



University of Hawai'i at Hilo

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Minutes Regular Meeting

Mauna Kea Management Board
Wednesday, August 14, 2013

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

Attending

MKMB: Chair Gregory Mooers, 2nd Vice Chair/Secretary Lisa Hadway, Taft Armandroff, Patricia Bergin, Gregory Chun and Hannah Kihalani Springer

Kahu Kū Mauna: Tom Chun and Celeste Ha'o

OMKM: Wally Ishibashi, Jessica Kirkpatrick, Fritz Klasner, Stephanie Nagata, Dawn Pamarang, Amber Stillman and Joy Yoshina

Others: Laura Aquino, Sandra Dawson, Jesse Eiben, Cory Harden, Nelson Ho, Stewart Hunter, Joe McDonough and Dwight Vicente

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 Patricia Bergin the minutes of the May 15, 2013, meeting of the MKMB were unanimously approved.

III. DIRECTOR'S REPORT

A. Thirty-Meter Telescope (TMT) Conservation District Use Permit Appeal

In response to the appellants' filing of an appeal, the University of Hawaii (UH) filed a motion to dismiss stating the appellants did not meet the rules for identifying and supporting their claims against the University. Instead the nine counts set forth in the appellants Statement of Case merely cited conclusory statements. Further, the appellants failed to identify the facts that support their statements. Without the identification of the facts the University cannot determine what the claims are or the grounds upon which the claims are being made. On July 16, 2013, UH's motion to dismiss was denied. However, the judge made it clear to the appellants that they are required to adhere to the 35 page rule when submitting their opening brief, due on September 26. UH's deadline to submit an answering brief is November 5, 2013 and the appellants reply brief is due November 19. Final oral arguments will be heard on December 13, 2013 in Hilo.

B. Master Lease

The University is looking at long term tenure mechanisms for its managed lands on Mauna Kea. There are three options - land patent grant, executive order and a new master lease. Looking at the conditions of the three mechanisms, it is clear that neither an executive order nor a land patent are viable options. Since the Board of Land and Natural Resources (BLNR) granted a permit for the TMT project, UH will be negotiating a sublease agreement with TMT. However, the existing master lease, established in 1968, does not reflect or is in conflict with changes that have occurred since 2000. These changes include the Master Plan, the Comprehensive Management Plan (CMP) and sub-plans, and administrative rules regarding the management of UH's managed areas. A sublease agreement with TMT will need to be based on a master lease that reflects these changes.

Nelson Ho inquired if the new Master Lease process would come before this Board. Director Nagata replied there will be some discussions with the Kahu Kū Mauna Council and this Board. The new Master Lease is approved by the Board of Land and Natural Resources. A sublease for the Thirty Meter Telescope or any other facility that decides they want to negotiate their sublease would need to be based on a Master Lease that incorporates the changes that took place in the past 13 years. The 1968 lease did not foresee a lot of the changes that the University has made or the conditions that the BLNR has since placed on the University.

Dwight Vicente stated Mauna Kea is designated Crown Lands, but after 1959 a lot of lands were designated 5F under the Northwest Ordinance. How does that affect the true title of Mauna Kea, which is Crown land, and placing it under 5F under the Northwest Ordinance? Director Nagata replied that is something we do not have control over. We have to work under current existing rules, regulations and laws.

Mr. Ho commented that in 1995 the Sierra Club was concerned about BLNR's decision to allow many visitors, vans, and personal activities on Mauna Kea. He hopes when commercial activities are moved to the lower parking lot area that attention is paid to the health of the mamane trees, to not remove any more trees and consider restoration and mitigation measures.

Chair Mooers clarified the role of this Board regarding the Master Lease. The Lease is between the State of Hawaii DLNR and the University. This Board's role is simply to review the documents to make sure the Board's ability to perform their mission is protected in that Lease. We will comment to the University, but have no approval position or authority at all. Anything coming before this Board will be for information purposes only.

