



UNIVERSITY of HAWAI'I at HILO  
CENTER FOR MAUNAKEA  
STEWARDSHIP

**Minutes**

**Regular Meeting**

Maunakea Management Board

June 4, 2024

Meeting In-Person and Remotely By Zoom

**Attending:**

**MKMB Members:**

**Present In Person:** Gregory Chun PhD, Andy Adamson

**Present Remotely by Zoom:** Chair Roberta Chu, Diana Van De Car

**Members Excused:** 2<sup>nd</sup> Vice Chair Julie Leialoha, Dr. Billy Bergin

**Kahu Kū Mauna:** Excused

**UH:** (CMS) Gregory Chun PhD, Nahua Guilloz

Gary Takeuchi (OGC)

**MKSOA:** John Komeiji

**I. CALL TO ORDER**

The Maunakea Management Board (MKMB) meeting was called to order by Chair Roberta Chu at 5:02 p.m. It was noted that those in attendance constituted a quorum. In accordance with Sunshine Law requirements, each MKMB member attending remotely was asked if anyone else was present with them at their remote location. None noted.

**II. PUBLIC COMMENTS**

No public testimony was presented.

**III. APPROVAL OF MINUTES**

Chair Chu asked if there were changes to the minutes of the May 7, 2024 meeting. MKMB member Diana Van De Car requested that her name be fixed on the minutes to the proper

spelling, “Diana Van De Car”. MKMB member Van De Car made a motion to approve the minutes with the one correction on the name. MKMB member Andy Adamson seconded the motion, and the motion was carried unanimously.

#### **IV. KAHU KŪ MAUNA (KKM) REPORT**

ED Greg Chun revisited from the last MKMB meeting the matter of cultural artifacts that CMS and KKM have been working together on for the last couple of months. ED Chun said much of the material being discussed is from adze worksites located on UH leased lands. These items were collected during the archaeological inventory that took place in 2009. Items include blanks, incomplete blanks, flakes, hammer stones, and miscellaneous leftover material. CMS has been housing these items since 2019. Through discussions with KKM, CMS and KKM have determined that CMS does not need to keep these materials anymore, as analysis is complete. Some material CMS would like to keep for educational purposes. Technically the State has the final say over what to do with the material. CMS has had discussions with SHPD and ED Chun has briefed MKSOA on this. SHPD has indicated they would like to transfer ownership of this material to UH. ED Chun said this raises several problematic issues. CMS needs clarification from SHPD of what they would like to do, and needs to meet with SHPD, MKSOA, KKM, and OGC to discuss how to proceed. One issue brought up by OGC is that since UH receives federal funds, NAGPRA would apply and UH would need to go through a consultation process to take ownership. This issue is ongoing.

#### **V. EXECUTIVE DIRECTOR’S REPORT**

##### Observatory Decommissioning

Hōkū Ke’a decommissioning has been completed. CMS and UH Facilities conducted the final site inspection on Friday May 31st. UH Facilities deemed the project substantially complete. UH Facilities will issue a letter to the contractor to that effect and will copy CMS. The next step for CMS is to follow up with OCCL and DLNR to notify them that the project has been completed, as required by the permit. CMS does not anticipate any other issues at this point. ED Chun said that this was a bittersweet achievement. CMS did a small site blessing with the contractor and UH Facilities group, which was led by CMS Cultural Monitor Karl Halemano.

CSO has made substantial progress since the dome removal was completed last week. They have started on removal of the foundation, have excavated the location of the cesspool, and have taken soil samples as required by DOH permit to test soil under the cesspool. CSO is awaiting the results of those tests. The photo shown on ED Chun’s presentation is from a public webcam looking down at the site; it was taken at about 2:40 PM HST on June 4th. CSO anticipates that the foundation and site restoration will be completed by the end of September or sooner, weather permitting.

