



University of Hawai'i at Hilo

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**Minutes  
Regular Meeting**

Mauna Kea Management Board  
Tuesday, January 18, 2011

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

**Attending**

**MKMB:** 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:** Ed Stevens

**OMKM:** Stephanie Nagata and Dawn Pamarang

**Others:** David Byrne, Linda Fisher, Cory Harden, Stewart Hunter, Bob McLaren and Dwight Vicente

**I. CALL TO ORDER**

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

**II. APPROVAL OF MINUTES**

Upon motion by Christian Veillet and seconded by Herring Kalua the minutes of the December 6, 2010 meeting of the MKMB were unanimously approved.

**III. INTERIM DIRECTOR'S REPORT**

**A. Mauna Kea Ranger Program**

The two vacant ranger positions were filled. Bruce Heidenfeldt has worked many years as a special duty police officer on Mauna Kea on snow days. He has over 18 years of law enforcement experience. He recently retired from Mauna Loa Mac Nut Company as the Operations Manager. Lester Inouye retired from the Hawaii County Fire Department as a Fire Captain with over 20 years of service. Most recently he worked at Ace Hardware in Hilo.

**B. Thirty-Meter Telescope (TMT) Conservation District Use Application (CDUA) Public Hearings**

The Department of Land and Natural Resources (DLNR) received 11 comments on the TMT CDUA to which responses were prepared. In addition, DLNR received 6 supporting comments and 4 no-comment responses from state agencies. We have not received any official notice as to when the TMT CDUA will be heard by the Board of Land and Natural Resources.

**C. National Academy of Sciences Visit to Mauna Kea**

On behalf of President Greenwood, Chancellor Straney hosted members of the Science, Technology and Economic Policy Committee of the National Academy of Sciences and the President's Science and Technology Advisory Council on a tour of Mauna Kea and the Keck Observatory on Monday, January 17. Before proceeding to the mountain, the group was provided an orientation at 'Imiloa on its mission to bridge science and technology with culture. They were also shown the 3D video "Awesome Light" featuring Canada-France-Hawaii Telescope, Gemini, Subaru and Keck.

The group was given a briefing on the history of astronomy on Mauna Kea and current management. Kalepa Baybayan gave an informative history of the renaissance of Hawaiian voyaging and the challenges of navigating by watching and observing natural occurrences.

Keck provided a tour of their facility.

#### IV. COMMITTEE REPORTS

##### A. Environment Committee

Dr. Ron Terry reported the Environment Committee met last month and discussed priorities for implementing the Natural Resources Management Plan (NRMP). The committee is looking at a botanical survey as a priority. Dr. Grant Gerrish of the Botany Department at UH Hilo will be conducting the survey this summer. It will be a comprehensive survey that will look at not only vascular plants, but lichens as well.

The committee also discussed the position description for the natural resources person.

##### B. Rules Committee

Lisa Hadway reported the Rules Committee met on January 4<sup>th</sup> and 6<sup>th</sup> and have made significant progress on the draft rules. At the request of the Act they have incorporated Natural Area Reserves and Forest Reserves and other DLNR rules in the draft. Rules for commercial activities are also being discussed.

#### V. KAHU KŪ MAUNA COUNCIL (KKMC)

Ed Stevens reported that personnel from the TMT project came to explain the current design for access road to the proposed TMT site. Mr. Stevens was impressed with the way TMT came out with a design that accommodated TMT's needs and addressed SMA's concerns. The Council was pleased with TMT's explanation of how they derived the final design. Option 3 is the right option and the least objectionable.

#### VI. NEW BUSINESS

##### A. United Kingdom Infrared Telescope (UKIRT) Request to Install a Monitoring Station onto an Existing Weather Mast

In December 2010 UKIRT moved into a remote operations mode. UKIRT is requesting to attach a remote monitoring station onto an existing weather mast to help improve the efficiency of its operations.

###### Project Summary

- Monitoring station consists of a thermal imager and a zoom camera system.
  - Zoom camera will provide remote observations of ice build-up on the dome.
  - Thermal imager will provide views to safely re-open the dome if it was closed earlier due to weather.
- Overall dimensions including the mounting bracket are 26" L, 15" W and 27" H.
- UKIRT is proposing to attach the monitoring station to its existing weather mast which is mounted onto the side of the summit lunchroom building.
  - Mast is 28' tall with 18' extending above the lunch room roof.
  - Location of the mast provides excellent viewing of the UKIRT dome and dome extension.
- Power to the equipment will be through an Ethernet cable that will run down the inside the mast.

###### Kahu Kū Mauna Council

The Council reviewed the project at its January 12, 2011 meeting and had no objections to the project.

###### DLNR Permit/Approval

DLNR indicated that this project does not require a permit from the department.

###### OMKM Recommendation

OMKM's position is that the Board classify this a Minimal Impact project, and approve and allow the applicant to proceed. 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 weather mast.
- No excavation is involved.
- There are no archaeological sites near the proposed site.
- The equipment is a needed safety measure.

### Conditions

OMKM recommends the following conditions:

1. Notify OMKM when it plans to install the equipment.
2. Notify OMKM upon completion of the project.

### Discussion

Dwight Vicente, representing the Hawaiian Kingdom objected stating there is no existing treaty between the Hawaiian Kingdom and the United Kingdom.

First Vice Chair Bergin acknowledged Mr. Vicente's comment and objection.

### Action

It was moved by Ron Terry and seconded by Herring Kalua to accept OMKM's recommendation to classify this a Minimal Impact project with the conditions as noted, and allowing UKIRT to proceed with installation. The motion was carried unanimously.

