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Minutes Regular Meeting

Mauna Kea Management Board
Monday, November 13, 2006

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

Attending

- MKMB:** Chair Rob Pacheco, 1st Vice Chair Barry Taniguchi, 2nd Vice Chair Ron Terry, Patricia Bergin, Herring Kalua, Antony Schinckel
- Kahu Kū Mauna:** Ed Stevens
- OMKM:** Stephanie Nagata, Dawn Pamarang, Ululani Sherlock, and William Stormont
- Others:** Doug Arnott, Richard Crowe, Gary Fujihara, Saeko Hayashi, Cory Harden, Bill Heacox, Arthur Hoke, Ron Koehler, Rolf-Peter Kudritzki, Mike Maberry, Russ Oda, Steve Shimko and Debbie Ward

I. CALL TO ORDER

Chair Rob Pacheco called the Mauna Kea Management Board (MKMB) meeting to order on November 13, 2006, at 10:01 a.m.

II. APPROVAL OF MINUTES

It was moved by Barry Taniguchi and seconded by Antony Schinckel that the minutes of the September 11, 2006, meeting of the MKMB be accepted. The motion was carried unanimously.

III. DIRECTOR'S REPORT

A. Presentation of Gifts to Mr. Arthur Hoke

Director Stormont presented Mr. Arthur Hoke with a lei and photos of Mauna Kea, including debitage from the Adze Quarry and native ohelo berries. These images were taken by Jean-Charles Cuillandre, an astronomer at Canada-France-Hawai'i facility.

B. Statutory Authority to Promulgate Administrative Rules

The Office is working with System administrators on how best to move forward on this issue with the Department of Land and Natural Resources (DLNR).

C. University of Hawai'i Commercial Permits Update

Associate Director Nagata reported that the Office has been working with System administrators. The target date for putting these permits in effect is January 1, 2007.

IV. COMMITTEE REPORTS

A. Kahu Kū Mauna Council

Ed Stevens reported the Council was not able to address the items in the October and November Council meetings because they did not have quorum. Instead, he requested that he give input as the items came up for discussion during today's meeting.

B. Environment Committee

The Environment Committee has been very active over the last four months. Ron Terry thanked committee members Debbie Ward, Hannah Kihalani Springer, Lisa Hadway, Susan Cordell, Jim Kauahikaua, Don Thomas, Reggie David, Julie Leialoha, and Associate Director Nagata for working diligently to prepare the Request for Qualifications. The RFQ process will lead to a Request for Proposal for a natural resources management plan component that would eventually develop into a full management plan for the mountain.

The Request for Qualifications has been advertised in various local newspapers with three ad dates and with a deadline of December 28th for inquiries. We have already received two responses in less than a week since the ad went out. The difficult part will be selecting a contractor. By the next Board meeting we will have a full report.

V. OLD BUSINESS

A. University of Hawai'i at Hilo 24-inch Telescope Renovation Project

At the September 11, 2006, meeting the Board recommended designating the proposed renovation of the UH 24-inch a Minor Project. The next step is for the Board to review the project and make a recommendation to the President whether to approve or disapprove the project. For Minor Projects, the President makes the final decision.

The existing UH 24-inch telescope will be replaced with a new educational one. This telescope will be used by UHH physics and astronomy students. The building will have a brand new dome and the existing wall will be removed and a new "skin" added. There will be no new excavation and no change to the footprint. Director Stormont reviewed the project and suggested the Board recommend approving it.

Barry Taniguchi asked whether the President concurred with MKMB's recommendation to designate a Minor Project classification for this proposal, or is it assumed that the President agreed with MKMB and approved the classification. MKMB does not have the authority to make a final determination. Director Stormont was not sure if the Office received confirmation from the President. Associate Director Nagata replied confirmation was received.

