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## Minutes Regular Meeting

Mauna Kea Management Board  
Tuesday, October 28, 2003

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

### Attending

**MKMB:** Chair Arthur Hoke, 1<sup>st</sup> Vice Chair Rob Pacheco, Heather Cole, and Harry Yada

**Kahu Kū Mauna:** Larry Kimura and Ululani Sherlock

**OMKM:** Raimie Correa, Stephanie Nagata, Junko Nowaki, Dawn Pamarang, and William Stormont

**Others:** Doug Arnott, Mark Chun, Masa Hayashi, Hiroshi Karoji, Ron Koehler, Ron Laub, Wendy Light, Bob McLaren, Jose Molinero, Russell Oda, and Christian Veillet

### I. CALL TO ORDER

Chair Hoke called the Mauna Kea Management Board (MKMB) meeting to order on October 28, 2003 at 10:05 a.m.

### II. APPROVAL OF MINUTES

It was moved by Rob Pacheco and seconded by Harry Yada that the minutes of the July 22, 2003 meeting of the MKMB be accepted. The motion was carried unanimously.

### III. DIRECTOR'S REPORT

#### A. Office Updates

- The office has a new part-time student assistant, Raimie Correa.
- Junko Nowaki, retired UH Hilo research librarian, was hired to assist with the establishment of OMKM's resource library.
- Recruitment for the fifth ranger is in process. Applications are due Friday, October 31, 2003.

#### B. PBS Hawaii

PBS Hawaii began filming on location earlier this month. They plan to return for another week in November or early December, and then again in the spring. So far they shot scenes of the mountain from various angles at different times of the day, and interviewed Director Stormont and Ed Stevens.

#### C. Administrative Rules

OMKM staff and representatives from the offices of the UH General Counsel, Government Affairs, External Relations, and President met via video conference to discuss UH's process for rule making. The rule making process is still being studied by UH.

Heather Cole asked if the process will include permits or just adopting rules. Director Stormont replied it will include permits but administrative rules need to be in place before commercial use permits can be issued. He further stated we needed to wait for word on how best to proceed.

**D. Ahahui Kū Mauna's Request for Amendments to the Master Plan**

A meeting was held about a month ago with Ahahui Kū Mauna, Smithsonian Submillimeter Array's (SMA) Jim Moran and Antony Schinckel to discuss the possibility of relocating some of the array pads and Smithsonian's future plans. Smithsonian does not anticipate adding the remaining 24 pads, and it is likely nothing else will be built in place of them. SMA also agreed to look at the feasibility of moving two to four of the existing pads.

**E. Subaru Telescope Addition of an External Service Safety Ladder**

Upon recommendation from the Fire Department, Subaru is considering adding an external service safety ladder on its observatory building. The ladder will connect the catwalk to ground level.

**F. Subaru Tours of its Telescope Facility**

Subaru submitted a preliminary plan to accommodate visitors at its telescope facility. The proposal calls for a maximum of four groups a day with each group limited to 15 individuals. The tour will be led by Subaru staff and will be free to the public.

Director Stormont stated traffic concerns were discussed with SMA. Subaru agreed to provide signage at the base of its driveway leading onto the detour road, as well as at the end of the pavement near the SMA facility. These signs will inform drivers that they are in a dust control area, to slow down, and drive at 5 mph. Parking is not an issue at the Subaru site. Dr. Hayashi said there will be four, 5 MPH signs. If requested, two can be posted near Keck observatory. Director Stormont explained visitors will be instructed to drive using the road that passes the Caltech observatory and SMA facility.

Dr. Hayashi stated they are studying the possibility of Subaru providing transportation, but there are liability concerns that have to be worked out. Until that issue is resolved, Subaru will ask visitors to provide their own 4-wheel drive transportation or use a local tour operator. Ms. Cole stated that having a pooled transportation system would be preferable than having seven or eight individual cars going up the mountain.

Harry Yada asked how this might affect commercial operators and the general public. Dr. Hayashi explained that to minimize traffic, Subaru initially considered asking local tour operators to provide transportation but later decided against it because of the potential for establishing special or exclusive relationships with one or two local commercial operators. Keeping the group size to eight to ten individuals would likely limit the number of vehicles to three or four at a time.

Dr. Hayashi said reservations can be made online via Subaru's web site. Mr. Yada pointed out that commercial operators could potentially dominate the reservation system. Mr. Pacheco agreed and suggested Subaru monitor the situation because it may find a tour operator may seize the opportunity as a selling point, thereby creating dissatisfaction among other operators.

