



University of Hawai'i at Hilo

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**Minutes
Regular Meeting**

Mauna Kea Management Board
Tuesday, January 19, 2010

Kukahau`ula, Room 131
640 N. A'ohoku Place
Hilo, Hawaii 96720

Attending

- MKMB:** Chair Barry Taniguchi, 1st Vice Chair Patricia Bergin, 2nd Vice Chair/Secretary Ron Terry, John Cross, Herring Kalua, and Christian Veillet
- BOR:** Eric Martinson
- Kahu Kū Mauna:** Ed Stevens
- OMKM:** Stephanie Nagata and Dawn Pamarang
- Others:** Debbie Chang, Sandra Dawson, Kristin Duin, Linda Fisher, Suzanne Frayser, Cory Harden, Jim Kennedy, Ron Koehler, Tim Lui-Kwan, Bob McLaren, Jeff Melrose, George Nystrom, Helen Rogers, Ian Sandison, Rose Tseng, Debbie Ward, and Harry Yada

I. CALL TO ORDER

Chair Taniguchi called the meeting of the Mauna Kea Management Board (MKMB) to order at 10:05 a.m.

II. APPROVAL OF MINUTES

Upon motion by Ron Terry and seconded by Christian Veillet the minutes of the November 17, 2009 meeting of the MKMB were unanimously approved.

III. INTERIM DIRECTOR'S REPORT

A. Pan-STARRS Update

The Institute for Astronomy reported the Pan-STARRS 4 project for Mauna Kea is on hold for about 12 to 18 months. They are concentrating their efforts on Pan-STARRS 1 and 2 on Maui. When that is completed and operational they will turn their focus on the Mauna Kea project. The environmental impact statement is also on hold.

B. New Ranger

Scottie Paiva has been hired as the newest member of the ranger corp. His start date is February 1st. Scottie is a retired from the Hawai'i County Fire Department and was working for Keck for their night time operations.

C. Open Houses for Public Access Plan and Decommissioning Plan

Open Houses for the Decommissioning and Public Access plans were held on December 1st, 2nd, and 3rd in Hilo, Waimea and Kona respectively. In November Interim Director Nagata and attended a meeting of the Office of Hawaiian Affairs' (OHA) Beneficiaries Advocacy and Empowerment committee to brief them on the Public Access Plan. In December Interim Director, consultant Jeff Melrose, Arthur Hoke, and Ed Stevens presented the Public Access plan to OHA's Native Hawaiian Preservation Council.

D. University of Hawaii's Motion to Dismiss the Appeal on the Board of Land and Natural Resources' Ruling for No Contested Case Hearing

Judge Hara has ruled in favor of the University of Hawaii (UH) and the Department of Land and Natural Resources (DLNR). Judge Hara felt that the approval by the Land Board in itself did not constitute an infringement on the rights of the individuals because the plan had not yet been implemented.

IV. KAHU KŪ MAUNA COUNCIL (KKMC)

Ed Stevens reported the visit to OHA was a good one. He was asked how KKMC felt about the plans. Mr. Stevens replied the Council was very supportive of the plan and what has been done.

Mr. Stevens mentioned DLNR's comment about the stacking of rocks on conservation district use lands and the criteria that if there is no permit to construct it is subject to removal within 14 days. This will help the Council in determining what kind of rules can be developed. This is a very sensitive issue and the Council wants to be able to approach it in an acceptable manner to all, both pro and con.

John Cross asked if there is a cultural historical link to the construction and removal of a lele. Mr. Stevens replied the guideline is first you need a reason to construct the lele, a ceremony is held, and when done the lele is to be removed within 10 days. This was the ancient practice. After 10 days you leave the place clear of any manmade objects.

V. NEW BUSINESS

Keck Observatory's Request to Install a Wind Sensor on its Dome Structure

The purpose of the wind speed sensor is to collect air temperature, wind direction and wind velocity information at a location close to the top of the telescope dome in an environment that is comparable to the proposed site for the TMT. The dome top wind information will be used to correlate the theoretical wind turbulence and seeing model predictions to actual conditions measured on the Keck dome. The instrument enclosure will house a computer and power supply equipment.

Kahu Kū Mauna Review

Kahu Kū Mauna reviewed the proposal at its January 13th meeting. They do not have any objections to this proposal.

DLNR Permit/Approval

Under Conservation District administrative rules, HAR 13-5-24, identified land uses in the resources subzone, a site plan approval permit may be required from the Department of Land and Natural Resources. The applicant shall submit their proposal to DLNR.

