



University of Hawai'i at Hilo

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**Minutes
Regular Meeting**

Mauna Kea Management Board
Thursday, July 24, 2008

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

Attending

MKMB: Chair Barry Taniguchi, 2nd 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: Taft Armandroff, Doug Arnott, David Byrne, Dawn Chang, Gerald DeMello, Cory Harden, Saeko Hayashi, Bill Heacox, Nelson Ho, Arthur Hoke, Jim Kennedy, Ron Koehler, Pablo McLoud, Russ Oda, Stuart Putland, Helen Rogers, Bill Stormont, and Deborah Ward

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

It was moved by Lisa Hadway and seconded by Herring Kalua that the minutes of the May 13, 2008, meeting of the MKMB be accepted. The motion was carried unanimously.

III. INTERIM DIRECTOR'S REPORT

A. University of Hawai'i 24" Telescope Renovation Project

Construction is ready to commence. The Department of Land and Natural Resources (DLNR) gave its approval to: 1) allow rangers to monitor construction activities; 2) have Department of Agriculture inspectors inspect all construction vehicles and containers prior to going up to the mountain; and 3) accept a report by the Office of Mauna Kea Management's (OMKM) cultural consultant regarding absence of archaeological sites in the vicinity of the former batch plant on the mountain.

B. Cultural Resources Management Plan

In June, Pacific Consulting Services, Inc. (PCSI), OMKM's cultural consultant, Kahu Ku Mauna Council and OMKM gave a briefing to the Hawai'i Island Burial Council on the archaeological inventory and cultural management plan. Representing Kahu Ku Mauna Council were Ed Stevens, Arthur Hoke, Toni Mallow and Tiffnie Kakalia, and Interim Director Nagata for OMKM. The Burial Council was also informed that the cultural management plan will be incorporated into a comprehensive management plan and that OMKM will be preparing a burial plan following completion of the inventory report. The Burial Council expressed and offered their support.

Mr. Stevens felt it was important that the Burial Council know of Kahu Ku Mauna and explained to them that the

summit of Mauna Kea was Kahu Ku Mauna Council's kuleana and asked for their understanding. He also expressed the desire to work closely with Burial Council and asked them to consider Kahu Ku Mauna on matters related to Mauna Kea.

Dawn Chang, Interim Director Nagata, and PCSI also gave a briefing to the Historic Preservation Division on the cultural management plan and comprehensive management plan.

C. Comprehensive Management Plan

The Office continues to move forward on the Comprehensive Management Plan (CMP). Dawn Chang will give a report to the Board.

D. Budget

We have received assurances from System that they will be tracking our budget to make sure that OMKM is adequately funded.

E. Thirty-Meter Telescope (TMT)

TMT has engaged a consultant to prepare an environmental impact statement (EIS). The EIS will need a scope of the project to assess impacts. OMKM will be initiating the project review process. Chancellor Tseng has appointed three members to the Design Review Committee (DRC). They are: Brad Kurokawa, landscape architect; Greg Mooers, planner; and Ron Nagata, architect. The DRC and representatives from the Kahu Kū Mauna Council, MKMB and OMKM will participate in the review process.

E. University of Hawai'i 88" Telescope All-Sky Camera Project Update

The Board earlier approved a project by the UH 88" Telescope to install an all-sky camera on the roof of the summit lunch room. MKMB approved the installation of a box containing a camera. They are requesting to install a 7-foot tower and placing the camera on top. The change is to deter vandalism of the camera.

The Office is bringing this to the Board's attention and for comment before beginning processing this project. The Kahu Kū Mauna Council will need to review this as well as DLNR. This will be presented at the next meeting if the Board felt it required additional review and approval.

Mr. Stevens stated his major concern was aesthetics and asked the Board to consider this in their decision making. He does not want to see a patchwork of equipment, instead it should appear professional. However, if this tower meets that criterion, then so be it.

Chair Taniguchi thought it would be obvious sitting on top a low roof. What mitigation measures could they implement? Interim Director Nagata stated she asked Colin Aspin if there was any other building or facility they could attach this camera to. The response was that there really wasn't anything suitable on that side of the summit.

Chair Taniguchi stated he would prefer getting input from the Kahu Kū Mauna Council before giving a recommendation on the project.

IV. COMMITTEE REPORTS

A. Kahu Kū Mauna Council

Mr. Stevens reported the Council has been reviewing and updating their guidelines plans to have a draft ready by the next meeting.

