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**Minutes  
Regular Meeting**

Mauna Kea Management Board  
Tuesday, September 22, 2015

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

**Attending**

- MKMB:** Chair Gregory Mooers, 1st Vice Chair Herring Kalua, 2nd Vice Chair/Secretary Gregory Chun (via conference call), Douglas Simons, Hannah Kihalani Springer and Lehua Veinent
- BOR:** Barry Mizuno and Wayne Higaki (via conference call)
- Kahu Kū Mauna:** Tom Chun, U'ilani Naipo and Keahi Tajon
- OMKM:** Fritz Klasner, Stephanie Nagata, Scotty Paiva and Dawn Pamarang
- Others:** Cory Harden, Stewart Hunter, Tiffnie Kakalia, Ka'iu Kimura, Wendy Light, Ryan Perroy, Heather Stever, Davin Vicente, Dwight Vicente, Deborah Ward, Donald Wessels

**I. CALL TO ORDER**

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

**II. APPROVAL OF MINUTES**

Upon motion by Hannah Springer and seconded by Herring Kalua the minutes of the August 25, 2015, meeting of the MKMB were unanimously approved.

**III. DIRECTOR'S REPORT**

**A. Archaeological Monitoring**

Weather permitting, the annual archaeological monitoring of historic properties should be completed this week.

**B. Governor's East Hawaii Liaison Visit to Maunakea**

On September 14, 2015, Chief Ranger Scotty Paiva, Wally Ishibashi and Director Nagata escorted Wil Okabe, Governor Ige's East Hawaii liaison, to the summit giving him an overview of the summit, access road and Halepōhaku areas.

**C. Department of Land and Natural Resources (DLNR) Emergency Rules Enforcement**

On September 9, 2015, enforcement action was once again taken by DLNR for persons violating the emergency rules which prohibit individuals from being in the restricted area between the hours of 10 p.m. to 4 a.m., unless transiting the area in a vehicle. A total of eight arrests were made.

On September 16, 2015, DLNR posted notices informing those camping on DLNR lands that they had until 6 p.m. on September 17, 2015 to remove their tents, otherwise they would be considered abandoned property. The group removed most of their belongings on the 18th of September. DLNR returned to the site on the 21st of September and removed a tent. The hale is still in place.

#### **D. Preliminary Injunction Against the Emergency Rules**

Judge Ibarra heard testimony on August 20, 2015, relating to a request for a preliminary injunction regarding emergency rules. Judge Ibarra ruled that neither the State nor the plaintiff made convincing cases for their positions. The judge ruled to have the case move to trial on the merits of the issues. A request for a summary judgment was submitted and a hearing has been set for mid-October.

#### **E. Removal of Ahu**

As it was reported in the media, the ahu located between the 3rd and 4th mile marker alongside the summit access road has been reported missing. This ahu was first observed on June 24, 2015, the day the Thirty-Meter Telescope (TMT) attempted to access its site. It was located adjacent to the rock walls that were constructed across the access road. It is our understanding that the location of the ahu is where Mauna Kea Observatories Support Services (MKSS) stores rock and road materials used for its road maintenance and repair operations. The Office did not remove the ahu nor did it authorize the removal of the ahu. It is currently under investigation by MKSS and a report is expected within the week.

Hannah Springer asked if the report could be distributed to the Board. Director Nagata replied it could be.

#### **F. Meeting with Protectors**

Last week Director Nagata met with individuals from Ku Kia'i Mauna Kapu Aloha to talk about many of the issues and concerns that are happening on the mountain. It turned out to be a very good discussion and we will continue to have dialogue. Director Nagata will be going back to Kahu Kū Mauna to talk about these issues and how they want to participate in handling a lot of these cultural issues.

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

Tom Chun reported the Council did not meet this month but will be meeting in October. Mr. Chun acknowledged the Board's appointment of the two newest Council members, U'ilani Naipo and Leningrad Elarionoff, and thanked those who have volunteered on the Council for the past eight years. The Council also looks forward to someone giving a cultural report such as how Mr. Klasner gives his Environment Committee report.

