



University of Hawai'i at Hilo

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## Minutes Regular Meeting

Mauna Kea Management Board  
Thursday, February 25, 2010

University of Hawaii at Hilo  
Campus Center Private Dining Room  
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, Herring Kalua, and Christian Veillet
- BOR:** Dennis Hirota and Eric Martinson
- Kahu Kū Mauna:** Ed Stevens
- OMKM:** Stephanie Nagata and Dawn Pamarang
- Others:** Andy Adamson, David Byrne, Rob Christensen, Sandra Dawson, Suzanne Frayser, Paul Gillett, Cory Harden, Nelson Ho, Jim Kennedy, Bob McLaren, Rose Messenger, Cindy Nomura, Helen Rogers, 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 10:02 a.m.

### II. APPROVAL OF MINUTES

Upon motion by Christian Veillet and seconded by Herring Kalua the minutes of the January 19, 2010 meeting of the MKMB were unanimously approved.

### III. INTERIM DIRECTOR'S REPORT

#### A. Comprehensive Management Plan Subplans

Interim Director Nagata presented the Public Access Plan (PAP) and Decommissioning Plan (DP) to the University of Hawaii (UH) Board of Regents (BOR) at their January 28<sup>th</sup> meeting. The BOR unanimously approved both plans.

The Board of Land and Natural Resources (BLNR) will be meeting in Hilo on March 25<sup>th</sup> to hear the four subplans: Cultural Resources Management Plan (CRMP), Natural Resources Management Plan (NRMP), PAP and DP. The meeting will be held at the 'Imiloa Astronomy Center starting at 9:00 a.m.

#### B. Management and Implementation Framework for Project Development

The Office presented the Mauna Kea Management Board (MKMB) approved flowcharts depicting the schedule for processing projects and the major project review to the BOR at their February 18<sup>th</sup> meeting. The flowcharts show OMKM's and MKMB's project review and approval processes and the entities involved. The major project review flowchart integrates four processes: Master Plan design review; Environmental Impact Statement (EIS);

UH project approval; and the Department of Land and Natural Resources (DLNR's) permitting process. The two flowcharts were unanimously approved by the BOR.

**C. Public Access Plan Follow Up Meeting with Rangers**

In early February Jeff Melrose and Debbie Chang, two consultants who helped develop the Public Access Plan, organized a follow up meeting with the rangers and staff at the Visitor Information Station (VIS). Interim Director Nagata, Ron Terry, and Ed Stevens also attended the meeting. The purpose was to thank the rangers and VIS staff for their input and let them know that their work is appreciated and valued. The meeting was also to get feedback on what needs to be done and how to do things better. The information provided in their daily reports provided a good part of the foundation for the PAP.

Following this meeting, Mr. Stevens and Interim Director Nagata looked at a recent cremation that was reported by the rangers. Rangers were instructed that after 14 days, if no permit from DLNR has been obtained, to collect the man made articles and store them at Hale Pohaku, and to cover the plastic bags of ashes with rocks. Kahu Kū Mauna Council is aware of this and will be reviewing how to handle cremations, as well as developing a cultural practices policy.

**D. Thirty-Meter Telescope (TMT)**

The final EIS (FEIS) for the TMT project is currently undergoing final preparation and review. It is expected that sometime in mid-March the FEIS will be presented to the MKMB for its review and approval.

**E. Ahu and Lele**

The rangers have been reporting more findings of stacks of rocks on the summit. Subsequent reports indicated two recent structures were dismantled by unknown persons. The summit lele has been blown down due to high winds. Rangers also reported tire tracks in the area of the summit batch plant and on the pu'u between Subaru and Keck.

**IV. KAHU KŪ MAUNA COUNCIL (KKMC)**

Ed Stevens commented on the cremation findings on Mauna Kea. The findings will be left as is with rock covering for a period of one year which would allow a person to inquire what happened to it. After that the thinking is to remove the ashes from the temporary burial and spread it into the wind like it should have been done in the first place. We do not wish to violate anyone's thinking of how the cremation remains are handled. Interim Director Nagata added we do not know if the cremations were human or animal.

In regards to the lele, the Council is looking forward to working on rules regarding the lele on the summit and how it should be treated.