Recommendations

Based on discussions with Dr. Heacox, and Ed Stevens and the Council, OMKM recommends the Board approve the project based on the following:

- The proposed renovation will not significantly alter the exterior appearance of the existing facility or the surrounding landscape.
- There are no known archeological or cultural sites in the near vicinity of the project site.
- The impact to the surrounding landscape, native flora and fauna, and facilities in the summit region is negligible.
- No excavation is required for the renovation work, and there will be no change in the existing "footprint" on site.
- This renovation will assist the UH Hilo Physics and Astronomy Department in its educational mission.
- The renovation project is in keeping with the UH 2000 Master Plan in that it calls for the possible renovation of the existing UH 24-inch telescope, particularly for educational purposes.
- This renovation has the added benefit of precluding the use of a new site on the summit ridge for development of an educational telescope.
- Upon completion, the renovated building and telescope will have the capability of being operated remotely, alleviating the need for students, faculty and researchers to travel to the summit site for the purpose of telescope operations. This in turn reduces summit traffic and corresponding impacts.
- UH Hilo has completed the Hawai'i Revised Statute Chapter 343 process. Notice of a Finding of No Significant Impact was published in the State of Hawai'i Office of Environmental Quality Control *Environmental Notice* on August 23, 2006.
- UH Hilo plans to submit to DLNR a Conservation District Use Permit application for project approval within the conservation district upon UH approval.

OMKM also recommends the Board impose the following conditions:

- Schedule a meeting with representatives of the contractor, UHH, OMKM and Kahu Kū Mauna to review the project process and all mitigation measures and conditions prior to commencement of any work activities.
- Provide OMKM with a construction activity schedule.

- Contractor must comply with the mitigation measures referred to as, “construction policies,” proposed by the developer, UHH.
- The approval is conditional. The developer and the contractor must secure a Conservation District Use Permit from the Board of Land and Natural Resources.
- Developer and contractor must comply with all conditions imposed in the Conservation District Use Permit issued by the Board of Land and Natural Resources.
- In the event that actions must be taken that are beyond what is described in the UHH proposal for the project dated September, 2006, UHH will first notify and consult with OMKM before proceeding.
- Contractor will ensure all construction materials, supplies and equipment are properly secured at the end of each workday.
- Contractor will ensure that all trash and debris are stored properly in the event of strong winds and removed from the site both during and/or upon completion of the project.
- All conditions herein apply to both the existing 24-inch telescope construction site and the former Concrete Batching Plant site identified in the project proposal where equipment and materials will be staged during the construction.
- Allow OMKM rangers access to the sites to monitor construction activities.
- Notify OMKM of the completion of the project.

Discussion

Mr. Stevens noted there is no provision in the proposal to use magnets to pick up nails during and at the end of the project. The batching plant, for example, is where one finds a lot of nails lying around. It is a place where people park their cars and walk to the lake. He also asked about how the trash bins and covers will be secured. He suggests these be discussed during consultation with the contractor beforehand because in the past trash cans were observed rolling all over the place with trash flung about. Director Stormont stated these issues will be discussed with the contractor.

Mr. Stevens requested Kahu Kū Mauna be provided a construction activity schedule.

Mr. Taniguchi asked if the construction policy was UHH's or whether the Office had its own set of construction policies. Director Stormont replied the Office does not have its own set. Mr. Taniguchi suggested starting one. Mr. Stevens stated the Keck's best management practices is a good template; it is pretty thorough. Mr. Taniguchi stated the Office should look at it and adopt policies at a future meeting, thus standardizing the practices. Dr. Terry stated that is one of the activities the Environment Committee has wanted to take on, and we had hoped to include part of it our natural resources management plan.

Mr. Taniguchi asked for confirmation that there will be no septic facilities, i.e., - no toilets, etc. Director Stormont confirmed that was correct.

Mr. Stevens stated that since the UH 24-inch site will be recycled and used as the site for the educational telescope he would like to see the site proposed in the Master Plan for a similar telescope deleted from the Plan, thus preventing it from being used for something else. Chair Pacheco asked that assuming this project is approved, the Council should submit a formal letter with that request.

Mr. Taniguchi commented that there are other aspects of the Plan that needs to be adjusted, not only this. He did not think the Board of Regents will amend the Plan on a piecemeal basis. Mr. Stevens and Dr. Terry agreed. Amending the Master Plan will be a major project but at least a list of amendments could be started.