Recommendation

OMKM suggests the Board recommend to the UHH Chancellor and to the President that this project be classified a Minimal Impact project and recommend approval contingent on approval or receipt of a permit from DLNR. OMKM's recommendation is based on the following:

- The proposed activity does not significantly impact the surrounding environment
- The proposed structure will be installed on an existing structure
- Installation will not require extensive construction activity
- No excavation is involved
- The information generated from the study will be made available to the global astronomy community

Conditions

OMKM recommends the following conditions:

1. Submit a copy of the notice of approval or copy of the permit from DLNR
2. Notify OMKM when it will commence summit construction activities.
3. Keep surrounding work area clean of any incidental debris.
4. Comply with conditions of DLNR Permit.
5. Allow OMKM rangers to visit and monitor installation activities.
6. Notify OMKM upon completion of the project.

Discussion

Mr. Stevens stated the Council did have a question – Was this type of wind testing known at the time the testing tower at 13 North was installed? Why wasn't it tested at that time? It is the ideal place to test what they are trying to do. All factors should be looked at initially when a project is developed. He suggested more thorough studies be made.

Ron Terry believed they needed an actual dome structure there to use as part of the control. Interim Director Nagata added when they did the testing at the 13 North site it was for a different purpose and it was basically to test for the seeing value at that particular site. The design of the dome was not sufficiently advanced to allow for the type of testing now proposed.

Action

It was moved by Ron Terry and seconded by Herring Kalua to recommend to the UHH Chancellor and UH President to classify this project Minimal Impact and recommend approval contingent on approval or receipt of a permit from DLNR.

Eric Martinson noted the conditions did not include what happens at the end of the two year project. Chair Taniguchi recommended amending the conditions to include an inspection upon de-installation at the end of the two years. Dr. Terry added if Keck plans to keep it beyond the two years, they need to come back to the Board. Board members were all in favor with no one opposing.

VI. ANNOUNCEMENTS

Chair Taniguchi called for public announcements before entering into executive session.

Sandra Dawson announced the Thirty-Meter Telescope's (TMT) site testing data is available on line at www.tmt.org.

Ms. Ward asked why the Board was going into executive session when the documents are already public. Chair Taniguchi replied the documents are draft documents and that the Board wishes to speak with its attorney, which by statute they are allowed to do.

VII. OLD BUSINESS

A. Executive Session

Chair Taniguchi asked for a motion to move into executive session to discuss issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pursuant to HRS §92-5(a)(4). It was moved by Ron Terry and seconded by John Cross to enter into executive session. Upon unanimous approval, the executive session commenced at 10:25 a.m.

Executive session concluded at 11:25 a.m. and after a five minute break, the Board returned to public session.

B. Public Access Plan

Interim Director Nagata gave a brief summary of the Public Access Plan (PAP). The PAP is a condition of the Land Board when it approved the Comprehensive Management Plan (CMP). The University was to prepare a PAP within one year or prior to the submittal of a conservation district use application.

The purpose of this plan is to guide the University in managing public access in full cooperation with DLNR's authority over public access and activities on Mauna Kea. The objective is to provide a set of principles and policies that would help guide the University in developing management activities and administrative rules.

Jeff Melrose and Deborah Chang briefed the board on the PAP development process. They were looking for constructive participation and chose not to approach this from large scale public meetings, but instead in-depth and focused interviews. They referred to documents such as the CMP, the Natural Resources Management Plan (NRMP), and the Cultural Resources Management Plan (CRMP). They focused on the bundle of rights on the mountain, rights that were transmitted to the University from the State, and how regulations are enforced by neighboring landowners. They spent time interviewing people who understood those rights and circumstances to help clarify what the actual management structure was on the mountain. They also consulted people with ground-based experience on the mountain including rangers and operating staff. The litigants did not participate actively in this process.

They were seeking qualitative information rather than quantitative. They interviewed people with the most experience and who spend the most time on the mountain to tell them what kinds of environmental challenges there are, what kinds of interactions they have with the public, and what they think the management needs are. Emphasis was placed in interviewing people like the UH land and facilities managers, the rangers (both former and present), state agencies staff with responsibilities on the ground, other land owner representatives such as the Department of Hawaiian Homes Land (DHHL) and Pohakuloa Training Area (PTA), law enforcement individuals

such as Department of Conservation and Resources Enforcement (DOCARE) and Hawaii Volcanoes National Park. They also interviewed personnel from `Imiloa Astronomy Center. The second largest category of people interviewed were Native Hawaiians as they were a priority. They interviewed cultural practitioners; community leaders; OHA trustees, staff and advisors; and Hawaiian cultural educators. Snow play visitors, hunters, hikers, and family recreationists were also interviewed. Others interviewed were archaeologists, biologists, astronomers, a physician who specializes in high altitude medicine, commercial tour operators, the film office, and the Chamber of Commerce.