Ron Terry inquired if there were any requirements of the Department of Health or the Police Department if one finds cremated remains suspected to be human. Are we supposed to inform anybody? Herring Kalua mentioned the Burial Council normally handles those situations. Chair Taniguchi thought at the minimum we should at least notify the Burial Council that something was found. Mr. Stevens thought the Burial Council should be advised only after finding new discoveries whereas this was not a new discovery. It looked like it might have been there for several months. Dr. Terry thought the Burial Council had jurisdiction over burials known to be over 50 years old and not brand new burials. The Department of Health or Police Department may need to be notified.

Interim Director Nagata will make inquiries into that and report back to the Board.

**V. OLD BUSINESS**

**Thirty-Meter Telescope (TMT) Design Review**

Interim Director Nagata gave a summary of the schematic design. Back in August 2009 the Schematic Design for the TMT summit facilities was presented to the Board. Due primarily to cost savings TMT re-evaluated and downsized their design. The Design Review Committee met on Monday, February 22, 2010 to review TMT's revised design.

### Project Design Changes

**Summit (support) facility.** Major changes were made to the summit (support facility), replacing a multi-story with a one story structure. Moving the mirror storage containers onto the floor of the dome freed-up space in the support building allowing for the reshuffling of the interior space. The total gross square feet of the summit facility shrank from 40,914 to 17,191 sq. ft. Illustrations were presented showing the original design superimposed over the current revised design.

**Site.** Disturbed area of the site was reduced to 4.4 acres from 4.9, a reduction of 10 percent due to the reduction in size of the summit facility.

**Fixed enclosure (base of dome facility).** The radius (100 feet) and height (25 feet) has not changed, but some of the functions originally placed outside the fixed enclosure were moved inside onto the floor of the dome resulting in a reduced total square footage of 34,257 (original 34,948 sq. ft.).

Directional perspectives of the summit and dome facilities were also shown.

There are no changes to the access road, site design, rotating dome form, mass and scale, and to the color of the dome (aluminum), summit facility and fixed enclosure.

### Positive Design Factors

Energy saving measures have been incorporated into the design through the use of:

- Air economizers for greater efficiency in cooling the dome interior by using ambient cold temperatures to cool the interior of the dome
- “Gray” water which is condensate from the air conditioners will be used in toilets and in other non-drinking activities.

The facility will have closed wastewater and septic systems.

### Conclusion

TMT significantly reduced the total square footage of its summit facility and the design incorporates the design guidelines of the Master Plan.

The Design Review Committee was pleased with the reduced amount of disturbance to the land and that the summit facility is smaller than what was originally planned. There was one comment made to encourage TMT to take into consideration the ambiance of the location by incorporating the natural setting into their design features, in particular the visitor entry area.

### Discussions

Regent Dennis Hirota thought the visitor parking might be too close to the edge and it appears there is parking space for only two, maybe four vehicles. Is visitor access going to be restricted? It seems that this will be a visitor “attraction.” Is it sufficient parking and how will TMT control the access? TMT plans to have signage or some type of material to discourage people from going to the site. With respect to the number of parking available to visitors, all of the flat area around the facility will be available for public parking.

Regent Hirota’s concern was that the sloping areas were fairly close to the building. If you are only allowing parking in the designated area, you may have a problem unless there are guardrails or a larger area to park vehicles so they do not drive over the edge. Paul Gillett indicated they can put guardrails to keep vehicles from driving off.

Christian Veillet thought the design had a lot of positive features, but felt the cut outs and excavation might be more than needed to accommodate the design.

Interim Director Nagata stated if there are no major objections than TMT will proceed to Phase III, Design Development. In that step TMT will be developing detailed drawings and they will be determining whether the conceptual schematic designs work.

Mr. Stevens made it clear that this is not an endorsement of the plan, but a review of the design to see that it conforms to the requirements of the Master Plan.

Rose Messenger asked what the acronym TMT represented and who the corporation is that wants to develop this telescope. Interim Director Nagata replied TMT stands for the Thirty-Meter Telescope. Sandra Dawson explained the TMT Corporation is a 501c3 non-profit organization based in California. The partners are the University of California System and California Institute of Technology. Its only purpose is to design, build and operate the telescope.