##### Maunakea Access Road

Last week Friday, the Hawaii State Supreme Court issued their decision in the Kanahale v. State of Hawaii case. ED Chun reported that this is a case where DHHL beneficiaries brought an action against DOT and DHHL arguing that it was illegal for the State to designate the Maunakea Access Road as a State highway. They also argued that the Defendants breached their trust duties by allowing the State to use Maunakea Access Road lands without payment

since the 1970s. This was taken up by the Circuit Court, and the Circuit Court disagreed with the Plaintiffs based on Act 14. The case was then elevated to the Supreme Court. The Hawaii State Supreme Court disagreed with the Circuit Court and held in favor of the Plaintiffs. The case has been remanded to the Circuit Court, but it is unclear to ED Chun what the remedy is. ED Chun and CMS are still trying to understand the implications of this ruling for the use of the road.

#### Legislation Update SB1511 SD2 HD2 CD2

ED Chun updated the Board on SB1511 which passed out of the Legislature and has been sent to Governor Green. This bill is intended to clarify the use of RCUH by the UH and State agencies for hiring and procurement based on the original purpose of RCUH. There has been a claim that RCUH has drifted from its original purpose and is being used in a much broader way. It significantly limits what is designated as a “research employee”. CMS and MKSS have about 49 employees who are RCUH employees. If this bill is to be signed into law, it is unclear how these employees will be handled. ED Chun and other CMS representatives met with RCUH Executive Director Leonard Gouveia to discuss the implications of this bill, and much remains unclear. The Governor has until the end of June to put this bill on his intent to veto list. ED Chun indicated that there is active lobbying going on for the Governor to veto this bill.

MKMB member Andy Adamson asked when this bill would take effect if signed. ED Chun said that his understanding is that this bill would take effect July 1st, but that it does not specify a transition plan.

#### MKSOA Briefing

ED Chun said that CMS staff spent 15-16 hours over three days with John De Fries and Lloyd Unebasami to orient them to CMS operations. The first day was approximately three hours and was an overview of the organization and finances. The second day was over half a day, and John and Lloyd met with all the CMS Managers. The CMS Managers reviewed their respective departments with John and Lloyd. In the afternoon, ED Chun and other CMS representatives took Lloyd up to see the decommissioning of CSO and Hōkū Ke’a, which were both still ongoing at the time. John was not able to join. The third day, CMS held a debrief with John and Lloyd at IfA.

Since the meeting, CMS has received requests from Lloyd for clarification. Lloyd is coming to the Maunakea Oversight Committee Meeting at Halepohaku tomorrow, June 5th, to meet the group that approves the budget for MKSS.

There are no clear plans or path forward yet, but ED Chun said CMS is starting the process to introduce MKSOA leadership to how operations work. John Komeji said thank you to the team for spending time with John DeFries and Lloyd Unebasami.

## **VI. EXECUTIVE SESSION**

ED Chun made a motion to move into executive session pursuant to HRS Section 92-5 (a)(4) to consult with the Board’s attorney on questions and issues pertaining to the powers, duties, and privileges regarding the Maunakea Access Road issue, SB1511, and the Board’s joint management role with MKSOA. MKMB member Van De Car seconded the motion, and the

motion was carried unanimously.

The Executive Session started at 5:44 p.m. and concluded at 6:12 p.m. The public meeting was reconvened at 6:12 p.m. ED Chun reported that MKMB consulted with their attorney on questions and matters regarding Maunakea Access Road issue and the implications of SB1511 in relation to the transition to MKSOA. No decisions were made or recommendations developed during this session.

**VII. AGENDA ITEMS**

No new items discussed.

**VIII. ANNOUNCEMENTS**

Chair Chu shared that the next public meeting will be held on Tuesday, July 2nd, at 5:00 p.m.

**IX. ADJOURNMENT**

Chair Chu adjourned the meeting at 6:14 p.m.

Respectfully submitted:  
Marybeth Young  
June 24, 2024