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## Minutes Regular Meeting

Mauna Kea Management Board  
Thursday, December 16, 2004

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

### Attending

**MKMB:** Chair Rob Pacheco, 1<sup>st</sup> Vice Chair Barry Taniguchi, 2<sup>nd</sup> Vice Chair/Secretary Jim Kennedy, Arthur Hoke, Barbara Robertson, Ron Terry, Harry Yada

**Kahū Ku Mauna:** Niniau Simmons

**OMKM:** Arnold Hiura, Stephanie Nagata, Dawn Pamarang, and William Stormont

**Others:** Doug Arnott, Dan Birchan, Christopher Helm, Ron Koehler, Bob McLaren, Tetsuo Nishimura, Russ Oda, Doug Simons, Ruth Tsujimura, and Christian Veillet

### I. CALL TO ORDER

Chair Rob Pacheco called the Mauna Kea Management Board (MKMB) meeting to order on December 16, 2004 at 10:00 a.m.

### II. APPROVAL OF MINUTES

It was moved by Jim Kennedy and seconded by Arthur Hoke that the minutes of the September 28, 2004 meeting of the MKMB be accepted. The motion was carried unanimously.

### III. DIRECTOR'S REPORT

#### A. NASA/Keck Outrigger Telescopes Project Update

##### BLNR grants CDUP

On October 29, 2004 the Board of Land and Natural Resources (BLNR) issued a Conservation District Use Permit (CDUP) for the Outrigger Telescopes project. The CDUP contained several special conditions directly involving OMKM oversight. OMKM's responsibilities include selecting an: archeologist, cultural monitor, construction monitor, and biologist/entomologist. The CDUP also requires OMKM to submit several reports during the construction phase.

Several of the interveners in the contested case filed an appeal to the Board of Land and Natural Resources' (BLNR) decision. The Royal Order of Kamehameha I submitted a letter requesting it be removed as one of the appellants.

There was discussion about who would be responsible for the costs incurred by OMKM in carrying out its role in the Outriggers CDUP special conditions. Director Stormont stated the "special-conditions" discussions with Keck will include funding issues as well as other related issues. It is likely the conditions will be incorporated in the Operating and Site Development Agreement (OSDA). He also stated that OMKM will coordinate with Keck regarding OSDA conditions and will involve the Board in reviewing them before being finalized. Chair Pacheco asked when that process would start in relation to the appeal of the CDUP. Director Stormont thought it could be a parallel process. Bob McLaren mentioned the OSDA also needs to be approved by the Board of Regents (BOR).

### Update on the Design Review Process and Environmental Impact Statement

Following the decision by BLNR, OMKM resumed the Design Review Process (DRP). The Design Review Committee (DRC) met on December 3, 2004 to discuss Phase 3 of the process. Scheduling of the fourth phase is pending.

It is anticipated the Federal Environmental Impact Statement will be finalized in late December or early January. A record of decision will follow about a month later.

#### **B. Administrative Rules Development**

The BOR approved the legislative package which includes a proposal by the University to seek rule making authority. Mr. Morihara is currently working with DLNR on the enforcement aspects.

#### **C. Commercial Permitting Authority**

Associate Director Nagata reported the Attorney General for DLNR opined it was legal for the BLNR to transfer the commercial permitting authority to the University. OMKM will be asking the BOR at its January 2005 meeting to accept the permitting authority as well as issue permits under the University's name with the same conditions as the DLNR permits.

Following approval by the BOR, OMKM plans to develop new temporary UH permits. Barry Taniguchi clarified that UH does not have a permitting process but plans to modify the DLNR permits while working on a permanent process. Director Stormont added that Associate Director Nagata and two board members met with commercial operators earlier this month to inform them of the Office's intentions. OMKM plans to bring non-permitted operators up-to-date. Associate Director Nagata added OMKM will hire a consultant to study the commercial tour activities situation including carrying capacity, permit conditions and fees. The objective is to develop a permanent commercial tour activities policy for the University.

If the BOR approves the transfer of authority and acceptance of fees, the fees will be deposited into an account at UHH and used specifically for management functions of the mountain. Ruth Tsujimura stated that the fees will be deposited into a special fund already established by the legislature. The fund allows for the deposit of fees and expenditure of funds related to the management of real property, e.g., Mauna Kea .

