the police or DLNR, what authority did they have to remove him? He would contest his removal. He had no intention of doing that at this time, either to OMKM or SMA. He felt that that the sublessees and rangers needed better orientation.

Mr. Christensen stated that SMA reviewed their procedures with all of their employees so they have a better understanding of what to do in the future.

#### **IV. KAHU KŪ MAUNA COUNCIL (KKMC)**

Arthur Hoke had no report for the Council.

#### **V. OLD BUSINESS**

##### **A. Comprehensive Management Plan (CMP) Sub Plans**

##### Cultural Resources Management Plan (CRMP) and the Natural Resources Management Plan (NRMP)

Open Houses on the draft Cultural Resources Management Plan and the Natural Resources Management Plan have been scheduled for September 1<sup>st</sup> at W.M. Keck Observatory in Waimea, September 2<sup>nd</sup> at the King Kamehameha Beach Hotel in Kona, and September 3<sup>rd</sup> at the 'Imiloa Astronomy Center in Hilo. These are not public meetings where oral testimony will be given. If an individual wants to provide oral comments, there will be someone available to record their comments. Open Houses will be held from 4:30 to 7:30 p.m.

The Office staff will be there along with consultants from Sustainable Resources Group Int'l, Inc., who prepared the Natural Resource Management Plan; and Dr. Pat McCoy from Pacific Consulting Services, Inc., who is the principal author of the Cultural Resources Management Plan.

Copies of both drafts have been distributed to the State libraries and are also available for viewing at the Department of Land and Natural Resources (DLNR) web site, as well as OMKM's web site. Public comments are welcomed.

##### Decommissioning Plan

The primary purpose of the Decommissioning Plan is to describe the process for decommissioning, agencies' roles and responsibilities. The plan will also address requirements of existing subleases, site restoration process and funding plan. It will also include a discussion to reassure the public that there will not be unlimited development on the summit. The schedule is to have a draft of this plan presented to this Board for review in October, or November. From there it will follow the process for approval by the MKMB, and review and approval by the Board of Regents followed by the Board of Land and Natural Resources (BLNR).

##### Public Access Plan

The purpose of this plan is to provide guidelines and policies for addressing access on Mauna Kea and serve as a guideline for developing administrative rules. A major aspect in developing this plan is information gathering.

Consultant Debbie Chang reported they interviewed over 50 people that have a stake in the results of this plan, people who care about how public access will be managed on the mountain. They interviewed current and former rangers, as well as supervisors of operations with the Mauna Kea Support Services, the Visitor Information Station, and road maintenance people. These are people with first-hand knowledge about activities that have occurred over the years. They are still in the process of interviewing State land managers, Native Hawaiians, cultural practitioners, astronomers, commercial tour operators, archaeologists, hunters, and "snow-players". They also interviewed people with enforcement backgrounds and staff at Hawaii Volcanoes National Park.

Two roundtable meetings are planned for September in Waimea and Hilo. Twelve to fifteen people are being invited to these discussion groups. They are integrating information from their research, data analysis, existing plans, and agreements with the University with the information they gathered from their interviews. They plan to develop alternative management scenarios for discussion at the roundtable meetings and to discuss some of the more thought-provoking issues.

We plan to hold open houses for the public sometime in October or November. They plan to have a draft to this Board in November for approval in December.

Eric Martinson asked if they are getting full cooperation from the various stakeholder groups or are there any challenges with any of these constituencies? Ms. Chang responded that for the most part people are eager to meet and are very pleased for the opportunity to participate. We have had some people decline, and these are primarily the ones that have filed for a contested case hearing. Chair Taniguchi commented it is important to reach out to them so that they do not come back later and say they were not given the opportunity to participate. Ms. Chang replied they have been contacting them, mostly by phone, and so far they have declined. A few have agreed to talk by phone briefly, but they do not want to be named as having been interviewed. They are speaking carefully and as individuals. Chair Taniguchi suggested sending letters to document contacting them.