Chair Hoke stated that by only using the internet for reservations it may be construed as a way of circumventing the commercial process. Mr. Pacheco did not see Subaru's proposed tours as being different from Keck or UH making their facilities available to the public at their respective visitor galleries. There is no exchange of money, therefore, it is not commercial. Dr. Hayashi stated visitors will also be able to call in their reservations.

Mr. Pacheco asked Ron Laub if he had any statistics on the number of visitors to Keck's gallery. Mr. Laub replied he did not know off hand, but possibly Laura Kraft would have a record. In response to Mr. Pacheco's questions regarding vehicle counts, Director Stormont replied ranger reports date back to summer 2001 or shortly thereafter.

**G. IfA's Application to the Land Board for a Conservation District Use Permit for the NASA/Keck Outrigger Project**

The contested case hearing reconvenes tomorrow, October 29, 2003. Bob McLaren provided a summary of the case:

- The last hearing was held on April 3, 2003 after which the hearing officer, Mike Gibson, submitted his findings and recommendations to the Board of Land and Natural Resources (BLNR). Mr. Gibson's recommendation was that the Outrigger Telescope project should get a Conservation District Use Permit (CDUP) pending the submission of a satisfactory management plan. The management plan as presented in the original Conservation District Use Application (CDUA) was not adequate.
- The CDUA requirements for the management plan are very similar to the information required as part of the permit application. So instead of repeating the information again in the management plan, IfA referred

to pertinent sections in the application and its accompanying documents. At the April hearings, IfA submitted a stand alone document which was a compilation of management aspects that were proposed in the CDUA (and referenced in the management plan). Hearing Officer Gibson declined to consider this document because it was submitted at the end of the hearing.

- The BLNR remanded the case back to the hearing officer, stating the hearing was to address the plan that IfA submitted as part of the earlier hearings. Dr. McLaren again clarified the management plan under discussion is a plan for the project, not a management plan for Mauna Kea. The elements that went into this document are elements that existed in either the original permit application or in the environmental assessment.

Mr. Yada asked, assuming a CDUP is issued, what the next step would be. Director Stormont replied the next step would be to reconvene the design review process, seek input from all of the committees and Kahu Kū Mauna. Eventually the project will be presented to the Board for its consideration and recommendation to the Chancellor, President, and BOR.

Mr. Pacheco stated that this is a first for this new organization and asked if the Master Plan and the whole permitting process could be evaluated to see if parts of the process could be accomplished simultaneously. Director Stormont replied he was open to suggestions.

Chair Hoke asked if the project review process should be addressed in the administrative rules. Mr. Yada felt this is probably a master plan issue and not necessarily an administrative rule issue. Ms. Cole asked if every case would be a contested case. Chair Hoke and Mr. Pacheco felt any major project that is proposed for Mauna Kea will likely be subject to contesting parties.

Associate Director Nagata briefly explained the concept behind the design review process. When an idea for a project is conceived, the developer is supposed to sit down with the office to discuss the idea. A design review committee is assembled and reviews with the developer the concerns relating to the mountain, including cultural and natural resource issues, and design and construction matters. The developer would plan and design the project while incorporating the concerns addressed earlier. Therefore, by the time a project submits its permit application, most of the concerns will be addressed. Because planning for the outriggers telescopes project was completed at the time the office was established, there was no opportunity to properly implement the design review process.

#### **H. Snowboarding on Mauna Kea**

Director Stormont shared information on an article about snowboarding on Mauna Kea that was featured in Hawaiian Airlines in-flight magazine. Copies of the article are available in the office.

#### **I. Canada France Hawaii Telescope (CFHT)**

Director Stormont introduced Dr. Christian Veillet, Executive Director, CFHT. Dr. Veillet gave a power point presentation on CFHT; its relationships with Korea and Taiwan; its Legacy project survey, a joint Canadian and French endeavor; the 'Ohana Project, involving the Mauna Kea telescope community; and future plans.

### **IV. COMMITTEE REPORTS**

#### **A. Kahu Kū Mauna**

Larry Kimura, representing Kahu Kū Mauna asked the Board's support in the reappointment of Reynolds Kamakawiwo'ole, Pualani Kanahale, and Kaleo Kualii to the Council.

#### **B. Administrative Rules, Astronomy Education, Environment, Hawaiian Culture and Public Safety and Conduct Committees**

No reports.