Mr. Taniguchi asked if there are provisions to inspect the construction materials to prevent the introduction of unwanted species to the summit area. Bill Heacox replied as part of the construction policy, inspections will take place at sea level before transporting the materials to the summit. What is left unresolved is who shall do the inspecting.

Chair Pacheco asked if UHH will be applying for a DLNR Department permit because this project is a renovation as opposed to a replacement. Dr. Heacox confirmed that was correct. They discussed this with DLNR, and they agree this would be the appropriate permit.

Chair Pacheco commented that one of the reasons for recommending approval of the project was that it will not significantly alter the exterior appearance of the facility. However, the building will be getting new walls and a new dome. He sees that as a significant change to the exterior. Director Stormont explained that while it is new

material, visually there will be no change because it will be the same color. The dome is a foot wider than the existing dome, but the height and the overall appearance of the building will be essentially the same. Chair Pacheco wanted that on record.

Chair Pacheco thought it would be helpful to have a form listing the design guidelines, similar to the one put together by Associate Nagata. Having one form with the guidelines and developer's submittals would make it easier to evaluate the project, rather than having to go back and forth through the documentation to figure out how the project conforms to the Plan. Director Stormont asked whether the Chair wanted the Office to prepare a chart and distribute it. Chair Pacheco replied yes.

Mr. Hoke asked for clarification. He heard Director Stormont refer to the UH 24-inch as the educational telescope and that it was the only one on the summit. Is there no educational benefit from any of the other scopes up there except the UH one? Chair Pacheco stated the difference is that the UH 24-inch is a teaching telescope as opposed to the others being research telescopes. Mr. Hoke asked if we should use the term "teaching" instead of "educational". Director Stormont stated "educational" is his word. "Instructional" is what is used in the proposal.

Ms. Debbie Ward pointed out that one of the reasons for a summit wide management plan is the need for uniform practices, including construction guidelines and mitigation measures. This would apply to all telescopes, whether its construction or renovation and would eliminate confusion.

Action

It was moved by Ron Terry and seconded by Barry Taniguchi to recommend to the President that he approve this project with conditions. The motion was carried unanimously.

B. Processing of Project Review and Recommendations

Associate Director Nagata reported that in working out the logistics and the timing of some of the steps, it became apparent that it was not certain who within the University would be the responsible representative in the process. Therefore, we will work with Legal Counsel and the UH system to clarify some of the issues.

Dr. Terry added when completed it will then be very clear for OMKM, the Board, Kahu Kū Mauna, and the public, exactly how the approval process works in detail. In trying to work out some of the details, we did a dry run using a hypothetical project and found in some places we were not able to answer our own questions. There is also a lot of ambiguity in the laws and regulations which are unrelated to OMKM. The process is complicated by having an advisory board and other agencies in the University. Even in clear-cut agencies, there are a lot of ambiguities.

VI. NEW BUSINESS

A. Canada-France-Hawai'i (CFHT) Telescope's Request to Mount Additional Video Cameras

CFHT is requesting approval to install at least two (2), and up to four (4), video cameras to the fourth floor external catwalk on the CFHT observatory building. Kahu Kū Mauna Council's Project Review Committee reviewed the proposed project and has no objections.

Recommendations

1. Based on the following, OMKM recommends classifying this project Minimal Impact:
 - a. The proposed installation will not significantly alter the exterior appearance of the existing facility.
 - b. The impacts to the immediate surroundings and summit environment are minimal.
2. If the project is classified Minimal Impact, OMKM recommends CFHT be allowed to proceed with the project.

Conditions

OMKM recommends CFHT:

1. Notify OMKM when it plans to do the installation
2. Adhere to mitigation measures described
3. Allow OMKM Rangers access to the project
4. Notify OMKM of any problems, accidents, or mishaps that may occur during the duration of the project or installation
5. Notify OMKM of project completion

Action

It was moved by Ron Terry and seconded by Herring Kalua to classify this project Minimal Impact, approve it with conditions, and allow CFHT to proceed. The motion was carried unanimously.