C. Burial Treatment Plan

On June 20, 2013, the Office appeared before the Hawaii Island Burial Council to request approval of OMKM's Burial Treatment Plan. The Council approved the recommendation to preserve burials in place. The Council also recommended that the area outside the Astronomy Precinct be considered a burial buffer zone and that all inadvertently found burials be treated as previously known. We have concerns about establishing areas outside the Astronomy Precinct as a burial buffer zone because other activities such as hiking and hunting occur in those areas. It is also our understanding that different sets of rules and regulations apply to the treatment of known and inadvertently found burials and, in fact, there is an Attorney General's opinion that inadvertently discovered burials cannot be treated as previously identified because there would be a conflict with Chapter 6E and HAR 13-300. We are currently working with State of Hawaii Historic Preservation Division on finalizing the plan.

D. Capital Improvement Project Funding

The State legislature appropriated \$2 million for the study and construction of infrastructure improvements in the Science Reserve. According to the budget worksheet \$100,000 was appropriated for a study and \$1.9 million for construction. We are working with the Director for Facilities Planning on defining a plan for getting the funding released.

E. Outreach

Meetings with Hawaii Island elected officials have taken place to update them on activities on Mauna Kea. This is to let them know what we are doing to protect the resources as well as astronomy related activities.

F. Guardrails on Mauna Kea Access Road

The installation of guard rails along sections of the gravel road is scheduled to start on August 19. This is a Mauna Kea Support Services (MKSS) project to help prevent cars from driving off the road, particularly where there are steep drop offs.

G. Summit Erosion

Tropical storm Flossie dumped a lot a rain on the summit causing runoffs and erosion. MKSS will be making repairs to shore up the road to prevent future erosion.

H. Visitor Information Station (VIS) Improvements

The VIS will be undergoing a modest remodeling and shuffling of furniture. This will result in re-establishing their exhibits on the resources which disappeared several years ago to make more room for people to sit and watch Mauna Kea related videos.

I. Commercial Operators at Hale Pohaku

Stewart Hunter, Scotty Paiva and VIS manager Joe McDonough discussed how we can consolidate commercial tour operators' (CTOs) activities to reduce congestion at the VIS, particularly during the evening crunch period. There

appears to be sufficient space between Hale Pohaku and the VIS where CTOs can park their vans and have their clients eat their dinners and stargaze. The VIS is considering setting up a satellite First Light Bookshop in the Stone Cabins and installing additional portable toilets.

J. Administrative Rules

The Office will resume with the development of administrative rules now that the BLNR has issued a permit for the TMT project. Jeff Melrose, the principal consultant on the project, is winding down his commitments with the County and will resume work on this project.

K. New Hires

Two new recent hires have joined the Office. Joy Yoshina will be helping with processing and oversight of proposed projects. She will also oversee commercial tour operations and the development of administrative rules. Joy has background as a National Park Service Ranger, program analyses and policy development. Wally Ishibashi joined the office to serve as our cultural monitor overseeing construction activities on the mountain to ensure proper procedures are practiced in particular from a cultural perspective. He will also be our liaison with Kahu Kū Mauna and will coordinate outreach activities with native Hawaiian communities. Wally has family ties to mountain, in particular to Pu‘u Poliahu, his family name.

IV. KAHU KŪ MAUNA COUNCIL (KKMC)

Celeste Ha‘o reported Wally Ishibashi has resigned from the Council and is now working with the Office. The Council will be interviewing for a replacement for Mr. Ishibashi. The Council will also be setting limits for membership at seven minimum and nine maximum. The term of tenure will be four years with each member being eligible for a second term. On August 13, 2013, the Council met with outgoing President Greenwood and UH Hilo Chancellor Don Straney and discussed the master lease and subleases.

V. Committee Reports

Environment Committee – Fritz Klasner

A volunteer weed pull event was held on Saturday, July 27. We now have 1200 volunteer hours this year. Two hundred silverswords were planted in the DLNR enclosure.

Team Poliahu did not win the Imagine Cup worldwide finals in Russia in July, but had a very interesting trip. We will be working with them to finish up their class project later this fall, which is a Smartphone application for reporting native and invasive plant species on Mauna Kea.

We are working on the procedures for the Invasive Species Plan and hope to have a draft ready for review by the end of this year.

In late June we did the annual wekiu bug and invasive species monitoring. Coincidentally we also just received the 2012 final report from the Bishop Museum. For 2013, we have not done the full calculations of the numbers in terms of wekiu bug, but they were widely distributed. Most of the trap sights seemed quite abundant relative to other years.

