

Mauna Kea Management Board
Regular Meeting
Tuesday, November 28, 2000
Building 393, Room #1
Hawai`i Community College
1175 Manono Street
Hilo, Hawai`i 96720

Minutes of Regular Meeting

Members Present: Arthur Hoke, Chair; Robert Pacheco, Vice Chair; Barry Taniguchi, 2nd Vice Chair/Secretary; Heather Cole, Dr. James Kennedy, and Harry Yada.

Interim OMKM Present: Walter Heen, Director; Stephanie Nagata, Assistant Director; Moses Haia, Resource Specialist; and Arnold Hiura, Communication/Community Outreach.

Others Present: Ron Koehler, Ed Stevens, and Hannah Springer.

I. CALL TO ORDER

Chair Arthur Hoke called the Mauna Kea Management Board (MKMB) Meeting to order on November 28, 2000, at 10:00 am.

II. APPROVAL OF MINUTES

It was moved by Barry Taniguchi and seconded by Jim Kennedy that the minutes from the November 14, 2000 MKMB Meeting be accepted as circulated. The motion was carried unanimously.

III. DIRECTOR'S REPORT

Director Walter Heen reported that the OMKM Staff met Ron Koehler of Mauna Kea Support Services to gain a better understanding of their responsibilities and concerns. Staff also discussed the possibility of hiring ranger/guides during the winter interim as a pilot program to obtain information for developing the duties of future ranges/guides. Staff also met with Nelson Ho of Sierra Club who expressed his concerns regarding access to Mauna Kea.

Staff met with Fred Chaffee of Keck Observatory and Bob McLaren of IFA regarding Keck's wekiu mitigation project.

IV. OLD BUSINESS

A. Kahu Kupuna Council

Mr. Stevens indicated the Council should have the names of the three remaining candidates to present to the Board for approval at the next meeting.

Mr. Stevens also reported that some word/sentence clarification changes to the guidelines previously circulated to the Board were made, but no significant content changes were made.

It was clarified that Kahu Kupuna is a reference to the type of entity envisioned by the Master Plan, that is, a description of the composition of its membership and is not the official name of the body. The proposed official name is Kahu Ku Mauna (Guardians for the Mountain).

A suggested title for the document was *Kahu Kupuna Council Guidelines* which would then make it traceable to the Master Plan. It was further suggested a statement naming the Council **Kahu Ku Mauna** be placed at the very beginning of the *Guidelines*, followed by the description of its structure, and ending with background information. Another suggestion for the title was to place *Kahu Ku Mauna* in parentheses below *Kahu Kupuna Council*, followed on the next line with the word *Guidelines*.

It was moved by Rob Pacheco and seconded by Jim Kennedy to adopt the Kahu Kupuna Council Guidelines as amended, including the concept that Kahu Kupuna is an entity description and not the official name of the Council, and adoption of the name Kahu Ku Mauna as the official name for the Council. The motion was carried unanimously.

B. Design Review Process

Due to information obtained subsequent to the adoption of the Design Review guidelines at the previous meeting, staff recommends that further study is required and requested an opportunity to re-evaluate the Design Review Process guidelines.

It was moved by Barry Taniguchi and seconded by Jim Kennedy to rescind the adoption of the Design Review guidelines and refer it to Staff for further study. The motion was carried unanimously.

C. Committee Reports

1. Hawaiian Culture – no report
2. Education
Jim Kennedy reported the committee met, and he and Barbara Robertson are meeting to begin planning for programs. The committee plans to contact the individual involved in astronomy instruction in the Hawaiian Studies program to solicit her participation on the committee.
3. Environment – Rob Pacheco reported invitations were sent to individuals to participate in the environment resource group. Kahu Ku Mauna reported that Hannah Springer will be representing the Council. Follow up contact will be made by phone on Monday, December 4, 2000.

4. Public Safety and Conduct – no report
To emphasize the importance of this committee, Jim Kennedy reported that a group of four individuals went to the top of Poliahu on the night of November 27th with what appeared to be lasers and a narrow beam bright lamp. The beams were pointed into the open domes and telescopes, making it impossible for them to observe. The individuals were intercepted by police at Hale Pohaku. While admitting they were on Poliahu, they claimed they did not have any bright lights, but rather stated they were lighting flares in the celebration of makahiki. No legal action was taken.