Interim Director Nagata added the Land Board is addressing the issue of the contested case related to the Comprehensive Management Plan (CMP.) It is on their agenda today. DLNR staff recommendation was to deny a contested case hearing.

#### **B. Pu‘u Poliahu Jeep Road Removal and Slope Restoration Project**

In 1964 an unpaved road was created on Pu‘u Poliahu to provide access to a 12.5" testing telescope. The site-testing telescope was subsequently removed but the road remained. In 2001 OMKM closed the road to vehicular traffic at the request of Kahu Kū Manu and in reverence to Poliahu. Mike Maberry of the Institute for Astronomy (IfA) has available funding and offered to remove the road and restore it as much as possible to its natural grade.

Since the last meeting, IfA hired a company to do a grading survey of the proposed area. Two grading maps were prepared - one showing contours that exist today and the other one with the restored grade. IfA is proposing to remove and restore the grade beginning near the summit adjacent to the second turnout and end near the base of Poliahu. The total affected area would be less than an acre, thus it would not require a National Pollutant Discharge Elimination System (NPDES) permit. DLNR also requested the submittal of a grading plan for their review. This project would require at least a Site Plan approval.

Jesse Eiben who has been studying the wekiu bug for the past four years surveyed Poliahu on August 14th, 15th, and 16th. He did not find any bugs, but that does not mean that the bugs do not occur on the pu‘u. Mr. Eiben feels it may be weather related, because there were heavy rains on the mountain at that time, or the time of the year when bugs are not active. Mr. Eiben felt that the road and the soil below the road are not good bug habitat because it is silty and ashy and not the right depth. Soil conditions where bugs are generally found are about 8+ inches of cindery soil. Mr. Eiben felt that this project would be neither detrimental nor beneficial to the bug.

Ron Terry asked if this was an opportunity to study wekiu bug habitat restoration. Mr. Eiben thought there could be. There was an earlier proposal to create bug habitat but it has not been tried or studied. Projects like this provide an opportunity to try to create habitat in an area that is already going to be disturbed for some other project. He felt it would be a good thing to try. Dr Terry asked Arthur Hoke if a small area for restoration could be considered. Mr. Hoke stated the Council would need to consider access to the study area and whether it would create a visible trail. As long as it didn't create a trail he did not think Kahu Kū Manu would be against it.

Mr. Maberry described the process. Material would be pulled up and feathered in to fill and get the grade. The maximum reach of the equipment is 20'. Some handwork would be needed following the work of the heavy equipment.

Christian Veillet suggested doing some restoration work at the summit since the equipment will be there and also because once the road is removed there would be no way to go back and restore the summit. Mr. Maberry stated there is a concern that the area on the summit is too small and there may be safety issues in moving the equipment at the summit.

Lisa Hadway asked if a contractor has been selected. She was curious if there are experienced contractors on the island doing this kind of work. Mr. Maberry replied they have not selected a contractor yet. He indicated he will be there personally overseeing the operations and will work very closely with Kahu Kū Manu throughout the project.

Interim Director reported Linda Johnsrud, on behalf of the President concurred in classifying this as a Minor Project. She also stated that according to HAR §11-200-8 this project falls within the category of classes of action that are exempt from preparing an environmental assessment

#### OMKM Recommendation

OMKM suggests that this Board recommend a conditional approval of this project, pending approval and receipt of a permit from DLNR. We believe that this project which is not a construction project is one that will be restoring a previously disturbed area to a natural state. It will not have a significant impact on wekiu bugs and their habitat. It is an affirmation that Pu`u Poliahu is a Hawaiian sacred site and it will not significantly impact the surrounding environment.

If this project is approved, OMKM recommends the following conditions:

1. Submit copies of correspondence between the applicant and DLNR
2. If a DLNR permit is issued submit a copy to OMKM
3. If applicable, comply with conditions of the DLNR Permit.
4. Notify OMKM when it will commence summit construction activities.
5. Allow OMKM rangers to visit and monitor installation activities.
6. Notify OMKM upon completion of the project.