Ms. Simmons asked if there was a cap on the number of commercial permits allowed. Director Stormont replied there are currently nine permits under DLNR. When the permitting process is transferred to the University, OMKM plans to develop three types of permits that will give the office more flexibility in managing commercial operations. Currently companies can operate two 15 passenger vans at any one time. They also have an opportunity to apply for special requests to conduct daytime tours.

#### **D. Wēkiu Bug Management**

Associate Director Nagata reported the Office has applied and received approval from DLNR to install data loggers on the summit. Bishop Museum personnel will place data loggers in both known wēkiu bug habitat and areas where the bug does not exist. The loggers are designed to collect information on temperature and relative humidity every 15 minutes. The Office received permission from Kahu Kū Mauna Council to install data loggers and conduct surveys on Pu'u Lilinoe.

The Office received a request from Dan Rubinoff, a Professor with the College of Tropical Agriculture and Human Resources at UH Manoa, to study the wēkiu bug. Professor Rubinoff plans to study the life history of the bug through a captive rearing protocol and field research. His proposal was presented to a wēkiu bug scientific advisory committee where it was positively received. He will finalize his proposal and budget and present it to the committee in January. This will be a two to three year study and will be specific to the wēkiu bug.

The graduate class at UHM is in the process of completing its draft of a resources management plan. When a copy is received it will be distributed to the Board.

#### **E. Visitor Information Station (VIS) Renovations**

Earlier this year the Mauna Kea Observatory Outreach Committee (MKOOC) conducted a survey of visitors and users at the VIS. Recommendations were categorized into three phases. Director Stormont described phase one. This phase involves rearranging the interior of the VIS, re-flooring, separating the bookstore and theatre, simplifying some of the exhibits, and creating immediate visitor/staff interaction opportunities. Observatory directors have agreed to offer \$75,000 to have immediate renovations done. David Byrne, Ron Koehler and

Director Stormont are part of a sub-committee looking at how to optimize the use the \$75,000. They are looking at Spring and Fall to complete the renovations. The footprint of the VIS will remain the same. A proposal for federal funding was submitted as part of a UH system package.

**F. Recruitments**

New Ranger

The recruitment for a new ranger is nearly completed and an offer made. RCUH is finalizing the hiring process. It is estimated the new ranger will start in mid-January.

Environmental Health and Safety Technician (UHH)

This recruitment is nearly complete. OMKM and UHH are co-funding a full time position for an Environmental Safety Technician. OMKM is contributing 50% in funding for this position. This person will assist UHH's Environmental Safety Officer in coordinating with observatories and overseeing overall compliance with environmental rules and regulations. Earlier this month the Mauna Kea Support Services Oversight Committee met with Environmental Health and Safety Officers from UHH and UH Manoa, and a staff from the Department of Health. The purpose of the meeting was to introduce observatory personnel to the UHH Environmental Safety Officer, answer questions and discuss what needs to be done.

**G. First Light DVD Distribution**

The Office received 200 DVDs from PBS Hawai'i and distributed them to Board and Kahu Kū Mauna members, the legislators, schools, UH as well as UHH leaders, and observatories. Sometime after the New Year, DVDs will be available for sale at the VIS. *First Light* is shown nightly at the VIS and continues to be met with positive response.

**H. Subaru Telescope Facility Tour**

In October Subaru Telescope began offering tours of its telescope facility. Subaru submitted a preliminary summary of activities for October and November. Tours were offered ten days in October and nine days in November. Half hour tours were offered at 10:30, 11:30 and 1:30. Each tour was limited to eight visitors. Requests for reservations were 100% in October and 50% in November. Of those who made reservations less than 50% showed up in October, and over 60% showed up in November. Residents of Japan and West Hawai'i accounted for two thirds of the reservations. People from West Hawai'i dominated the number of actual visitors. The summit facility tour program ran smoothly during its first two months and has generated a positive response from the media. One future challenge will be minimizing any impression that Subaru Telescope is a tourist attraction while continuing to offer tours as a gesture of thanks for public support.

**I. UH Day at the Legislature**

Director Stormont reported that OMKM will participate in UH Day at the Legislature on Friday, January 21, 2005.

**J. Transfer of MKSS**

Meetings continue with UH system to discuss the transfer of MKSS. Director Stormont introduced Chris Helm, Senior Advisor to Vice President of Research Jim Gaines. Dr. Gaines is facilitating the transfer.