## VI. NEW BUSINESS

### Comprehensive Management Plan Implementation and Evaluation Plan (IEP)

#### Purpose:

The purpose of the IEP is to provide guidelines for OMKM to implement the CMP. The Plan provides a schedule, priorities and a budget necessary for carrying out the CMP. It also identifies staffing needs. It provides a process for monitoring and evaluating the CMP implementation progress and contains a discussion on revising and updating the CMP.

#### Priorities

OMKM identified several priorities over the immediate and short term.

**Research.** In order to protect and manage the resources, it is necessary to assess the status of the resources by first establishing baseline data. A top priority is filling in information gaps about the resources, including biological, natural and physical.

**Monitoring.** Monitoring is an ongoing priority for protecting the resources. Currently, we have baseline data on the archaeological resources and wēkiu bug. In addition, OMKM initiated arthropod surveys at HP and selected locations on the summit to establish a baseline for arthropods. OMKM will continue its ongoing monitoring of the archaeological sites, wēkiu bug and arthropods. OMKM also plans to initiate monitoring of other resources following the establishment of baseline data.

**Resource management programs.** OMKM identified resource management program needs which include the development of: protocols and/or polices related to cultural practices; development of a burial treatment plan; an invasive species control plan; and wēkiu bug management plan.

**Education, training and outreach.** OMKM recognizes the need to formally educate and train management staff, stakeholders, and the general public about the resources and plans to develop and execute educational programs. One of the key tenets of the Public Access Plan is that “an informed public is best prepared to make good decisions and act responsibly.”

**Educational materials and public forums.** The educational process and outreach efforts will include the development of educational materials, such as brochures, signage and a vehicle for disseminating information, such as town hall meetings and public events. On site on the mountain there is a need for interpretative and safety signage.

#### Implementation Schedule

The IEP contains a schedule for implementing these programs and activities:

- Immediate (1- 3 years)
- Short-Term (4 - 6 years)
- Mid-Term (7 – 9 years)
- Long Term (10+ years)

In reviewing the CMP actions, it was noted that many of the CMP actions are ongoing or are subject to implementation on an as needed basis, for example, management actions that are related to construction and decommissioning.

#### Staffing:

The following positions were identified:

- Cultural Resources coordinator
- Natural Resources coordinator
- Outreach Coordinator
- Project administrator
- GIS and database coordinator

Chief Ranger  
Two (2) additional rangers  
Fiscal support  
Internal legal counsel

### Budget

OMKM believes the cost to implement the CMP is approximately \$2 million/year. During the Immediate term (years 1-3) the focus will be on research; the following years the focus will shift to monitoring, program development and implementation and education, training, and outreach.

### Monitoring and Evaluation of the CMP

The IEP provides guidelines for monitoring the implementation of the CMP. OMKM should develop annual progress reports describing management goals, objectives, and actions taken during the year, and should prepare a 5-year management outcome analysis which is an assessment of the resources based on a summarization of data collected from research and management activities; a summary of the progress of the management programs in meeting management goals, objectives, and actions. Based on the 5-year management outcome analysis OMKM will need to assess the need to revise and update the CMP.

### Discussion

Dr. Terry commented he read the document carefully. It is a good document which will serve as a guide for us. He did have some questions regarding personnel and specific classifications. He asked if there was consultation with others who run agencies similar to the Office and was there input on how these positions are structured? Is the legal counsel a full time position?

Interim Director Nagata explained for the Cultural Resources Coordinator she had circulated a description to the Kahu Kū Mauna Council for feedback. For the Natural Resources Coordinator she would like to work with the Environment Committee on a position description and qualifications. Regarding the legal counsel position Interim Director Nagata explained we will be faced with many legal issues, including the development of administrative rules. The UH internal process is too slow to respond to our needs, making it very difficult to make progress. It may turn out that this could be a shared position.

Regent Hirota asked if we had some idea about what the additional research and grant funding sources might be and amounts. It would be helpful for the regents in their review of the document.

Dr. Terry agreed, saying that having UH Hilo be the entity to which we contract much of our natural resources inventory and monitoring work with the aid of grants is a “twofer” or a “threefer” for our island, since OMKM can leverage its scarce funds for our important work on Mauna Kea, the faculty of UH Hilo get research funding, and students get the opportunity to do meaningful scientific work right here on the island.