B. Subaru Telescope's Request to Install an i-CAN Camera

Subaru Telescope seeks permission to install a wide field imaging camera, called "i-CAN", atop the roof of Subaru's summit facility control building. Kahu Kū Mauna Council's Project Review Committee reviewed the proposed project and has no objections.

Recommendation

1. Based on the following, OMKM recommends classifying this project Minimal Impact:
 - a. The proposed installation will not significantly alter the exterior appearance of the existing facility.
 - b. The impacts to the immediate surroundings and summit environment are minimal.
2. If the project is classified Minimal Impact, OMKM recommends Subaru be allowed to proceed with the project.

Conditions

OMKM recommends Subaru:

1. Notify OMKM when it plans to do the installation
2. Adhere to mitigation measures described
3. Allow OMKM Rangers access to the project
4. Notify OMKM of any problems, accidents, or mishaps that may occur during the duration of the project or installation
5. Notify OMKM of project completion

Action

It was moved by Barry Taniguchi and seconded by Patricia Bergin to classify this project Minimal Impact, approve it with conditions, and allow Subaru to proceed. The motion was carried unanimously.

Discussion

Ed Stevens asked who will enforce the conditions on these two projects (CFHT and Subaru). Director Stormont replied the Office will. When these projects commence, the rangers are notified and will have access to the project site and will be reporting back accordingly.

C. Smithsonian Astrophysical Observatory's (SMA) Request to Install Infrared and Optical Cameras

SMA, with approval from Subaru, requests permission to install four (4) security cameras on the external catwalk of the Subaru Telescope enclosure building. The cameras would provide video surveillance of the entire SMA area which is not possible from the SMA maintenance facility.

Director Stormont reported Kahu Kū Mauna has not yet received this proposal for review. In discussing the matter with Mr. Stevens, Director Stormont anticipated a decision from Kahu Kū Mauna Council similar to the previous two proposals. Director Stormont will ask the Board to approve it conditionally upon receiving final word from the Council. Chair Pacheco asked Mr. Stevens when the subcommittee would be able to review the proposal.

Mr. Stevens replied that after receiving the information he felt this project required full Council review rather than just the subcommittee. Mr. Stevens respectfully asked that this matter be deferred until such time the full Council has a chance to review and comment. Unfortunately, the Council will not be meeting until January. Mr. Stevens asked if this would cause problems for SMA.

Mr. Schinckel replied they were hoping to go ahead, but if that is the timeline, then they will work with it. He wanted clarify some details. SMA is proposing to install one optical and three infrared cameras. The primary purpose of the cameras, particularly the infrared ones, is for use at night when they are observing and moving the antennas. SMA is concerned about people getting hurt especially if someone is out near the antennas and is not aware that they could move suddenly. If they are aware that someone is out in the array field, SMA staff will be able to warn them. The antennas are not generally used during the day.

Mr. Stevens stated the reason he feels this matter should go to the full Council is the implication that the cameras will be used for surveillance. The concern is what is the real purpose for the cameras, are they for surveillance, weather observing, or some other purpose? Mr. Schinckel's feedback can be presented as an explanation for why the cameras are being proposed. He sees no problems with what Mr. Schinckel said, but it needs to be made very clear that it is related to night observance and not for the daytime surveillance. The concern is the use of the term surveillance which would intimidate cultural practitioners.

Patricia Bergin noted the cameras are going to be mounted on the external catwalk railings similar to the mounting of other existing equipment. How many other cameras are already there? Director Stormont replied Subaru has at least four that are used as part of their weather detection system. Ms. Bergin replied this serves a very different purpose from the educational one the Board just approved. Director Stormont stated Subaru's "i-CAN" equipment will go on the roof of its control building. The existing four cameras are on the railing of the telescope enclosure building. This is also where the SMA cameras, if approved, will be going.

Dr. Terry asked if Mr. Schinckel was planning to attend the Kahu Kū Mauna Council meeting. Mr. Schinckel replied he would be happy to if they would like that. Mr. Stevens will consider that possibility.