There was concern that the laser incident could result in a copy-cat series of events. Discussion ensued regarding potential state or county violations. Director Heen stated he would check and confer with the County Prosecutor's office.

5. Administrative Rules – no report
6. Budget – no report

V. NEW BUSINESS

A. Proposed DLNR action on Commercial Permit Applications

DLNR staff intends to recommend to the Board of Land and Natural Resources (BLNR) the: 1) approval of certain applications for permits to Mauna Kea; 2) limiting the number permittees at night; and 3) requiring the scheduling of permittees. DLNR staff also plans to recommend transferring the authority of the Mauna Kea Commercial permitting functions to the newly formed UHH OMKM.

After much discussion of the history of the pending applications and the merits of transferring the permitting functions to the newly formed UHH OMKM, the following motions were made:

It was moved by Jim Kennedy and seconded by Barry Taniguchi to recommend that DLNR obtain an opinion from the Attorney General regarding the range of options available to DLNR for delegating the permitting authority to OMKM, and explore the options of returning permitting fees to OMKM. The motion was carried with one abstention (Rob Pacheco).

It was further moved by Jim Kennedy and seconded by Heather Cole that in view of limited facilities, OMKM requests DLNR to delay increasing the number of permits for one year to allow OMKM to explore alternatives for expanding facilities and to understand the permitting issues. The main motion did not include the development of a viable solution to the capacity issue and an amendment was requested.

It was moved by Barry Taniguchi and seconded by Jim Kennedy to amend the main motion to include that, if at the end of one year nothing is resolved, all commercial permits should be revoked and a new permitting process shall be established. The motion to amend and the main motion passed with one abstention (Rob Pacheco) in both cases.

The above action essentially requests OMKM staff to appear before the BLNR December 2000 meeting to express MKMB's position.

B. Keck Observatory's Wekiu mitigation proposal

Keck has informed OMKM it is interested in initiating a wekiu mitigation plan. Keck wants to start this project prior to initiating the large outrigger project. Keck received a CDUA permit from DLNR to proceed with the project. The project, if successful, will not only help augment wekiu habitat near the Keck and Subaru sites, but provide a program for habitat restoration at other parts of the mountain.

Staff asked Keck to work with DLNR's Historic Preservation Division (HPD) to ensure that HPD will review the plan with respect to cultural or archeological impacts.

Keck is aware this project must go through a review process delineated in the Master Plan.

When Keck formally submits its application to OMKM, the first step by OMKM/MKMB and the UH Hilo Chancellor is to determine the status of the project, i.e. minor vs. major. The Board was reminded that once the status is determined both the UH Hilo Chancellor and originating campus chancellor (in this case, UH Manoa) have 30 days to review the project. Although the Master Plan does not state how much time OMKM has to make its initial determination, it behooves the Office and the Board to move expeditiously.

C. Excavation Procedures

Staff recommended MKMB request Kahu Ku Mauna to develop, in conjunction with appropriate agencies, excavation procedures, an item recommended by Mr. Stevens at the last meeting. Mr. Stevens indicated he has prepared a document, but it requires updating. He will provide a report at the next meeting.

VI. ANNOUNCEMENTS

- A. Rob Pacheco suggested that due to the limited time available at Board meetings and the difficulties in accomplishing all that is brought to the Board for consideration, staff develop a working list of "things to do" and a timeline.
- B. Rob Pacheco also suggested that members of the Board and Staff periodically meet or get together on Mauna Kea so that they can develop a better understanding and feel for the mountain which they have been charged with managing.

- C. Ed Stevens announced that he plans on making periodic trips to Mauna Kea for the purpose of monitoring the activities on the mountain. Mr. Stevens inquired if he was eligible for mileage reimbursement. Staff will look into the issue and report back to Mr. Stevens.

VIII. ADJOURNMENT

The meeting was adjourned at 1:00 pm.

An executive session was called to discuss personnel matters.

Respectfully submitted:

Signed by Barry K. Taniguchi

Barry K. Taniguchi, Secretary, MKMB

12/12/00

Date