Mr. Stevens reported he participated in a briefing before the Office of Hawaiian Affairs (OHA) Beneficiary Advocacy and Empowerment Committee. He appreciated being there speaking on behalf of Kahu Kū Mauna. He gave them a friendly reminder that Mauna Kea is our jurisdiction and to not make hasty decisions without first consulting with the Council.

V. OLD BUSINESS

A. Comprehensive Management Plan (CMP)

Dawn Chang, Ku'iwalu, gave the following update on the CMP.

- PCSI continues with the preparation of Cultural Resources Management Plan. SRGII is preparing the Natural Resource Management Plan and also will be integrating the two plans.
- Met with the OHA's Hawaiian Affairs Beneficiary Advocacy and Empowerment Committee. The chairperson of the Hawaiian Civic Clubs heard the presentation and asked if we do a presentation at their convention in October. She is also proposing a resolution by the Hawaiian Civic Clubs supporting the CMP and administrative rules. OHA Chair Haunani Apoliona also offered OHA's support, and requested that OHA be kept informed.
- Still awaiting a legal opinion from the Attorney General's office regarding the application of administrative rules, in particular Exhibit 3. If an opinion is rendered, we plan to go back to the BLNR for their August 22 meeting.
- As part of the commitment to the community to keep them informed on the status of the CMP. A newsletter was circulated along with the results of a statewide telephone survey to key stakeholders before it was made public. Upon circulation, OMKM and the Institute for Astronomy (IfA) pointed out that information regarding UH's lease was inaccurate. A correction page was prepared.
- In the telephone survey, 90% of those surveyed responded that science, new development and culture can occur on Mauna Kea while protecting the cultural resources as long as cultural issues are being addressed. One of the issues is for IfA to demonstrate that they are hearing the community about removing telescopes, decommissioning and restoration. On July 15 Director Kudritzki submitted a letter describing an update to a report he submitted to the legislature.
- Dr. Kudritzki sent letters to all of the astronomy facility directors, asking each of them to explain their decommissioning plan. They each have subleases that provide a different course at the end of their lease.
- CMP Preparation - Working in coordination with OMKM's consultants and utilizing that information to begin drafting the CMP. We remain on schedule unless something comes from the Land Board or someplace else.

Discussion

There was discussion about the language of the Operating and Site Development Agreements (OSDA) and subleases with the observatories. Chair Taniguchi requested that the Office write to the president to look at each individual subleases to see where they are different. As discussed it looks like there are differences among the subleases. Mr. Matsui stated the request could be sent straight to his office and did not need to go thru the president.

Ms. Hadway recalled at the last meeting the issue of litigation concerning the university was raised. Chair Taniguchi interrupted and thought the status of the litigation should be discussed with our attorney in executive session. No decision is going to be made on the CMP since the Board was only given an update. Chair Taniguchi recommended going into executive session at the end of the meeting if there were no objections.

B. Mauna Kea Observatories Support Services (MKOSS) Transfer

Christian Veillet is still in discussion with observatory directors. Legal Counsel reviewed the OSDA and subleases and indicated that MKOSS being the responsibility of IfA is mentioned only in the OSDA. Who MKOSS reports to can be changed in a letter to the observatories.

Ms. Hadway felt it would be good if the subcommittee could formally meet and come to the Board with an action item to vote on whether the transfer should go forward or not.

Ron Terry questioned if everything had to be moved or could components that made sense under OMKM be transferred. Christian Veillet stated the rangers and the Visitor Information Station (VIS) are two items that make sense to transfer to OMKM.

Dr. Terry agreed it was logical to move those two under OMKM since they are related to the public. The public will have to some degree input over the management of these services.

Chair Taniguchi felt MKOSS is an entity that should be kept intact. It works well now the way it is structured. The fact that MKOSS reports to IfA creates the perception that Honolulu is still in control. That is something we have been working hard to get away from. If MKOSS' reports to OMKM, they can still work things out with IfA.

Dr. Veillet stated they could not find an objective reason for making the transfer, and it comes down to a perception issue. Chair Taniguchi replied key is that management is on the Big Island. When you look at everything, that is what MKMB and OMKM is all about. Unfortunately, the IfA does not have a good reputation.

Mr. Stevens' observation is that the observatories are tenants on the mountain, and they contribute to upkeep, roads, and so forth. There should be a separate body who expends the money where it is really needed instead of the observatories. Chair Taniguchi stated that is the role of the Oversight Committee. Mr. Stevens felt this matter should be looked at from the perspective of trusting another body to do the job.