Debbie Ward asked if the infrared cameras will be measuring night motion. Mr. Schinckel replied yes. The particular band, 8 to 13 microns, is very good for detecting the infrared heat given off by people. The images are not high resolution, but sufficient to discern that it is a person walking around the site. The minimal fencing that is currently around the antennas is designed to make it clear that people are not meant to approach within the last 5 feet, but it does not prevent them from getting closer. Installing cameras instead of imposing, e.g., 10-foot-high barbed-wire fences, something SMA does not wish to do, seemed to be a compromise to ensure safety without being too invasive.

Chair Pacheco asked if an incident occurred to cause concern. Mr. Schinckel replied approximately four years ago they had an incident with a media vehicle actually driving in and parking literally one foot away from one of the antennas during the late afternoon/early evening. That is the only incident they know about. At that time they were about halfway through the installation of the fences. Ms. Bergin asked if there is a lot of activity at night up there. Mr. Schinckel explained the dominant period for tourists and visitors is from four p.m. to one to two hours after sunset.

Mr. Taniguchi was a bit concerned about the mechanics and the timing of this. It does not appear to be a major issue, but we are holding this project up at least two to three months, and felt there was a need to make the process faster. He did not think it was fair to the observatories to hang them up like that.

Chair Pacheco stated there is still a suggestion of approving it with a condition. Mr. Stevens felt the initiator of a project should give enough lead time for review.

Mr. Taniguchi said the whole process has to be looked at. Right now the observatories submit a proposal and have to wait, sometimes for a long time. We have to become more efficient in processing matters. Mr. Stevens stated his concern about using the subcommittee to make decisions on projects with short lead times. He prefers the full Council to review everything. The subcommittee was developed strictly to expedite the process, and in doing so we deny the full Council firsthand review. They go on our recommendations and sometimes they are not comfortable with that. No matter how good the intention is, there are always things that we do not think about which surfaces during full Council meetings. This is why a longer lead time is best.

Mr. Schinckel asked Mr. Stevens if the Council had a long-term schedule of full Council meetings. Mr. Stevens replied it is difficult for the Council to lay out a long-term schedule because of everyone's busy schedules. Chair Pacheco stated the proposal was received on October 26th to the Office and asked Mr. Stevens if this was the first time he saw the proposal. Mr. Stevens replied he received it a couple days ago - on the 9th.

Mr. Schinckel admitted that they rushed to get this proposal in, but understanding the concerns expressed today he did not expect this proposal to be pushed through. He felt that this was reasonable process to go through. He also stated a schedule listing deadlines that would allow all the relevant groups to review and comment would be ideal.

Mr. Taniguchi added this applies to the Board too. There are ways to make it more efficient. Doing a video conference for Kona members could work as a means to get the group together rather than having to physically drive over two hours for a meeting.

Mr. Stevens asked whether the Board waited for OMKM to make a recommendation regarding the classification of the project. Mr. Taniguchi replied applications go to OMKM and they do an initial review, make recommendations, and submits a written report to Board members prior to the meeting for their review. At Board meetings it is reviewed and discussed. The reason he asked that the project description, recommendations and conditions be read was to provide the public with information about the project. The public and meeting records show what the project was about, what the Board reviewed and issues that were considered. The record also shows the action that was taken and recommendations made, whether they were in favor or against, conditions, etc. The basic system is there. We just have to make it more efficient.

Chair Pacheco suggested the Board should have a discussion regarding what would trigger the need for a meeting. Mr. Taniguchi felt we should have regularly scheduled meetings and establish a pattern.

Chair Pacheco asked for a motion for this item. Dr. Terry suggested deferring this item until Kahu Kū Mauna meets in January. If they miss it again, we defer it again, because we really need their recommendation. Dr. Terry strongly encouraged the Council to make its decision by January.

Mr. Stevens explained the Council agreed there would be no meeting in December. If they had to convene to review this project, it would be contrary to the Council members' agreement. Director Stormont asked if the Council would be amenable to OMKM distributing the proposal to all its members, and whether Mr. Stevens was willing to discuss via phone. Mr. Stevens replied the Office started to do that. The last few times a transmittal was sent out to all members. This was a better way because if a proposal needed full Council review, the members would have had a chance to review it prior to the Council meeting.