### **V. OLD BUSINESS**

#### **A. Reappointment of Mr. Kamakawiwo'ole, Ms. Kanahale, and Mr. Kualii to the Kahu Kū Mauna Council**

It was moved by Rob Pacheco and seconded by Heather Cole to reappoint Reynolds Kamakawiwo'ole, Pualani Kanahale, and Kaleo Kualii to the Council. The motion was carried unanimously.

## **B. Project Status Designation for the Institute for Astronomy's Proposal to Temporarily Install a Seeing Monitor Tower on the North Plateau**

### Recap

At the December 3, 2002 meeting, MKMB accepted OMKM's recommendations, conditions and caveats relating to IfA's proposal to conduct site tests at the UH 88" facility, CFHT weather tower, and road out to the 13 N site. MKMB deferred action on IfA's proposal to erect a tower on the summit and 13 N site until IfA submitted a proposal for the tower(s).

### IfA Proposal

OMKM received a proposal from IfA to temporarily install a 23' high tower on the northwest plateau. The proposed site is on the road that leads to the 13 N location. In IfA's original proposal, the 13 N site was mentioned as the proposed location for the temporary tower. However, the 13 N site was subsequently rejected because it would require significant ground preparation and improvement.

The selected site is the former location of a weather tower. This site has been previously disturbed, it is relatively flat, and has an existing turn-around area for vehicles and equipment.

### Project Summary

1. Purpose for the tower
  - Provide an elevated platform for a seeing monitor and weather measuring equipment.
  - Elevation is required to collect data that measures the seeing quality above ground, that is, without interference from ground turbulence and other environmental factors.
  - Tower will be temporary and used for about three years, after which, it will be removed.
2. Construction Activity, Tower Assembly and Equipment installation (estimated time for construction and installation is one month)
  - Grading to level the site, if necessary, will be kept to a minimum
  - Three sets of pre-cast concrete blocks will be used as footings for the tower. Each set will consist of 4, six-foot squares, each one foot thick.
  - Tower footings will be free standing and will not be bolted to the ground. The tower will be bolted to the concrete footings.
  - A cable will be attached to one of the tower legs and buried into the ground to provide electrical grounding.
  - Seeing monitor/telescope and a weather measuring device will be secured to the tower platform.
3. Equipment Use and Vehicular Traffic
  - MKSS wheeled front- loader and a water truck will be brought to the site when construction commences and will remain at the site until construction activity ceases.
  - A MKSS dump truck will be used to transport pre-cast concrete blocks.
  - One or two, four wheel drive vehicles will be used to transport construction and IfA personnel to and from the site.
  - Vehicular traffic will be restricted to the existing road and turn-around area.
4. Impacts: Archeological and Natural Resources, Visual, and Light
  - Flora and Fauna
    - The site is located in one of several areas designated lichen habitat.
    - A site inspection by Dr. Gregory Brenner in August 2003 did not find any wēkiu at the site. Dr. Brenner noted that an undisturbed area about 50' east of the site could be potential, but not likely wēkiu habitat. The substrate is not similar to that found in known wēkiu habitat.
  - Archaeological Sites
    - State Historic Preservation Division (SHPD) staff reviewed the site with IfA personnel and did not have any major objections to the site plans. IfA incorporated in its final site plan SHPD's suggestion of putting the tower off to the side instead of in the middle of the site. Thus reducing, and possibly eliminating the amount of grading needed to level the surface.
    - The closest archeological site is about 1,125 feet to the southeast and about 700 feet from the tower access road.

- Visual Impacts
    - Tower will be in line-of-sight from Waimea, but is too small to be seen with the naked eye.
5. Mitigation Measures. IfA plans to implement steps and procedures to minimize the impacts of this project. Some of the measures include:
- Grading will be kept to a minimum; no excavation required
  - The tower foundation will be painted to blend in with the surrounding terrain
  - Water will be sprayed during the construction phase to minimize dust
  - Drivers will be instructed to drive <10 mph to minimize dust
  - Construction trash containers will be emptied frequently, secured to the ground, and covered to prevent trash from being dispersed by wind.
  - Construction materials will be covered with tarps and/or anchored
  - Construction materials will be inspected prior to being taken to the site to prevent the introduction of alien species.

#### DLNR Permit

IfA is preparing to submit a permit application to the Department of Land and Natural Resources. More than likely this type of project will require a Site Plan Approval.