Regarding invasive species, nothing caught of concern in the annual monitoring. Recently, however, ants identified as *Cardiocondyla kagutsuchi* were found at Hale Pohaku around some of the parking lots and among roots of pulled fireweed. This ant is widespread on Haleakala and can fly. We do not know how it got up to Hale Pohaku. The difficulty with this species is finding bait that it is attracted to. We are consulting with Cynthia King, the state entomologist, on how to proceed. We will continue monitoring at Hale Pohaku weekly for the next three months.

This summer the Office had two interns through the UH Hilo Pacific Internship Programs for Exploring Science (PIPES) Program. One of them was Kerri Nakatsu working with our Office and the Big Island Invasive Species Committee preparing some of the protocols for monitoring invasive plants. The second intern was Amber Stillman who worked at the spatial data analysis visualization lab on campus making some perspective maps. Ms. Stillman gave a presentation on her 3D map portfolio of the different UH managed areas on Mauna Kea for outreach purposes for the Office.

Lisa Hadway gave a quick update on the level of Lake Waiau. Since January 2012, lake volume has declined substantially from 2700 cubic meters to 34 cubic meters. If the lake dries up completely, we will lose our ability to obtain valuable core samples. Lake Waiau has been cored on three occasions in the 1940s, 1960s and early 1990. Researchers are developing a proposal for a core of the lake, which will give a historical climate record for tens of thousands of years and which would be placed in the National Core Repository. The proposal and permit request would need to pass through the Natural Area Reserve Commission and the Board of Land and Natural Resources and include consultation with the

community. Ms. Hadway also noted that there are some old pipes in the lake and staff along with volunteers are discussing the best way to deal with them.

VI. NEW BUSINESS

A. Pacific International Space Center for Exploration Systems (PISCES)/National Aeronautics and Space Administration (NASA) Proposal for Astro-Geology Survey of Hydrologic Outflow Features around the base of Pu'u Poli'ahu

The Office received a proposal from PISCES, which is being partly funded by NASA and the Department of Business, Economic Development and Tourism. PISCES will walk around the base of Pu'u Poli'ahu to collect about four pounds of cinder to study the hydrothermal alteration of the cinder. Pu'u Poli'ahu was selected based on its analogous geology and soil composition with Mars. Poli'ahu is unique because it is the only currently known area where an eruption took place under a glacier.

Kahu Kū Mauna

The Kahu Kū Mauna Council met on August 13, 2013 and had a number of concerns about PISCES: Will PISCES be coming back and requesting additional studies after this project? What is PISCES' plan for the future? The Council deferred action on this proposed project.

OMKM Recommendation

Due to the Council's deferment on this project, OMKM recommended the MKMB also defer action.

Action

It was moved by Hannah Springer and seconded by Patricia Bergin to defer action on this request. The motion was carried unanimously.

B. 'Imiloa Mobile Science Outreach Program

Celeste Ha'ō gave a presentation on 'Imiloa's Mobile Science Outreach Program. During 2013 'Imiloa is piloting a new Mobile Science outreach program to schools and communities throughout the Big Island. This will be 'Imiloa's premiere outreach program designed to stimulate interest in E.S.T.E.A.M. (endemic sciences, technologies, engineering, art and math) among Hawai'i Island residents. Focusing on the overarching theme of exploration, this curriculum will emphasize how Hawai'i's cultural traditions, its legacy of exploration and the wonders of astronomy can come together to inspire the next generation of innovators and explorers.

VIII. ANNOUNCEMENTS

Nelson Ho expressed his concern regarding the process Rangers use to clear the summit after sunset. He noted the attitude and process of removal of the public from the summit. This should be looked into and, if not, it should be brought up to the UH Board of Regents. He hopes this will be addressed internally within the Office. The process now is the public is told to leave the summit. He does not think the public can be told to leave. Neither the Office nor the Rangers have that authority.

Chair Mooers thanked Mr. Ho for his comments and asked Director Nagata to look into the matter.

IX. NEXT MEETING

The next meeting is scheduled for Wednesday, November 6, 2013.

X. ADJOURNMENT

There being no further business Chair Mooers adjourned the meeting at 11:10 a.m.

Respectfully submitted:

Signed by Lisa Hadway
Lisa Hadway, Secretary, MKMB

10/8/13
Date