Arthur Hoke felt it was all semantics. English may not be the best way to explain things. The concern of Hawaiians is properly identified in the word kuleana. That is really why we advocate that OMKM be the one that is in charge, because that is their kuleana.

VI. NEW BUSINESS

A. Mauna Kea Observatories Support Services (MKOSS) Request to Lay Fiber Optic Cable between the Common Area Building and the Visitor Information Station (VIS)

OMKM received a proposal from MKOSS to lay a fiber optic cable between the Common Area Building and VIS. The purpose is to improve the network connection at the VIS to accommodate increasing demand.

Kahu Kū Mauna Council reviewed the project and has no objections. Interim Director Nagata received notification from DLNR this morning that they do not have a problem with it, but it does require a Site Plan Approval.

Recommendation

OMKM recommends classifying this project Minimal Impact and allowing the applicant to proceed provided they receive a Site Plan Approval from DLNR and MKOSS complies with the conditions in the DLNR permit, as well as conditions imposed by the Board. Recommendation is based on the following;

- The proposed activity does not significantly alter the exterior appearance or structure of existing facilities.
- Minimal excavation is involved on ground that has been previously disturbed.
- There are no cultural or archaeological sites in the near or proposed path of the cable.
- No mamane or other native plants will be damaged or destroyed in the course of the project.
- The impact to the immediate surroundings is minor.

Conditions

OMKM recommends the following conditions:

1. Notify OMKM when it will commence summit construction activities.
2. Avoid disturbance and/or damage to existing trees.
3. Keep surrounding work area clean of any incidental debris.
4. If a DLNR permit is required, comply with the conditions of the permit.
5. Allow OMKM rangers to visit and monitor installation activities.
6. Notify OMKM upon completion of the project.

Action

It was moved by Ron Terry and seconded by Herring Kalua to accept OMKM's recommendation to classify this project Minimal Impact and approve it with conditions. The motion was carried unanimously.

B. Mauna Kea Management Board Bylaws

Interim Director Nagata announced the Office has some additional research it would like to do regarding the Board bylaws and requested to defer this to another time.

As there were no objections to this request, the matter was deferred to a future meeting.

VII. ANNOUNCEMENTS

A. Kahu Kū Mauna

The Council is reviewing the possibility of re-establishing a subcommittee. The subcommittee would consist of the Kona members, who will meet and take action. The intent is to expedite the review of projects that can be handled by the committee. All they ask is for is reasonable lead time from the originators.

The Council will also be changing their meeting days to the second Wednesday of each month.

B. Executive Session

Nelson Ho asked the Board to reconsider going into executive session regarding the litigation concerning the CMP. Under the State Office of Information Practices executive sessions should be listed on the agenda including the topics to be covered. His preference is if there is general discussion, especially if it involves questions from Ms. Chang, or opinions from other members, that it be conducted in the public meeting.

Chair Taniguchi inquired with Legal Counsel if the Board could go into executive session. The CMP was an agenda item, but the subject of litigation was not anticipated. Mr. Matsui stated the Board may exercise its discretion to go into executive session.

Dr. Terry asked if the Board could at least explain, in general, to the concerned members of the public what we are going into executive session for. Is it because we are an entity of the university and the university is a party to this lawsuit? Chair Taniguchi replied we are asking legal counsel for a status report. This matter could either be discussed today or at the next meeting. If it is the next meeting it will be an agenda item.

Mr. Ho thought if it is of interest to the board, it should be discussed in an open meeting. If a decision is going to be made, then it is protected under Sunshine laws. Chair Taniguchi stated the Board is not making a decision; it is a status report on where the university stands. Mr. Ho responded there are people here who would like to know the University's status regarding the litigation.

This matter was deferred to the next meeting.

C. DLNR Civil Penalization

Pablo McLoud had questions about DLNR's proposal regarding a civil penalty system to handle non-criminal violations of their regulations governing natural and cultural resources. Specifically what will be the role of OMKM and the rangers?

Chair Taniguchi replied the Board did not have the answers to those questions, and asked Mr. McLoud to leave his questions with OMKM. Ms. Hadway mentioned many of Mr. McLoud's questions have not been worked out yet. There may be answers to some of Mr. McLoud's questions once the process is developed. Typically it takes about 18 months to two years.

VIII. NEXT MEETING

The next meeting of the Mauna Kea Management Board is scheduled for Tuesday, September 16, 2008.

IX. ADJOURNMENT

There being no further business, Chair Taniguchi adjourned the meeting at 11:27 a.m.

Respectfully submitted:



Dr. Ron Terry, Secretary, MKMB



Date