



640 N. A'ohoku Place, Room 203, Hilo, Hawai'i 96720

Telephone: (808) 933-0734 Fax: (808) 933-3208

Mailing Address: 200 W. Kawili Street, Hilo, Hawai'i 96720

Minutes Regular Meeting

Mauna Kea Management Board
Tuesday, January 27, 2004

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

Attending

MKMB:

Chair Arthur Hoke, 1st Vice Chair Rob Pacheco, 2nd Vice Chair/Secretary Barry Taniguchi, Jim Kennedy, Barbara Robertson, and Harry Yada

OMKM:

Stephanie Nagata, Dawn Pamarang, and William Stormont

Others:

Doug Arnott, Matt Carter, Gary Fujihara, Bill Heacox, Ron Koehler, Ron Laub, Wendy Light, Mike Maberry, Ed McNulty, Antony Schinckel, Ululani Sherlock, Tammy Shiraishi, Richard Tamae, Toshifumi Ueda, and Deborah Ward

I. CALL TO ORDER

Chair Hoke called the Mauna Kea Management Board (MKMB) meeting to order on January 27, 2004 at 10:00 a.m.

II. APPROVAL OF MINUTES

It was moved by Jim Kennedy and seconded by Rob Pacheco that the minutes of the October 28, 2003 meeting of the MKMB be accepted. The motion was carried unanimously.

III. DIRECTOR'S REPORT

A. New Brochure and Flyer

OMKM recently printed a brochure describing the Office, the Board and Kahu Kū Mauna Council and their respective roles. The Office also printed a flyer describing the hazards of Mauna Kea. These are distributed at the Visitor Information Station.

B. Transfer of MKSS to OMKM

The Office is discussing the transfer of some of the management related functions of MKSS to OMKM.

C. Outrigger Telescopes Proposed Project

Contested Case Hearing. The contested case hearing on IfA's Conservation District Use Application has concluded. The Hearing Officer recommended that BLNR approve the permit subject to a list of conditions.

OHA Federal Law Suit. NASA will be preparing an Environmental Impact Statement (EIS). As part of the EIS process, NASA held scoping meetings in early January in Hilo, Kona, and Waimea on the Big Island. Two meetings were held on Oahu. These meetings gave the public an opportunity to give its input. NASA plans to have a draft EIS out in early summer.

D. Snowboarding on Mauna Kea

Director Stormont met with one of the organizers of a snowboarding event held on Mauna Kea in the past. A number of issues were discussed including insurance, overall safety, commercial use regulations, and traffic congestion.

E. Ranger Recruitment

Selection of the fifth ranger was made and paper work has been turned over to RCUH for its review and approval.

F. UH Day at the Legislature

Director Stormont reported that on January 22, 2004, OMKM participated in UH Day at the State Capitol. OMKM set up a display as part of UH Hilo's presentation.

G. Mountain Issues

OMKM Ranger Observes Army Helicopter Landing in the Adz Quarry. In early November a military Blackhawk helicopter made two landings in the Adz Quarry. A quick response and coordinated effort by OMKM rangers, Division of Conservation and Resources Enforcement, and State Historic Preservation Office resulted in an immediate investigation. The army was found in violation of its permit and was fined \$20,000, as well as some in-kind services from the Pohakuloa Training Area Environmental Office.

Winter Storms. There have been three snow storms this season that required closing the road. The most recent road closure was this past weekend. There were no serious incidents. On New Year's Day the rangers reported they estimated 1,400 vehicles on the summit.

Fatality on the Summit. Earlier this month a visiting 57-year-old male suffered a heart attack and died on the summit. Rangers were not patrolling the summit at the time of the occurrence, but staff from Gemini and UKIRT provided emergency assistance.

H. PBS Hawai'i Documentary

Mr. Ed McNulty gave a brief update on the documentary project. They had productive shoots in October and just before Christmas. They plan to return in mid February for more filming. Filming should be completed sometime in the spring. Mr. McNulty noted everyone has been very cooperative and expressed his appreciation.

I. Pan-STARRS Project

Mr. Mike Maberry from IfA gave an update on the Pan-STARRS project. IfA received funding for the third year, and a request for the fourth year has been submitted. A NASA project on Haleakala lost its funding, and as a result, a facility has become available. As part of the risk mitigation measures, IfA will install one of the four telescope systems in that facility. Mr. Maberry added this is not an indication that a decision has been made to put the entire system on Haleakala. Site testing will continue through the summer and a decision regarding the placement of this telescope system will likely be made sometime in the fall.

IV COMMITTEE REPORTS

A. Kahu Kū Mauna Council

No report.

B. Administrative Rules, Astronomy Education, Environment, Hawaiian Culture, and Public Safety and Conduct Committees

No reports.

V. OLD BUSINESS

A. Project Status Designation for Subaru Telescope's Proposal to Install a Safety & Service Ladder

Subaru Telescope is requesting permission to install an exterior service and safety ladder on its telescope facility. Board action is required for the following:

Project Summary

1. Purpose

- Improve safety conditions by adding an additional escape route from the telescope enclosure support building's (ESB) ventilation floor to the roof of the first floor elevator lobby; and
- Provide a new maintenance access route.