## **B. Comments on Pohakuloa Training Area Final Environmental Assessment (EA) for High-Altitude Mountainous Environmental Training (HAMET)**

Interim Director Nagata reported that an environmental assessment had been prepared by the Army for their High-Altitude Mountainous Environmental Training (HAMET) involving helicopter landings and take offs at high altitudes specifically for activities they are doing in Afghanistan. The concern is the Office was never notified that the Army was preparing an EA. Three of their proposed locations are directly adjacent to the Science Reserve and the Natural Area Reserve. There is insufficient information provided in the EA and there was little or no consultation. OMKM feels that this EA needs more work.

Dr. Terry summarized the five key points in a letter the Office and Board will send to the Army with details of their concerns:

1. The action is poorly described in the EA.
2. The EA incorrectly implies that the project involves no use of State land that is also within the Conservation District and fails to conduct an EA compliant with Chapter 343, HRS or to indicate the need for a Conservation District Use Permit (CDUP).
3. Adjacent land uses are not mapped or discussed properly in the EA.
4. Impacts on the unique summit region of Mauna Kea are downplayed to the point of insignificance by incorrect data and evaluations. In particular, the analysis of noise impacts is really not adequate.
5. Public consultation was almost non-existent, and consultation with agencies is inadequate and largely undocumented.

As Interim Director Nagata stated, we are asking the Army to retract this EA and do another one – joint, State, National Environmental Policy Act (NEPA) EA, properly consult the public, and properly do their studies.

Dr. Terry added he was the primary author of the letter, but Board members were consulted.

Mr. Stevens read Kahu Kū Mauna's letter which stated that they were not consulted and found it disturbing that the Army states that the proposed activity would not have a significant impact on cultural matters, nor a cumulative impact. The Army failed to acknowledge that an action in a culturally sensitive area, no matter how small that action might be, contributes to the overall cumulative impact. The Council felt the EA was insufficient and the Army should conduct more formalized consultation to assess cultural impact.

### Discussion

Dwight Vicente, representing the Hawaiian Kingdom, objected. He commented that the United States has never had a valid treaty with the Hawaiian Kingdom and its military is unlawfully occupying the Hawaiian Kingdom in violation of its own constitution. First Vice Chair Bergin acknowledged Mr. Vicente's objection.

Cory Harden stated she is also asking that there be a federal environmental impact statement. The EA does not fully explore the alternative of training in Colorado, where they already have a train-the-trainer in place and a lot of mountains. She noted her concerns including the uncertainty regarding the frequency and time-of-day the landings will take place; impact on wildlife; impact of dust and noise; and inadequate consultation. She also disagrees with the Army's assessment that the impact on cultural practices will be insignificant. She noted that people do access the area for recreational activities and cultural reasons. Ms. Harden stated she was glad the Office and Board are supporting a much more thorough assessment of what is going on.

Dr. Terry thanked Ms. Harden for submitting her comments to the Board, but noted that the Board has no role in approving the project. He encouraged her to submit her comments to the Army.

Herring Kalua thought Bill Moore might be the liaison for the Army on this island who works with the community. Dr. Terry confirmed that Bill Moore is a Civilian Aide to the Secretary of the Army, and he has spoken to Mr. Moore about the EA. He was well aware and has offered to set up a meeting between Dr. Terry and Mr. Rogers, the Army contact. Dr. Terry thought Mr. Rogers should first consider the letter from the Board. He still feels that Mr. Rogers should have a meeting on this island regarding the Army's proposal. He added Bill Moore is doing a good job in this volunteer position. Dr. Terry advised Mr. Kalua to also call Mr. Moore.

First Vice Chair Bergin asked what kind of clout our objection would have with the military. Can they still move forward without following our advice and concerns? Dr. Terry did not believe they were going to take our advice seriously despite what Mr. Moore and others have been telling the Army. He was told that the Army needs to begin training right away in February and cannot sacrifice even a few days. He felt somebody needed to say something.

Mr. Stevens asked if they could be forced to pay attention to the National Historic Preservation Act's Section 106 consultation process. Dr. Terry replied he believed so. He explained the Army believes that they followed the letter of the law in Section 106 Consultation by preparing a very brief letter and sending it out to a list of parties. He believes that was insubstantial and even insincere consultation since they did not seek the groups that had expertise and knowledge. They also gave such a short amount of time and there is some question about whether the State Historic Preservation Division was actually contacted or not. The National Park Service was consulted and responded with some serious concerns. The Army said they consulted with the Office of Hawaiian Affairs (OHA), but he has not seen a response from OHA, which surprises him. It is hard for him to believe that the Army did a good Section 106 consultation.

Mr. Stevens asked if Chapter 343 was part of National Historic Preservation. Dr. Terry replied no, it is the Hawaii Environmental Policy Act which the Army believes they are exempt from. Dr. Terry disagrees. The deficiencies found in the NEPA process are made up for in the State's Chapter 343 EA process, such as a requirement for a cultural impact assessment and circulating a draft for comments.

#### Action

It was moved by Ron Terry and seconded by Herring Kalua to make the recommendation to the UH Hilo chancellor. The motion was carried unanimously.

#### **VII. ANNOUNCEMENTS**

Dwight Vicente, stated he represents the Hawaiian Kingdom, the real government. History is in conflict with the Kingdom of Hawaii Constitution. He represents the Hawaiian Kingdom; that is the real government. This is his public statement made under protest and he reserves the rights of the Hawaiian Kingdom.

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

The next meeting is tentatively scheduled for Tuesday, March 8, 2011. There will be no meeting in February.

#### **IX. ADJOURNMENT**

There being no further business, First Vice Chair Bergin adjourned the meeting at 10:40 a.m.

Respectfully submitted:

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

4/27/11  
Date