

UH Managed lands – Project Proposal

for projects anticipated to be classified as having “Minimal Impact”

Office of Maunakea Management

Brief Descriptive Title of Project

“No Commercial Activity Allowed w/o Permit” Signs

Project Description

Install four (4) posts and signs in the University of Hawai‘i managed Halepōhaku parcel which clearly state that no commercial activity is allowed without a permit.

Identified Land Use (see HAR § 13-5-22 through 13-5-25)

HAR §13-5-22, P-7 Signs, (B-1) Signs, including safety signs danger signs, no trespassing signs, and other informational signs...

Identify the existing CDUP this proposal alters or affects, if any

HA-1430: Subdivision & Construction of Halepōhaku....

HA-1819: Subdivision to Create an Approximately 21-Acre Site...

HA-3812: Infrastructure Improvements at Maunakea... (aka Ingress/Egress)

Identify [University of Hawai‘i exemption](#) per HAR § 11-200-8(a), if any

Exemption Class #6: Construction or placement of minor structures accessory to existing facilities, 1.) Construction or placement of: c.) Scoreboard, signs and flag poles.

Tax Map Key(s)

4-4-015:012 - Halepōhaku

Proposed Commencement Date

1 July, 2019

Proposed Completion Date

1 July, 2020

Estimated Project Cost

\$1,000

Total size / area of proposed use

Less than 10 square feet

Project Purpose and Need

Commercial tours on UH's managed lands requires a University issued permit. Such a permitting process is consistent with the Department of Land and Natural Resources which transferred the commercial tour permitting function to the University in 2005. Whereas permitted commercial tour operators must comply with numerous conditions, including, for example, the payment of fees insurance, first aid certified drivers, and invasive species program requirements. While unpermitted tour operators get a "free ride" at the expense of permitted operators whose fees are applied toward stewardship of the mountain. To help discourage unpermitted tour operations, signs consistent with applicable laws and administrative rules will communicate expectations and requirements to both permitted and unpermitted entities. The proposed signs state that commercial tours are prohibited without a permit and cite relevant statutes.

Precise wording is subject to adjustment with review by legal counsel and additional future revisions may be required assuming administrative rules are approved. Any changes would be consistent with the Maunakea Sign Plan and are not expected to change the overall look and feel of the proposal.

Has professional peer-review occurred

Legal counsel review will occur prior to permit application submission to DLNR.

Are there any related ongoing, pending, or planned projects associated with this submission?

The proposed signs reflect draft Administrative Rules, which are still pending approval.

Existing Conditions at Project Site(s)

Geology, Climate, & Hazards

The Halepōhaku area is located at the base of Maunakea's upper slopes at an elevation of 9,200 feet and has a semi-arid, sub-alpine climate. Soils are a mix of cinder and ash, prone to erosion if not vegetated or adequate infiltration areas provided. The proposed activity will only occur within existing disturbed use areas where existing erosion controls are in place and actively managed.

Flora, Fauna, Ecology, Water Resources

No native flora inhabits the existing staging area affected by the proposed project—sites are already used routinely. Regular invasive species monitoring of the project site is conducted by OMKM. No surface water resources are present. No existing native vegetation will be removed or disturbed through this proposed project. Restoration of areas removed from regular use will allow for recovery of native species over time periods longer than the anticipated project duration.

Cultural Resources

The nearest historic property is immediately adjacent to the cinder road along the North-East boundary of the Halepōhaku parcel with the Mauna Kea Forest Reserve (site 10312). No adverse impact to historic properties is anticipated by placing curb stops (rocks) along the perimeter and gates at the entrance/exit of these area as the delineation is intended to, in part, protect these areas.

Recreation

The areas are used by visitors to Maunakea. The signs will communicate types of activities that are not appropriate for the site.

Built Infrastructure

The proposed sites are all in pre-existing disturbed areas or built and permitted infrastructure. Relevant permit info is identified above with each component.

Landscaping & Visual Conditions

Existing landscaping includes built parking areas and public use facilities, with native and non-native vegetation in areas with topsoil.