2. Proposed Activities

- Installation of an upper landing on the ventilation floor level (catwalk level).
- Installation of a lower landing on the roof of the first floor elevator lobby.
- Installation of a ladder with a cage between the two landings.

3. Construction Activity

- Off-site fabrication and assembly of two landings, a ladder and cage.
- Preparation of the elevator tower for installation. Preparation activity will involve the use of hand tools.
- Attaching the ladder assembly and landings to the elevator tower using bolts. The contractor will use a one-man lift to elevate workers.
- Painting the ladder assembly and landings. Color of the paint will be white.
- Manpower: Subaru estimates there will be three workers a day. A Subaru project manager will be on site to oversee and monitor contractor's activities.

4. Mitigation Measures

- Contractor will secure and store all materials and tools at the end of day for the duration of the project.
- Contractor will secure all trash and loose articles to prevent disbursement by the wind during the day and after the daily departure of workers from the work site.
- At the completion of the project, the Contractor shall remove all trash from the site and dispose of it appropriately.

DLNR Permit

Pursuant to Hawai'i Administrative Rules (HAR) §13-5-22 "construction or placement of structures accessory to existing facilities as identified in the exempt classes established in §11-200-8" do not require a permit from DLNR. The "construction or placement of minor structures accessory to existing facilities" is an exempt activity under HAR §11-200-8.

OMKM Recommendations

1. Based on the following, OMKM recommends this project be classified insignificant:
 - The proposed installation will not significantly alter the exterior appearance or structure of the existing facility.
 - The impact to immediate surroundings and summit region is negligible.
2. If this project is classified insignificant, OMKM recommends Subaru be allowed to proceed with the project.

Action

It was moved by Harry Yada and seconded by Jim Kennedy to accept OMKM's recommendation that this project be: 1) classified insignificant; and 2) allowed to proceed. The motion was carried unanimously.

Conditions

OMKM recommends Subaru:

1. Notify OMKM when it will commence summit construction activities.
2. Adhere to the mitigation measures described in its proposal.
3. Allow OMKM rangers to visit and monitor construction activities.
4. Notify OMKM upon completion of the project.

Action

It was moved by Barry Taniguchi and seconded by Jim Kennedy to accept OMKM's conditions. The motion was carried unanimously.

VI. NEW BUSINESS

A. Use of a Third Vehicle by Commercial Operators

Director Stormont reported that at the last Board meeting, Mr. Doug Arnott brought before the Board a proposal regarding the use of a third vehicle. This vehicle would be used in the evening hours as a support vehicle to transport an amateur astronomer to assist with the stargazing program. Mr. Arnott noted that his company has been cited by OMKM rangers for bringing a third vehicle.

Mr. Arnott clarified that he was not presenting a proposal to do something new, but to formalize with the Board a matter that has been occurring on an occasional basis for a very long period of time.

Board members discussed who had the authority to make permitting decisions. Although the BLNR approved the transfer of authority to UH, because of legal issues, the transfer is still in transition. Therefore, the authority still

rests with DLNR. However, DLNR elects not to act on commercial permits pending clarification of the legality of the transfer.

Mr. Arnott stated he has correspondence from DLNR authorizing the use of an additional van(s). Because the mountain was underutilized during the day, DLNR allowed the VIS to issues special use permits. These permits allow for additional vans strictly during the daytime hours. These vans had to be off the mountain by a certain time and there could only be a permitted number. The special use permits would be issued on a first-come, first-served basis. Mr. Arnott believes this has been in operation for more than a decade and seems to work very well.

Board members Rob Pacheco and Harry Yada disagreed with Mr. Arnott's statement. Mr. Arnott stood firm on his statement and stated he would be happy to produce extensive correspondence on this issue.

Associate Director Nagata clarified that the matter was before the BLNR at its December 2000 meeting, but it did not take action on it. Instead the BLNR transferred the authority over commercial permits to the University.

Jim Kennedy suggested this Board and Office not take any action until the matter is cleared up and documentation is made available. If Mr. Arnott has documentation that a formal and binding decision was made by DLNR then the question of the daytime tours is handled. This would not be an issue of concern and there would be no action needed by the MKMB or Office with respect to daytime tours. As for the nighttime issue, the Board and Office has no authority at this time to do anything except follow the existing rules as they are stated.

Barry Taniguchi pointed out that if the permits were issued in 1998 and if this occurred ten years ago as Mr. Arnott stated, it should have been written into the permits. The date of the correspondence is at issue. Mr. Arnott explained that his estimation may be wrong, but he will produce the correspondence before the next meeting.

Mr. Matt Carter, a representative from Taikobo, stated they are against this idea. The wording on the DLNR permit is very clear. They feel this is nothing more than one commercial operator trying to bend the rules just for its own needs. Every other tour has found a way to work within the rules and regulations.

VII. ANNOUNCEMENTS

None.

VIII. NEXT MEETING

Unless otherwise notified, the next meeting is scheduled for February 24, 2004, 10:00 a.m.

VII. ADJOURNMENT

Chair Hoke adjourned the meeting at 10:55 a.m.

Respectfully submitted:



Barry K. Taniguchi, Secretary, MKMB

March 23, 2004
Date