



UNIVERSITY of HAWAI'I at HILO
CENTER FOR MAUNAKEA
STEWARDSHIP

Minutes Regular Meeting

Maunakea Management Board

October 4, 2022

Virtual Meeting By Zoom

Attending:

MKMB, In Person: Gregory Chun PhD, (*Excused: 2nd Vice Chair Julie Leialoha*)

MKMB, Remote: Chair Roberta Chu, Dr. Billy Bergin, Diana Van de Car and Andy Adamson

BOR: Wayne Higaki (*Excused: Alapaki Nahale-a*)

Kahu Kū Mauna: ---

CMS: Gregory Chun PhD, Nahua Guilloz, Karie Klein, Joy Yoshina

UH: Bonnie D. Irwin, Gary Takeuchi

Others: CFHT: Ivan Look

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 constitute a quorum. Due to 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

Leilani Lindsey Kaapuni testified about her objections to University of Hawai'i at Hilo's New Educational Telescope proposed for Hale Pōhaku. This was not an item on the agenda.

III. APPROVAL OF MINUTES

Chair Chu asked if there were changes to the minutes of the September 6, 2022 meeting. No one requested changes. MKMB member Billy Bergin made a motion to approve the September 6, 2022 minutes as circulated. MKMB member Andy Adamson seconded the motion, and the motion carried unanimously.

IV. KAHU KŪ MAUNA (KKM) REPORT

Executive Director Gregory Chun reported on behalf of KKM Chair Shane Palacat-Nelsen. At the September 8, 2022 KKM meeting time was spent primarily on agenda item VI.A. CFHT soil sampling project. Director Nahua Guilloz will cover the KKM input during discussion of this project. Executive Director Chun recognized the late Leningrad Elarionoff for his years of service to KKM, and reported that a certificate of recognition was given at his funeral service.

V. EXECUTIVE DIRECTOR'S REPORT

A. Caltech Submillimeter Observatory (CSO) Decommissioning

Chun shared that the furniture and fixtures have been removed from the facility. Lead paint and hazmat removal is in process and should be completed with another day's work or so. DOT road closure and transportation permits have yet to be issued, and this is delaying the mirror removal. Permitting delays and unexpected challenges having to do with this being the first decommissioning have led to schedule interruptions. CSO is concerned that the schedule is moving into winter weather so they are assessing the potential implications of these delays.

B. University of Hawai'i at Hilo (UHH) - New Educational Telescope (NET)

The Draft Environmental Assessment was published with a proposed Finding of No Significant Impact (FONSI) on September 23, 2022. A thirty (30)-day public comment period is in progress.

An Open House is being held tomorrow night (October 5, 2022) at the UHH Science and Technology Building from 5:30-700 pm. There will be information on the benefits of the telescope not just for UHH students but also for the community, as well as background information on the permitting process and timeline, and technical information about the size and operation of the telescope. As this Board recalls, there was strong public support for this telescope from the community when the decommissioning of the old Hōkū Kea facility was announced. MKMB recommended to UH Administration that a plan to replace Hōkū Kea be brought forward before decommissioning started. Please join us tomorrow if you can.

C. Hōkū Kea (HK) Decommissioning

The Conservation District Use Application (CDUA) for decommissioning has been submitted and CMS is still awaiting approval by the Board of Natural and Resources (BLNR). The BLNR is expected to act by the end of this year. Once the CDUA is approved, UHH can begin procurement followed by County permitting. Demolition is anticipated to be completed by September 2023.

D. Comprehensive Management Plan (CMP) Contested Case

CMS is still awaiting a decision by the BLNR on whether a contested case will be granted to Ms. Laulani Teale regarding their approval of the CMP Update. Under the rules, once Ms. Teale filed her written request UH is not allowed to communicate with Board of Land and Natural Resources (BLNR) directly on substantive issues regarding this matter. In the interest of caution, Chun has not communicated with BLNR at all regarding Ms. Teale's request.