Mr. Stevens indicated this project really needed full Council review because concern was raised regarding the implied surveillance. The Council's review will include Mr. Schinckel's clarification. If the project description contained more information about why they were doing it, it would alleviate some of the concerns. The subcommittee cannot act on this alone.

Dr. Terry added we cannot impose conditions that do not reflect Kahu Kū Mauna's concerns or recommendations of other conditions. He felt we should just wait until we hear from Kahu Kū Mauna.

Action

It was moved by Ron Terry and seconded by Herring Kalua to defer this item until the Kahu Kū Mauna Council has a chance to review and make its recommendation. The motion was carried unanimously with the exception of Mr. Schinckel who recused himself.

Discussion

Doug Arnott stated there seems to be a concern about surveillance. As the owner of a large number of modern, high-tech color surveillance cameras, he says no one is sitting watching the images. He believes the types of cameras being used have pixel alarms and someone will look at the hazy infrared images when the alarm sounds. Mr. Schinckel replied that was correct.

Mr. Stevens knows that to be so, but he needs to let the Council know that. Perhaps Mr. Schinckel could attend the meeting and explain SMA's intentions to alleviate concerns. No matter how good the explanations are there will always be some people that will insist this is a surveillance project.

Mr. Hoke stated he is in agreement with Kahu Kū Mauna, but there are other cultural organizations that do not agree with them. If there is going to be circulation of materials, can it also be included on the UH website so that other people that may have an interest are also made aware? He understands that this is not designed for the kind of surveillance that concerns people, but it is equipped to do it.

Mr. Stevens agreed with Mr. Hoke. It could be utilized in other ways unknown to everybody. We have to let them know up front, and they have to be able to trust whoever is producing that information that this how it is intended to be used, and so be it.

Mr. Stevens had one last comment to Mr. Arnott. The issue is not surveillance. If he were in the field and he knew he was being watched, he does not care, as long as he is not doing anything wrong. But others might care. It is the psychological concern that is the issue, that the cameras have the capability of spying. This is how it is perceived from the outside.

VII. ANNOUNCEMENTS

A. Memorandum of Understanding (MOU)

Mr. Taniguchi asked about the status of the draft MOU.

Director Stormont responded it continues to be a work in progress.

B. NASA/Keck Outriggers

Ms. Cory Harden stated she heard a rumor about activity on the Outriggers following the Judge's decision.

Mr. Taniguchi replied he may be wrong, but the project, as is, was stopped by the Judge because in order to go forward with the project they need a management plan. Just because the Judge's decision regarding the current management plan would prevent the project for going forward now, does not mean it is gone forever. The project can still go forward if they rectify the deficiencies noted by the Judge. Chair Pacheco added the permit is still active, but as far as we know, there is no funding.

Rolf-Peter Kudritzki stated for the record there is no intention to build the Keck Outriggers. Ms. Ward asked if there is no intention to build, then why is IfA requesting a two-year extension to the project's DLNR permit. Dr Kudritzki explained the University requested an extension of the permit in order to be able to respond to the preliminary ruling by the Judge. Further it was not clear whether the Judge would respond to the University's comments to the ruling by the time the permit expired in October. The request for the extension was not to build the Keck Outriggers.

C. Timelines for Proposals

Mr. Schinckel asked if timelines could be established, such as deadlines for submitting materials to the Office to it time to prepare materials for Board members. Also from the Board's perspective, establish deadlines for receiving new material before a meeting.

Director Stormont stated the Office has never really created a formal structure preceding a meeting, such as deadlines for certain kinds of projects, or distribution to Board members, and so forth. Chair Pacheco said that should be relatively easy to do and asked if that could be done by the next meeting and have it in place.

Director Stormont replied he could look at creating a structure for that. Dr. Terry suggested having something prepared for the next meeting.

VIII. NEXT MEETING

The Office will poll Board members for available meeting dates for January, March, May and July 2007. We will meet regardless of whether there are action items or not.

IX. ADJOURNMENT

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

Respectfully submitted:

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

1/16/07
Date