#### Action

It was moved by Ron Terry and seconded by Herring Kalua to accept OMKM's recommendation of a conditional approval pending receipt of a permit from DLNR, and with the conditions listed above. The motion was carried unanimously.

### **C. Thirty-Meter Telescope**

The TMT completed the schematic design phase of the project review process. As a reminder the Board is not being asked to approve the schematic design, but it is responsible for reviewing it. If you are comfortable with the review and the schematic design, then TMT can proceed to the design development phase.

Interim Director Nagata described TMT's design elements in relation to the Master Plan design guidelines.

#### Discussions

Dennis Hirota asked if the lava that is being proposed as part of the design in some of the structures is natural or synthetic, e.g. composite colored concrete. He did not think that a lava veneer would help reduce the visible areas. Paul Gillette, a member of the TMT team, explained the site is weathered pahoehoe lava flow. Their intention is that as excavation progresses in creating the building platforms, they would use the stones that are there to create the veneer which would have the same color as the surrounding area. Regent Hirota thought it might be an expensive proposition, but if they could do it, it would be a good thing.

Ms. Hadway noted the 2000 Master Plan says reflective materials are to be avoided but the choice here is a reflective material. Interim Director Nagata replied at the time the Master Plan was written, it was believed that metallic domes would be more visible. In TMT's case, a metallic dome tends to blend in better with the surroundings compared to a white or brown colored dome. If there is snow on the ground, a white dome would not stick out very much. But most of the year there is no snow on the ground and white would stick out considerably. If it were brown it appears like a lump on the landscape.

Dr. Terry mentioned the presentation did not state how tall this facility is. Mr. Gillette replied the height is 186'.

Cory Harden wondered if at the most efficient design, how many homes could be powered by the energy used by TMT. Mr. Gillette stated they have not calculated that number. We are still determining how much we believe our average power will be. There is a number of about 2.5 megawatts, but that is the connected load. What we

anticipate is around 1,200 kilowatts or even less as a day-in day-out usage. Sandra Dawson stated they are making an effort to figure out ways to reduce energy and use renewables, search for state of the art and potential future mechanisms, and ways to make it as green as possible.

Dr. Veillet asked if the access road would be open to the public, if there is enough space for parking and turn around areas. Mr. Gillette stated they are trying to keep the footprint as small as possible. There are three parking areas shown in the renderings, but there is more space that can be used for parking. There will also be visitor parking in front of the visitor gallery.

Ms. Hadway stated the Master Plan requires consideration for the facilities at Hale Pohaku. In the environmental impact statement (EIS) there was discussion of facilities at Hale Pohaku but it is not discussed here. Interim Director Nagata replied it is not yet known what the Hale Pohaku facilities are going to be. Ms. Dawson added there is ongoing discussion about the facilities at Hale Pohaku. Nelson Ho stated the Sierra Club has always been concerned about impacts at Hale Pohaku. There are cultural sites there, and the mamane-naio forest is on the edge of Hale Pohaku.

There was discussion about the TMT access road options. Option 1 goes through and around some of the SMA pads. The part of the road that goes through the SMA array exists, but the part that goes around the pads would need to be created. Option 2 requires creating part of the road until it connects with the SMA road. Both Option 1 and 2 have access issues for SMA. Option 3 is an existing road and is located higher up on the base of the pu'u but it would require putting in a retaining wall. Of the three options, Option 2 is the preferred route. Chair Taniguchi suggested restoring the existing (Option 3) road to a natural state as a mitigation measure for using Option 2.

Jesse Eiben mentioned that Option 2 and 3 would impact wekiu bug habitat. He suggested it would be better to do a trial run for any type of bug mitigation. Dr. Terry thought it was important to stress that it would be experimental. We do not know if it is going to work. According to Mr. Eiben bugs have inhabited both sides of the Option 3 road, so that is good news. Maybe there is some indication that habitat mitigation will work, but we do not really know how effective it will be.