#### OMKM Recommendation

1. Based on the following, OMKM recommends conferring Minor project status:
  - The scope of the project is limited to the installation of a single, temporary structure.
  - The size of the structure is relatively small
  - No excavation is required
  - The tower is temporary
  - The tower and all attached equipment will be removed at the end of the study and the site restored to its previous condition
  
2. Based on the following, OMKM recommends approval of this project:
  - The proposed site is previously disturbed.
  - The structure is relatively small and inconspicuous
  - Mitigation measures will be implemented to minimize environmental effects
  - Impact on cultural sites, flora and fauna is minimal

OMKM also requests including the following conditions in MKMB's recommendation to the Chancellor of UH Hilo/President. IfA:

1. must adhere to the mitigation measures described in its proposal. However, instead of keeping vehicle speed to <10 mph, vehicle speed must be kept to 5 mph while transiting the SMA site.
2. must work closely and coordinate with Smithsonian Submillimeter personnel and comply with their conditions:
  - 2a. Vehicular speed must be kept to 5 mph just before entering and within the Submillimeter array site.
  - 2b. Notify SMA observers and telescope operator by phone when construction or IfA personnel are planning to drive through the SMA site. This applies during the construction and monitoring phases.
  - 2c. During the construction and dismantling phases, notify SMA personnel of any large vehicles such as trucks, cranes, front end loaders, etc., that will be transiting the SMA site.
3. is to notify OMKM and SMA of the commencement of construction and provide a schedule of activities.
4. is to allow OMKM rangers to visit and monitor construction activities
5. must obtain a permit from DLNR before proceeding with this project.

#### Discussion

In response to Mr. Yada's inquiry whether Kahu Kū Mauna Council reviewed the proposal, Mr. Kimura confirmed the Council reviewed the proposal.

Dr. McLaren stated estimated installation cost for the project is \$20,000. He also stated an inquiry with DLNR indicated a permit will be required.

Mr. Yada asked if three years was enough time to complete the study. Dr. McLaren replied three years of actual observations is enough to achieve their objective. However, this may only be a beginning, and that additional testing may be needed to make a final determination.

Action

It was moved by Heather Cole and seconded by Rob Pacheco to accept OMKM's recommendation that this project be: 1) classified as a minor project; and 2) approved. Approval, however, is contingent pending the issuance of a permit from DLNR. If DLNR denies the permit, this project shall not be allowed to proceed. The motion was carried unanimously.

**C. MKMB Committees Role and Functions**

Mr. Pacheco asked to spend some time discussing resurrecting the committees, and the role of board members and their responsibilities in the committees. Mr. Pacheco provided some background on the committees.

Mr. Yada felt that unless there is staff to implement the direction of the committees, it is difficult to achieve any results. Mr. Yada asked about the office's funding status and if program managers could be hired. Director Stormont stated the office's budget for fiscal year 2004 is still unknown. The office has allocated positions with some funding to fill these positions. Mr. Yada indicated, and Mr. Pacheco concurred, the Board should be involved in the budgeting process.

Mr. Yada suggested the Board schedule a separate planning/strategic review session to see where we are and where we want to go with committees. He also suggested the Board should review or have an update on the budget status periodically, and be included in the budget planning process for next the fiscal year. The office will follow up on planning this meeting.

**VI. ANNOUNCEMENTS**

Rules Relating to Commercial Tours

Doug Arnott brought up an operational matter of concern and asked for an interpretation of the commercial operators' rules. He was written up by the rangers twice for having an additional vehicle on the mountain at night. He hires astronomers who come up with their own personal vehicle and telescope. He stated they park below the VIS and stargaze. These vehicles are not going beyond the VIS.

Chair Hoke explained that the Board could not take up the matter at this time. He informed Mr. Arnott to submit his concern in writing. Mr. Arnott understood and will submit his concern in writing.

Mr. Pacheco explained that when the permits were written, the concern was primarily focused on the summit. At that time DLNR was not concerned about restricting commercial activity at the VIS. He believes that by having the extra vehicle with a telescope provides a better educational product, and therefore, is something that should be considered.

**VII. NEXT MEETING**

The next meeting was originally scheduled for November 25, 2003. However, because of the upcoming holiday some of the members of the Board wished to move it to early December. Associate Director Nagata will poll Board members and inform everyone of the next meeting date.

**VIII. ADJOURNMENT**

Chair Hoke adjourned the meeting at 12:10 p.m.

Respectfully submitted:

Signed by Arthur Hoke  
Arthur Hoke, Chair, MKMB

January 27, 2004  
Date