Interim Director Nagata commented that seeking research grants was one of things she had always wanted to do. However, in a discussion with then Vice-Chancellor for Research, Dr. Mike Cosby, he indicated that baseline surveys are considered site characterization studies and it is very difficult to get funding for those kinds of studies. These are studies that are looking at what is there. It is easier to get research grants for empirical studies.

It was not clear to Regent Eric Martinson the authorities and governance between the Office, the MKMB, Chancellor’s Office, and BOR. He thought it would be helpful to clearly articulate the limits of authority. For example, what can the Office do without having to go up the chain of command? What is this Board’s responsibility in governance to the Chancellor? Hiring legal counsel is something to consider. If there are system wide issues, they should be addressed, but we need to be sure we are not setting precedence by hiring an in-house attorney. He would like to see it coordinated at the proper system level because we have an Office of General Counsel.

Dr. Veillet congratulated the work done on the document. He suggested that it be helpful to consider the minimum to start things and set priorities.

Nelson Ho, of Sierra Club, believes astronomical facilities, in particular those representing various countries, should contribute to the management of the mountain. He sees the UH System ask for \$2.1 million from the legislature as a means of facilitating bringing TMT. He felt the MKMB should refocus its priority and make a statement about using administrative rules to alter the 1963 sub lease, which is an impediment for getting astronomical observatories to step up to the table and manage the impacts they created with their astronomical industrial use of the summit. To the Sierra

Club that makes perfect sense. Mr. Ho asked if anyone knew what the \$2.1 million request by the UH System to further the TMT coming to Mauna Kea entails and could that be shifted to what he sees as positive steps for management.

Interim Director Nagata explained the \$2.1 million request to the legislature is for implementing the CMP.

Dr. Terry asked Chair Taniguchi to address Mr. Ho's earlier comment about the lease situation. We have all felt the same frustration about the lease and at the same time it is a legal document that binds all the parties and signatories. We would certainly like to see this change in the future.

Chair Taniguchi addressed Mr. Ho by saying if they worked with us to resolve issues, go with the management plan and help us make it better instead of fighting us all the time, in his personal opinion, if we want things to progress we have to work together. Inevitably it can happen, but we cannot just say unilaterally it is going to happen. We spent the last ten years trying to set the stage where we can progress on this matter. But there are parties out there that are fighting us all the way. We should be working together trying to solve the problem. There are others taking us to court wasting resources that could be used to implement the CMP. Chair Taniguchi restated that this is his own personal opinion and not the opinion of this Board. As far as the Board is concerned, we know there are legal restrictions, we cannot unilaterally change it, it requires negotiation. There are rules and legal proceedings that have to be followed.

Mr. Kalua agreed and supported Chair Taniguchi's statement. We are at a point where we can make things happen and partnership is the key role. It is not about us anymore, it is about the next generation on up.

#### Action

It was moved by Ron Terry and seconded by Herring Kalua for approval of this implementation plan with further discussion.

Being that this plan is to be presented to the BOR in March it was not enough time to work on different versions. Dr. Terry sees this as a living document and would be supportive of the plan if comments were incorporated. He supported everything that everyone said about strengthening the document. He is okay with submitting it as is with a comment that we are still working on it.

Regent Hirota agreed with moving forward with the document with caveats that we had some discussion and we are going to be using this as a living document and things will be changing as we move along through the process. He supports Chair Taniguchi's comments about partnering and working together so we can all benefit as a community.

Chair Taniguchi stated it appears that a lot of comments are related funding sources. At the BOR meeting on March 18 in Hilo we can address these issues, in the presentation add supplemental information to this document at a later date. To go back and try to incorporate it now is going to take a lot of time. As we said all of our plans are living documents – all are going to be reviewed and eventually amended.

Dr. Terry amended the motion to read: In support of adopting the IEP with the understanding that supplemental information regarding some aspects of the plan will be provided by the Office upon presentation to the BOR at the March 18 meeting in Hilo. Board members were all in favor with no one opposing.

#### **VII. ANNOUNCEMENTS**

There were no announcements from the public.

#### **VIII. NEXT MEETING**

The next meeting is scheduled for March 29, 2010.

#### **IX. ADJOURNMENT**

There being no further business, Chair Taniguchi adjourned the meeting at 11:20 a.m.

Respectfully submitted:

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

4/21/10  
Date