Besides the individual interviews, round table discussions were held. These round table discussions were an opportunity to pose some of the more controversial questions. They held two round table discussions with about 10 -12 participants.

Ms. Chang emphasized public participation is essential and ongoing. Recommendations are made in the plan as to how that might occur. It is an ongoing challenge and will always be needed.

Discussion

Mr. Stevens asked about safety zones for hunters. Has that been altered? Ms. Chang replied Section 2 of the plan talks about existing rules. The hunting rules are controlled by DLNR. Yes, there are still safety zones.

Dr. Terry asked about their findings and conclusion about the need for, or lack of cultural orientation at Hale Pohaku prior to ascending to the summit. Mr. Melrose stated that many people viewed a cultural orientation a priority. The ability to hold that at the Visitor Information Station (VIS) is limited, so a required orientation would be difficult to do. The encouragement in the plan is to keep building the different ways in which to educate.

Deborah Ward asked about road closures during inclement weather and how it is decided which vehicles would use the road. Ms. Chang replied the decision to open the road is dictated by safety. Astronomers are allowed to use the road first largely because they are heading in only one direction; the number of cars driven by observatory personnel is small; and once they reach the summit they stay at their work place. The general public requires safe conditions that allow two-way traffic and emergency vehicles, if needed. The first responsibility is public safety.

Cory Harden asked about the mechanism for ongoing public participation. Mr. Melrose stated the rule-making process mandates a public process. Ms. Chang added the plan does not give a specific prescription on how to do that. Dr. Terry related that these are meant to be adaptive plans and the Board will revisit them.

Mr. Melrose summed up by saying that Big Island people spoke with passion and clarity. They see it as their *kuleana*, and they want to have input.

Action

It was moved by Ron Terry and seconded by Patricia Bergin to approve and recommend to the Board of Regents via the Chancellor of UH Hilo and UH President to approve the Public Access Plan. Board members were all in favor with no one opposing.

C. Decommissioning Plan

Interim Director Nagata gave a brief summary of the Decommissioning Plan (DP). The DP was a condition imposed by the Land Board when it approved the CMP and must be submitted to the Land Board within a year or prior to the submission of a conservation district use application.

The purpose of this plan is to define the process for decommissioning observatories on Mauna Kea that is acceptable to both UH and DLNR. This plan provides a framework for removal and site restoration. It is applicable to both existing and new or renegotiated sublessees.

The plan calls for a four step Site Decommissioning Plan, which includes:

1. Notice of intent
2. Environmental due diligence review
3. Site deconstruction and removal plan
4. Site restoration plan

Discussion

George Nystrom from the Smithsonian Submillimeter Array (SMA) stated it would be impossible to restore to the natural site and asked how this will be done. Kristin Duin replied there will be a negotiation process when it comes time to plan for a telescope's decommissioning.

Mr. Nystrom talked about the cost analyses for various options for decommissioning. Observatories have to show it is funded, but costs are drastically different for the different types of treatment. Existing subleases will be the guide for existing observatories.

Mr. Stevens asked if there would be a review committee prior to decommissioning. Ms. Duin pointed out that a flow chart in the plan shows how it would work. Mr. Stevens commented the rule should be "leave it as you found out." It is a dilemma because we do not have the original material.

Ms. Ward felt the CMP had a bias toward the least amount of restoration in order to provide potential funds for management. Has this been addressed any more in the DP than it was addressed in the CMP? Ms. Duin replied it will depend on the facility. Interim Director Nagata added there will need to be a careful evaluation of the cultural and the environmental impacts, as well as a cost benefit analyses. Dr. Terry stated there is a strong bias on the Board toward full restoration or as close to full restoration. He hopes we are not relying on this as a source of funding.

Action

It was moved by Christian Veillet and seconded by Patricia Bergin to approve and recommend to the Board of Regents via the Chancellor of UH Hilo and UH President to approve the Decommissioning Plan. Board members were all in favor with no one opposing.

VIII. NEXT MEETING

The next meeting is tentatively scheduled for February 17, 2010.

IX. ADJOURNMENT

There being no further business, Chair Taniguchi adjourned the meeting at 12:35 p.m.

Respectfully submitted:

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

2/25/10
Date