FOR BOARD ACTION

Description of the Project

Location

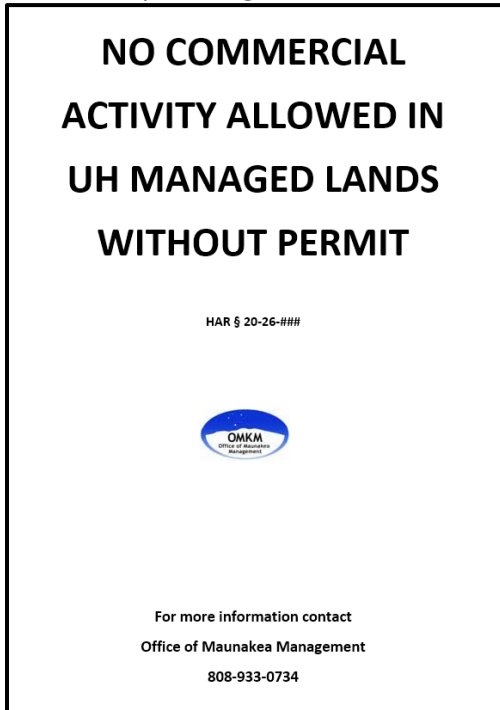
Four (4) total sign posts and signs to be installed at locations shown. Each sign would be placed at an existing vehicle access point into the Halepōhaku parcel.



Description of the process of completing the project

Signs would be comparable to nearby DLNR – Forest Reserve signs as shown in the example below. Signs would be approximately 6 ft. above ground level (top of sign) and be approximately 12” wide by 18” high.

Proposed Sign



Existing, nearby, Forest Reserve example



Who will do the work?

OMKM will provide the materials and Maunakea Support Services (MKSS) would install the posts and attach the signs.

Equipment & Transportation

Existing MKSS equipment is available on site to complete all relevant activities.

Measures to protect the environment and/or mitigate impacts

Protective Measures

- All project participants must attend a Maunakea orientation *prior to* participating in field work.
- Comply with all actions and measures described in the proposal, including (community) benefits, CMP compliance list, and mitigation measures.
- Ensure that loose tools or equipment are not left unattended and are properly stored at the end of each day.
- In preparation for high wind conditions protocols must include measures to ensure debris and equipment are not blown from the job site. Projects occurring in the summit region must verify that temporary and permanent infrastructure can sustain 120mph winds.
- All improvements shall be designed and installed to withstand the severe weather conditions on the mountain.

- Remove and properly dispose of all waste material. All perishable items including food, food wrappers and containers, etc. shall be removed from the site at the end of each day and properly disposed.
- Use of lighting from sunset to sunrise is prohibited unless otherwise stated in the project proposal and approved.
- Employ invasive species prevention best practices, including inspections of materials by a DLNR-approved biologist, as identified in the *Maunakea Invasive Species Management Plan* prior to entering UH managed lands. Every inspection request submitted to OMKM shall include correspondence with the observatory representative(s) identified in the initial notification. Inspections shall not occur on UH managed lands on Maunakea, at State or County parks, along public roadsides, or on Department of Hawaiian Home Lands.
- Motorized equipment, when stationary, must have a drain-pan in place suitable for catching fuel or fluid leaks. To allow for expansion with reduced atmospheric pressure, fuel tanks should not be more than 3/4 full prior to transport to the summit (unless used as the fuel source for transport to the summit).
- Nēnē (*Branta sandvicensis*) may be present. If a nēnē appears within 100 feet (30.5 meters) of ongoing work, all activity shall be temporarily suspended until the animal leaves the area of its own accord. Feeding of nēnē is prohibited.
- The project approval/permit may not be transferred or assigned. A copy of the approval/permit must be present on-site and available for review at all times while are working on University-managed lands.
- No use of mechanized equipment is allowed unless authorized by this permit.
- Identify and comply with other permit requirements, such as County of Hawaii building permits or Department of Land & Natural Resources (see both any applicable DLNR permit and [HAR §13-5-42 Standard conditions](#)).
- Placement of permanent: markers, monuments, mag nails, survey pins, etc. is not allowed without explicit prior approval from OMKM (and the State if required) for this purpose. ALL surveyors work must be shared with OMKM in digital format (i.e. CAD file as well as PDF) with coordinate info stored in and using a common, transferrable coordinate reference system such as “State Plane Coordinates (NAD83), Hawaii Zone 1”.
- The project must be completed within the time frame specified in the proposal and (when applicable) DLNR approval. Projects not completed within this timeframe are not allowed to continue (or commence) without explicit, prior, written approval from OMKM.