### **V. Committee Reports**

#### **Environment Committee**

Fritz Klasner displayed the winning art pieces from the Aloha Art Festival held at 'Imiloa Astronomy Center in August. The three categories were: Adult Non-Resident, Adult Resident and Youth. The framed pictures will be displayed at the Visitor Information Station (VIS) at Halepōhaku and could possibly be displayed at 'Imiloa also before going to the VIS.

On September 16, during a regular facility monitoring outside at Halepōhaku, two species of ants were found that were not previously known to be at Halepōhaku. The two were *Ochetellus glaber* (black house ant) best estimate is it originated from Australia. This is also the same species that was first found in April on the hale thatching. We have no way of connecting the two occurrences and there is no easy way to confirm this. The other ant found was *Tapinoma melanocephalum* (ghost ant) probably native to Africa or Eastern Asia. Both species were single individuals that were found. There were no trails or nests. We will continue to do surveys and sugar baits will be put out.

Under the Invasive Species Plan Rapid Response Procedures, the Board Chair was not notified because both of these species have been observed on the mountain before and we knew what had to be done. Both DLNR and the Department of Forestry and Wildlife are aware of the presence of these ants. We are finding more of the *Cardiocondyla kagutsuchi* ant species that we knew was established at Halepōhaku.

Because it has been a rather wet year and things are doing well, there is fireweed up at 12-13,000 feet elevation on the slopes with hundreds of seedlings. As far as we know, there is no good remedy for wind dispersed seeds. The State's target for the bio-control release was designed for lower elevation environments.

Norbert Schorghofer's permafrost project to document shallow ground water features on the mountain has found a couple of potential sites for permafrost that they will do more monitoring at. In August, Dr. Kenji Yoshikawa went to Hilo Intermediate School to give presentations on his permafrost work to the 7th and 8th grade classes.

There are three volunteer events coming up in October. Two with the Hawaii National Guard Youth Challenge Academy and one with the Biology Club.

The next Environment Committee meeting will be scheduled for early October.

Ms. Springer asked if the bio-control for fireweed is not intended for such high elevations and weeding and herbicide applications are not preferred treatments, will the fireweed be left to spread? Mr. Klasner stated he does not know of a good solution for fireweed. This is something he can bring up at the next Environment Committee meeting.

Deborah Ward stated there has been discussions of vehicle washing stations ever since 1985 and none of that has been implemented. That is one of the reasons it is being brought up from the Saddle Road where it is not being controlled. Another thing that has been discussed is the use of vans that only go from MKSS up to the summit and back so that they are not constantly carrying the seedlings.

## **VI. OLD BUSINESS**

### **A. Presentation - Erosion Project Update by Dr. Ryan Perroy**

Dr. Ryan Perroy gave an update on his project - Surficial Geomorphology & Erosion Monitoring at Maunakea, which is being funded by the Office. He is roughly half way through a 4-year project to collect baseline, (and repeat) high resolution topographic data, spatial imagery, and field data to:

- Quantify topographic changes over time relating to natural and anthropogenic disturbance and erosion events (establishing baseline erosion rate)
- Improve a habitat suitability model for the Wēkiu bug and other arthropod species (in conjunction with ongoing work by Dr. Jesse Eiben)
- Document site stability and change at known archaeological sites
- Contribute to other ongoing and new research efforts with the Mauna Kea Science Reserve

The primary purposes of his project are:

- What is the status of the Maunakea summit topography? (Baseline dataset)
- How is it changing?
- What can be done to address these changes?

The project ties in with the following Comprehensive Management Plan management actions:

- NR-15: Conduct baseline inventories of high-priority resources, as outlined in an inventory, monitoring, and research plan.
- NR-16: Conduct regular long-term monitoring, as outlined in an inventory, monitoring, and research plan.
- EO-6: Engage in outreach and partnerships with schools by collaborating with local experts, teachers, and university researchers, and by working with the 'Imiloa Astronomy Center of Hawaii.
- IM-6: Develop and implement an erosion inventory and assessment plan.