E. Kanahahele Appeal re: Land Use Boundary Classification for Maunakea

On September 22, 2022, the Hawai‘i State Supreme Court heard oral arguments for the Kanahahele appeal of the Land Use Commission’s (LUC) decision to not grant their request for a declaratory order that astronomy development on Maunakea more properly falls into the Urban district. The Attorney General and UH made procedural and jurisdictional arguments that the BLNR is the body having the authority to determine land uses within the conservation district. Certain members of the Court focused on the public’s path for recourse if they believe allowed land uses are not consistent with the purposes of the district classification which is determined by the LUC. It is not clear when the Court will issue its opinion.

F. Maunakea Stewardship and Oversight Authority (MKSOA) Transition

Four ex-officio members have been named:

- i. BLNR Chair: Suzanne Case
- ii. Hawaii County Mayor designee: Douglass Shipman Adams, Director of Research and Development Management
- iii. UH Board of Regents Chair designee: Eugene Bal III, Maui County Regent
- iv. UHH Chancellor (non-voting): Bonnie Irwin

The Governor has announced his eight appointees:

- i. Finance/Business: John Komeiji (MKSOA Chair)
- ii. ‘Āina (Land) Resource Management: Kamanamaikalani Beamer
- iii. Education: Gary Kalehua Krug
- iv. Mauna Kea Observatory (MKO): Rich Matsuda
- v. Lineal Descendant: Pomaikai Bertlemann
- vi. Cultural Practitioner: Joshua Lanakila Mangauil
- vii. Senate President Nominee: Paul Horner
- viii. House Speaker Nominee: Michelle “Noe Noe” Wong-Wilson

Appointments are on an “interim basis, effective immediately.” Appointees will take an oath of office at which point the MKSOA will be constituted, will have decision-making powers and will be subject to the Sunshine Law. If Senate confirmations do not occur in a Special Session in 2022 (no indication they will), the next Governor will need to re-appoint and the Senate will need to confirm members for full terms by the end of the next legislative session.

VI. AGENDA ITEMS

A. Review & Approve – Canada France Hawaii Telescope (CFHT)

- Underground Storage Tank (UST) Soil Sampling

Chun introduced guests Joy Yoshina (CMS) and Ivan Look (CFHT). This project is the initial phase in the closing of CFHT’s underground diesel storage tank. The current plan is to drain, close and fill it with full removal occurring when CFHT is eventually decommissioned. The soil sampling results collected during this initial phase will inform the final plan. Director Guilloz shared that both KKM and the Environment Committee

(EC) were both concerned with punctures to the fuel tank that could happen during the soil sampling. The fuel tank will be emptied prior to the sampling to reduce the risk of any release should the tank be punctured. KKM requested a report on CFHT's storage tank logs from prior monitoring ensure no prior leaks had occurred. This was provided and no leaks were found. Per Department of Health requirements, the deadline for closing the tank is July 2028. MKMB member Adamson asked what would happen if the sampling found leaks. CFHT's Look replied with the possible remedies to such findings.

MKMB member Adamson made a motion to recommend to the Board of Regents to approve the CFHT Soil Sampling project as presented. MKMB member Bergin seconded the motion, and the motion carried unanimously.

VII. EXECUTIVE SESSION

MKMB member Chun made a motion to move into executive session pursuant to Sections 92-4 and 92-5 (a)(4), Hawai'i Revised Statutes, to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities regarding membership. MKMB member Diana Van de Car seconded the motion, and the motion carried unanimously. Executive Session started at 5:41 p.m. and concluded at 6:26 p.m. The public meeting was reconvened at 6:26 pm.

VIII. ANNOUNCEMENTS

Chair Chu shared that the next public meeting will be held on Tuesday, November 1, 2022 at 5 p.m.

IX. ADJOURNMENT

Chair Chu adjourned the meeting at 6:29 p.m.

Respectfully submitted:

Julie Leialoha, Secretary
October 4, 2022