Compliance with Lease, Sublease, or Comprehensive Management Plan (CMP)

The signs are consistent with the Maunakea Sign Plan. Signs are a land use as defined by Hawaii Administrative Rules §13-5 and a permit from DLNR is required.

Relevant CMP management actions include:

- EO-4 Develop and implement a signage plan to improve signage throughout the UH Management Areas (interpretive, safety, rules and regulations).
- ACT-3 Maintain a presence of interpretive and enforcement personnel on the mountain at all times to educate users, deter violations, and encourage adherence to restrictions.
- ACT-7 Confine University or other sponsored tours and star-gazing activities to previously disturbed ground surfaces and established parking areas.
- ACT-11 Seek statutory authority for the University to regulate commercial activities in the UH Management Areas.

Identify other required or associated permits

Final version shall be consistent with any approved Hawaii Administrative Rules §20-26.

Five Year Outlook

This project was not included in a Five-Year Outlook.

Community Benefits

Benefits to other Maunakea entities and/or global astronomy community

The proposed action will establish clear expectations for commercial tour companies for ongoing activities at the Halepōhaku parcel.

Benefits to the Hawaii Island community

The community will benefit by having clearly demarcated use areas. Enforcement concerns are communicated to DLNR as appropriate.

Will data, publications, or other products be free and available to the public?

No formal publications will be generated.

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DLNR Evaluation Criteria

After approval by the Maunakea Management Board, the Department of Land & Natural Resources or Board of Land & Natural Resources will evaluate the merits and approve the project based on the following eight criteria (§13-5-30). See <http://dlnr.hawaii.gov/occl/files/2013/08/13-5-2013.pdf>

1. The purpose of the Conservation District is to conserve, protect, and preserve the important natural and cultural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare. (ref §13-5-1) How is the proposed land use consistent with the purpose of the conservation district?

The Board of Land and Natural Resources has adopted the Comprehensive Management Plan and subplans (Cultural Resources Management Plan, Natural Resources Management Plan, Public Access Plan, and Decommissioning Plan) as the approved management documents for land use and activities in the UH Management Areas. The CMP and subplans provide management strategies designed to preserve and protect the resources located in the UH Management Areas. The University is committed to their implementation using the resources that are available to it. The proposed use addresses commercial tour enforcement abilities.

2. How is the proposed use consistent with the objectives of the Resource subzone of the land on which the land use will occur? (§13-5-13 The objective of this subzone is to ensure, with proper management, the sustainable use of the natural resources of those areas. This subzone shall encompass: lands necessary for providing future parkland and lands presently used for national, state, county, or private parks. Land suitable for outdoor recreational uses such as hunting, fishing, hiking, camping, and picnicking. [And other lands not applicable to Maunakea.]

The objective of the Resource subzone "...is to develop, with proper management, areas to ensure sustained use of the natural resources of those areas." The use that is proposed in this application is within the Conservation District Resource subzone. The signs communicate that commercial activities require a permit.

3. Describe how the proposed land use complies with the provisions and guidelines contained in chapter 205A, HRS, entitled "Coastal Zone Management".

This activity is not in the coastal zone.

4. Describe how the proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.

The signs will be located in existing, previously-disturbed areas, preventing or limiting unintended vehicle access.

5. Describe how the proposed land use, including buildings, structures and facilities, is compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.

The signs address the Maunakea Sign Plan and Federal "Manual on Uniform Traffic Control Devices" requirements. They communicate appropriate uses and enable enforcement authority.

6. Describe how the existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon.

Natural beauty and open space characteristics will be improved upon by preventing landscape alteration via unauthorized vehicle use

7. If applicable, describe how subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.

No subdivision of land is involved.

8. Describe how the proposed land use will not be materially detrimental to the public health, safety and welfare.

The uses are explicitly intended to remedy identified public health, safety, and welfare concerns with existing approved activities.

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