Dwight Vicente asked if the erosion that is going on is caused by the illegal industrialization of the summit. Dr. Perroy did not know how to answer that. He further explained the erosion that is occurring is due to water and how it gets directed.

Mr. Vicente asked if the erosion would eventually cause a massive landslide of the cinder cone. Dr. Perroy stated that was a good question. He did not think so, but thought the one time where you could get some kind of a massive failure event would probably be triggered with a large earthquake. Without some sort of major event like that he would not be overly concerned about. Big storm events could also change things.

Ms. Springer asked how many sites will the Terrestrial Laser Scanners (TLS) be set up. Dr. Perroy stated the TLS has a range of a little over a kilometer and it can scan what it can see. For his project, they set it up well over a hundred times.

Ms. Ward asked Dr. Perroy what his knowledge base was with regard to precipitation. How do you know how much water you are getting into those erosion events and under what circumstances? Dr. Perroy replied the weather stations on the summit are pretty well instrumented. For those precipitation events he would rely on the existing data which is being collected. Ms. Ward stated they have been told there is no data available. Dr. Perroy stated you could look at the website and get an assessment about how much rain has fallen.

Mr. Chun stated we do not have a data baseline for a lot of the information on the mountain because nobody either had the instrumentation or decided to do this in previous times. At Council meetings, a lot of times we were asked to approve the use of drones and other things that at that time we really did not understand or appreciate. Did you bring this drone over flight of the summit as part of an approval process?

Dr. Perroy stated he is incredibly sensitive about unmanned aerial vehicles (UAV) flying around people and private areas and other areas. He has and continues to work with the Office regarding his project and approvals. If there are additional venues for him to communicate with folks on his plans, he is happy to address that.

Mr. Klasner commented the drone was in the proposal, but he would be happy to give an update to the Council by either staff or by Dr. Perroy personally. Mr. Klasner also thanked Dr. Perroy and his crew because they stop and talk with all the groups at Halepōhaku and invite everyone to come and watch.

Douglas Simons asked Dr. Perroy if he was in touch with Mauna Kea Weather Center data set for his study. Dr. Perroy stated he has been accessing some of that for planning purposes and is aware that data sets are available.

Herring Kalua asked if, at the end of his 4-year study, he could provide information and compare current information with earlier years. Dr. Perroy replied he would only be able to provide an assessment for the past two years. He might be able to get some sense about past years, but couldn't say at this time if that was possible. Mr. Kalua thanked Dr. Perroy for helping the Office with the new technology to see what is done and help us to understand what is happening on the mountain.

Someone from the audience inquired if Dr. Perroy has been studying areas where man has had minimal impacts to create a baseline over the four year period to show the differences. Dr. Perroy replied yes he has.

## **VII. NEW BUSINESS**

### **A. Amendment of the Maunakea Management Board Bylaws regarding Terms of Officers of the Board**

#### Background

Section 3.2, Election and Term of Officers of the Board of the MKMB bylaws states:

The officers of the Board shall be the Chairperson, the Vice-Chairperson, and the Second Vice-Chairperson/Secretary. The officers shall be elected by the Board from among its members and shall serve a one-(1) year term that shall begin on July 1 and end on June 30 of the following calendar year. The terms of the initial officers shall expire on June 30, 2001. No officer may serve for more than two (2) consecutive terms in the same office. All officers shall be subject to removal at any time without cause by a majority vote of the full Board. The Board may, at its discretion, elect acting or temporary officers and may elect officers to fill vacancies occurring for any reason whatsoever, and may limit or enlarge the duties and powers of any officer elected by it.

Past practices of the Board has been to elect the officers who then remained in place until such time the officer rotated off the Board. It provided continuity in leadership as well as serving as a bridge in instances when members were reluctant to serve as officers, in particular, Chair.