Chair Taniguchi reminded everyone this presentation is information only. No action. A couple of things came up that TMT needs to do – 1) the need to do something with Hale Pohaku, and 2) to consider removing the Option 2 road and restoring the land.

Interim Director Nagata stated if the Board is comfortable with the schematic design, TMT will move on to the next phase, design development. We have not started the design review process for Hale Pohaku. They have already gone through the pre-design phase which is a general overview for project designing. TMT can start their schematic design once they decide what they plan to at Hale Pohaku.

It was the general consensus of the Board for TMT to proceed with their design development phase.

## **VI. NEW BUSINESS**

### **Smithsonian Submillimeter Array's Proposal to Construct Concrete Sidewalks at its summit facility**

SMA submitted a proposal to construct concrete sidewalks and a slab around their support building. Kahu Kū Mauna reviewed the proposal and had concerns about requests being submitted in a piecemeal fashion. They felt that some of the requests that were submitted by the facilities should have been taken into consideration when the facilities were designed. Developers should have been aware of summit conditions and considered them in the design. Kahu Kū Mauna feels that all observatories submit a proposal or plan outlining their needs based on a thorough evaluation of their operations. They prefer a holistic approach. It is requested that SMA resubmit a proposal based on their analysis of their operational needs and summit activities. OMKM recommends deferring SMA's request

Dr. Terry asked how many times the SMA come forward in the last five years. Are we asking them something that's reasonable? Interim Director Nagata replied the SMA submitted several requests for modifications to their summit facility.

Kahu Kū Manu agrees that there will be some things that may not have been known or available at the time a project was designed such as new technology which would enhance operations. Kahu Kū Mauna felt these types of requests

are not unreasonable. Dr. Terry added it would certainly be easier for the applicants if they do not have to continually come to us and ask for a series of small things. If they ask all at once, it might make the process easier for everyone.

Action

It was moved by Lisa Hadway and seconded by Christian Veillet to accept OMKM's recommendation that SMA conduct a due diligence of their summit activities and operations and the potential need for modifications to their summit facilities; resubmit a plan describing their needs and purpose for modifying their facilities and a description of the modification(s). The motion was carried unanimously.

Mr. Cross added he would like to see a pro and con of why they want this installed now, what are the benefits, and if they do not have it, how does it affect their operations. Board members were all in favor with no one opposing.

**VII. ANNOUNCEMENTS**

Ms. Hadway commented it is becoming apparent that SMA is going to have to warn everybody when they are closing the road. Interim Director Nagata stated as a result of that incident with SMA, she has asked SMA to let the Office and the rangers know when they are closing the road so that they can at least inform visitors that it is closed and not to go out there.

Mr. Ho introduced himself saying he was the person that was involved in the SMA incident. He went out there to look at the 13 North site. He made a calculated determination that he could transit the SMA area because the transporter was down next to the building. There was nobody out there for at least 30 minutes while he was observing from the summit. He stated he was accosted by an SMA employee who refused to give his name after repeatedly asking him for it. He was not only challenging me, he was ordering me off the mountain. Mr. Ho responded that the SMA individual did not have the authority. Rangers were called. According to Mr. Ho the first ranger told Mr. Ho to leave. Mr. Ho told the ranger he did not have the authority to remove him from the mountain or from the roadway. Then the second ranger showed up and informed both the first ranger and the SMA staff that "Mr. Ho is correct and we can only try to calm down the situation and get to the issue."

Ms. Harden requested that in the future if there are similar incidents, OMKM may want to invite the parties to personally attend the next MKMB meeting in order to get an accurate picture of incident and save time and effort.

**VIII. NEXT MEETING**

The next meeting of the Mauna Kea Management Board is scheduled for Tuesday, September 22, 2009.

**IX. ADJOURNMENT**

There being no further business, Chair Taniguchi adjourned the meeting at 11:50 a.m.

Respectfully submitted:

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

10/14/09  
Date