It is recommended that terms for holding an officer's position be kept open, until the person is either removed from the position by a majority vote of the full Board; rotates off the Board; or the member indicates he or she no longer wishes to serve as an officer. Further, annual elections of officers may be too short a duration, but elections every two years may be more reasonable especially if the board meets bi-monthly, or quarterly, which amounts to only six or four meetings a year.

#### Discussions

Chair Mooers stated that when the bylaws were drafted a term limit was established. Why? What was the goal of that? If the goal is still valid then the term limits should still apply. If we no longer think it is valid, then the bylaws should be changed.

Ms. Springer stated she understands the difficulty in a) getting volunteers to come to the table in the first place, and b) getting one to sit at the head of the table. Anything to make that more likely to occur would be reasonable. Mr. Kalua agreed with Ms. Springer adding they should consider a transition plan for the board so that we can update the new members so they can carry on and be on the same page with everyone else.

Chair Mooers stated the current bylaws do a good job of rotating membership of the Board so that the entire Board is not being turned over at the same time. The question is with the issue of officers. There are two points the director made. As we look at officers, we look at two year terms. With only four meetings a year, it really does not make a lot of sense to be changing officers every four meetings. As for as the chair's responsibilities, in addition to chairing the meetings, he also has weekly conference call meetings with the University and the director. There is a certain amount of time commitment involved there and other issues related to the development of the agenda. It is not an

overwhelming responsibility. And, obviously, because of the sensitive nature, you do become a target of some comments and some activity. He would strongly endorse the idea of a two year term. The question is, is there reason to believe we are better served to have a two year limit on officers or not?

Dr. Simons stated when he learned about the proposed change the part that struck him was the idea of having a complete potential turnover of leadership on an annual basis which is crazy. He completely agrees we need to change that and that two years is a reasonable arrangement. As long as we have as a group the latitude to reshuffle around to respond to circumstances which are currently quite dynamic. He is comfortable with the changes that are being proposed. It is hard to get volunteers and we have to be sensitive to that. He thanked Chair Mooers for stepping up and chairing because it does take time. It is a particularly challenging position right now for everyone.

Lehua Veincent concurred adding what we are trying to do is document something that is already common practice. We may not necessarily know what the chairperson does. It does speak to a lot of things that happen behind the scenes. As we go through the things that we do go through, a lot of these things will be brought forward. As people move and shift at least there is some common understanding of what it entails as well.

Chair Mooers stated there are two issues. The first would be the length of the term of officers, which has been proposed by staff to be two years. There seems to be some concurrence for that change.

Barry Mizuno, as an ex-officio non-voting member, observed that this problem with officers is a common one to non-profits and filling these offices are always difficult. He concurred that it should be changed to two years.

#### Action

Chair Mooers called for a motion to change the length of term of election of officers to two years. It was moved by Douglas Simons and seconded by Hannah Springer to extend the length of term to two years. The motion was carried unanimously.

#### Discussion

The second issue is currently you can have two one year terms. What is the pleasure of this group? We have now changed the term to two years. Are we going for a one, two term? Or two, two year terms? Or any limit on terms? Currently the only limit on serving is that the appointment of our board members is for four year terms and no member may serve more than 12 consecutive years - 3 terms.

Ms. Springer stated two, two year terms seems reasonable to begin the conversation. She is not necessarily adverse to no term limits. Dr. Simons came to same conclusion. A pair of two year terms feels about right. Chair Mooers also agreed that two, two year terms is a reasonable suggestion. Mr. Veincent also agreed with that adding, because we do not meet often, the consistency is going to be an important piece especially with some of the things we are facing. He believes that a two, two year term is important.

Chair Mooers noted that staff had recommended no term limit. Director Nagata acknowledged that is fine. Technically the term would end when you rotate off.

#### Action

Chair Mooers called for a motion for two, two year terms for officers. It was moved by Douglas Simons and seconded by Hannah Springer to set the term for officers to two two-year terms.

Greg Chun commented that he has served on a number of volunteer boards and most of them have moved away from term limits only because of the difficulty and challenges in recruiting people to come and serve. He knows that term limits are generally considered the best practice from a business point of view, but from a practical perspective many volunteer boards that he is part of took away from that. He thinks some form of term limit is good but he is not really set on what that looks like.

Ms. Springer asked Dr. Chun if any of the boards that he sits on has a regularly rotating chair so that everybody knows they will have a turn to chair the table. Dr. Chun replied yes, they all do. There are term limits on serving as an officer, but there are no term limits on being a member of the board. Once you become an officer usually the expectation is that you will serve until you work your way up and do your stint as chair.

Ms. Springer stated in some organizations she has sat on having a rotating chair everybody knows that they will have that kuleana to chair the table so they are a little more tolerant and committed to the diligence it takes to chair the

table and appreciative of that effort. That is a way that she leans towards - that there is a rotation among all of the board members. She is not speaking against the motion but thought this may be something to think about.

Chair Mooers thought that was a good point. The motion before us now relates to the bylaws as far as the number of terms. His reading of it is that we would not have to change this because the bylaws now state shall serve for no more than two consecutive terms. We have already changed the term to two years, so we could leave the language as stated and that would accomplish our goal.

The proposal is not to amend the bylaws regarding the number of terms since we have already redefined the term as a two year term. This would accomplish the goal that has been expressed.

Chair Mooers called for a motion to confirm that we will leave the bylaws as far as number of terms at two. The motion was carried unanimously. Director Nagata will make the amendments as noted and circulate them with the minutes of this meeting.

## **B. Election of Board Officers**

Chair Mooers opened the floor for nominations of Board officers - Chair, 1st Vice Chair, and 2nd Vice Chair/Secretary.

Mr. Kalua nominated Gregory Mooers as chair and Mr. Veincent seconded the motion. Hearing no further nominations Chair Mooers closed the nominations. The motion was carried unanimously for Gregory Mooers for chairman.

Mr. Kalua nominated Hannah Springer as 1st vice chair and Mr. Veincent seconded the motion. Hearing no further nominations Chair Mooers closed the nominations. The motion was carried unanimously for Hannah Springer for 1st vice chair.

Mr. Kalua nominated Gregory Chun as 2nd vice chair/secretary. Hearing no further nominations Chair Mooers closed the nominations. The motion was carried unanimously for Gregory Chun for 2nd vice chair/secretary.

## **C. Information - Maunakea Invasive Species Management Plan Review**

Mr. Klasner reported the Maunakea Invasive Species Management Plan was originally approved by the Board in February 2015. There were a number of procedures that were still to be prepared. The plan is adaptive so as we learn it will continually be updated. There are six documents submitted for review. The Environment Committee reviewed these documents and the changes reflects the input from the Committee.

### SOP 01 - Cleaning of Vehicles and Personal Belongings - Revision

Revisions basically say that if you are keeping stuff in an unkept lawn, like parking in a pasture, an inspection is required with every trip. No exceptions. This has implications to both cleaning requirements (SOP 01) and the inspection process (SOP 02).

### SOP 02 - Inspection of Vehicles, Construction Materials, Scientific Equipment, & Supplies - Revision

Same as SOP 01 above.

### SOP11 - Annual Alien Invertebrate Early Detection & Wēkiu Bug Monitoring - New

This puts in writing the methods used for annual monitoring. This is the annual monitoring for both wēkiu bug and invasive arthropods done by the Bishop Museum starting back in 2007. They have been producing annual reports and the Office has taken over the fieldwork and annual report process. This puts in writing the details of those methods to allow for future revisions to these methods as results from related projects such as cinder mapping (erosion study) help improve our understanding of habitat.

### SOP B - Maunakea Vertebrate Threats, Identification, Collection, and Processing Guide - New

Identifies threats from vertebrates and provides a guide to vertebrates found on the mountain.

### SOP D - Maunakea Plant Threats, Identification, Collection & Processing Guide - New

Identifies threats from vegetation and provides a guide to plants found on the mountain.

### SOP Z - Revising the Invasive Species Management Plan

This is the ground rules for reviewing and revising these plans.

Mr. Veincent commented that it is worrisome when we talk about ants and rodents and that personal cars as well as rental cars being exempt from the cleaning that other vehicles go through. Rental cars can travel all around the island and then head up the mountain with whatever is attached to it. Mr. Klasner stated a way of addressing this is through the rule making process.

Someone from the audience asked if lichens were being studied. Mr. Klasner replied the best work on lichens was done was at the Thirty-Meter Telescope (TMT) site by Dr. Cliff Smith, emeritus at UH Manoa. Ms. Ward stated Dr. Smith testified at the contested case that he had been trying since 2008 to get permission to study the lichens and he was only given a month and a half during the TMT study period in which he said he needed a year. Is there any effort now to allow him to do further study? Mr. Klasner spoke to Dr. Smith a couple of times and he has never asked about coming back up again. He would be happy to talk with Dr. Smith again to see what he thinks.

## **VIII. ANNOUNCEMENTS**

Ms. Kakalia stated she is attending today's meeting to address the MKMB because Shane Palacat-Nelsen, Chair of Kahu Kū Mauna was out on personal leave and was not able to take care of matters. Ms. Kakalia, former member of the Kahu Kū Mauna brought up the subject of the terms and membership number of the Council. It was her understanding that she and another Council member would continue to serve and help transition new Council members. She acknowledged she is at the end of her second term on the Council, however, she was not clear of the process for determining how members would transition out of the Council, although she received a letter from Chancellor Straney thanking her for her years of service on the Council. She thought the Council was working towards a maximum of nine members with representation from the various parts of the island.

She felt that cultural issues on the mauna are being disregarded in conversations such as the removal of the ahu. She felt the Council was being informed after-the-fact. Rangers are involved in discussions before Kahu Kū Mauna. She learned of the removal of the ahu that was located on the side of the summit access road through social media. She contacted the Chancellor and asked for a meeting. She was advised that this matter should be discussed at a Kahu Kū Mauna meeting. Ms. Kakalia called Director Nagata who indicated she was not able to provide information at that time. Dr. Crabbe, with the Office of Hawaiian Affairs, sent a letter to the Office requesting clarification and information, in particular, CR-7, a policy regarding the construction of new cultural features. The Comprehensive Management Plan states Kahu Kū Mauna shall take the lead in these discussions in determining the cultural appropriateness of constructing such features. Also the Council is to consult with other native Hawaiian organizations.

Ms. Kakalia expressed her frustration regarding the lack of having a cultural program manager. If one were in place it would have helped to avoid the situation on the mauna. She also expressed her concerns about the emergency rules and the parking plans to address traffic on the mountain. She was frustrated with DLNR enforcing emergency rules while there are concerns over traffic on the mountain.

Mr. Chun spoke saying he, as recently as this weekend, spoke with Chair Palacat-Nelsen and while Mr. Chun cannot speak on personal conversations between Ms. Kakalia and Chair Palacat-Nelson, Mr. Chun stated he could not take Ms. Kakalia's statements as accurate. He is only aware of what he reads in emails. Mr. Chun reported to the MKMB what Chair Palacat-Nelsen asked him to report. When Mr. Palacat-Nelsen is going to be present, he can speak for himself. He stated he is a person of rules and learned that you have to follow the rules. If you do not like the rules, change them.

Dwight Vicente announced the lands here are designated Crown or government lands. The state constitution was written in 1950 by the Territory of Hawaii. The Territory of Hawaii is a creature of the Northwest Ordinance of 1787. There is a long history of the Kingdom going back to 1820. He reserves the rights of this Kingdom over the Crown and government lands and the sovereignty of this Kingdom.

## **IX. NEXT MEETING**

Board members will be polled for the next meeting date.

## **X. ADJOURNMENT**

There being no further business Chair Mooers adjourned the meeting at 11:40 a.m.

Respectfully submitted:

Signed by Dr. Gregory Chun  
Dr. Gregory Chun, Secretary, MKMB

2/4/16  
Date