**IV. COMMITTEE REPORTS**

**A. Kahu Kū Mauna**

Ms. Simmons, Assistant Director of Hale Kuamo'o, College of Hawaiian Language at UH Hilo, and member of Kahu Kū Mauna Council, reported on her trip to Mauna Kea with UH President David McClain. The College of Hawaiian Language coordinated the president's visit to the mountain in conjunction with the BOR meeting in Hilo in October. During the three days President McClain discussed with some of the future and proposed programs at the College of Hawaiian Language. Hannah Springer, Ululani Sherlock, and Ms. Simmons wanted to convey a Hawaiian perspective about the mountain and its uses. They plan to have President McClain return and visit other sites and meet with Ed Stevens.

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

Hawaiian Culture

Barbara Robertson reported that the Hawaiian Culture Committee met in November and is planning another informational brochure. The next meeting is scheduled for January 8 on the mountain with Ed Stevens and Kimo Pihana to discuss protocol on the mountain. They will also gather cultural information such as mele and oli.

Chair Pacheco asked if the committee had a chance to review the draft of the Guide Book. Director Stormont responded saying some of the reviewers are members of Kahu Kū Mauna Council and the Hawaiian Culture Committee. He could not recall the exact names, but would check and let Chair Pacheco know.

#### Committees

Ron Terry stated that the Environment Committee has not met since March 2002 and asked to revive that committee. He agreed to spearhead the committee.

Mr. Taniguchi and Chair Pacheco agreed that the Executive Committee should reassess all of the committees. Director Stormont suggested having an executive committee meeting in early January.

### **V. OLD BUSINESS**

#### **A. UH Fined for Non-Compliance of Conservation District Use Permits (CDUP)**

The weather tower at Subaru was removed and IfA will be submitting an application to install the tower on a permanent basis. A site plan approval was submitted to DLNR to leave the collar around a seepage pit cover in place. The weather tower on the JCMT site was also removed. All violations have been rectified.

Dr. McLaren stated that six of the nine violations were fixed by the time the \$20,000 fine was paid. The site plan was approved for Subaru to leave the collar around the seepage pit cover. JCMT's weather tower was removed and the parabolic antennas were taken down. DLNR acknowledged the violations were rectified and received payment of the fine. DLNR is expecting IfA to apply to restore Subaru's weather tower and the parabolic antennas on the ground adjacent to JCMT.

#### **B. Protocol Project**

At the last meeting, the Office was directed to follow up on the protocol project. Director Stormont apologized to the Board explaining that he did not have a chance to follow up on this. He reaffirmed he will get it done and report back to the Board at its January meeting.

### **VI. NEW BUSINESS**

#### **A. Project Status Designation for Gemini Observatory's Request to Install a Seeing Monitor to the Exterior of its Observatory Building**

Gemini Observatory submitted a request to install a seeing monitor on its telescope enclosure building.

#### PROJECT SUMMARY

##### 1. Background

- Seeing conditions trigger different observing programs over the course of the evening.
- Gemini uses a queue method for scheduling telescope time for numerous observation program requests. This method provides an efficient and optimal means for matching weather and seeing conditions with requests.
- Currently Gemini's seeing measurements are made intermittently from various imaging instruments mounted on its telescope.
- A seeing monitor that provides continuous seeing data will lead to significant improvements in Gemini's queue based observations.

##### 2. Purpose

- Provide a means for obtaining real time seeing measurements used in preprogramming observation schedules.
- Maximize the scientific output of the observatory.
- Share weather and seeing data with all observatories on the summit.

##### 3. Description of Seeing Monitor

- Monitor will consist of a platform and a clamshell style retractable dome.
- The dome enclosure will house a small commercial telescope and electronics. The enclosure is approximately 1 X 1 X 2 meters

##### 4. Proposed Activities

- Seeing monitor will be located on the side of the telescope building, adjacent to the emergency escape stairway.

- Structure will be mounted using steel beams attached to the stairwell.
- The structure will be about 10 m above the ground. No excavation will be required.
- Installation is proposed for January 2005.

#### 5. Construction Activity

- Seeing monitor is being built in Chile.
- Gemini will notify OMKM one (1) week in advance of the installation.
- Installation will take about 5 days.
- It will require 2 – 3 Gemini personnel.
- Only hand tools will be used. It is not likely there will be a need for a crane or other heavy equipment to lift materials or the dome structure.
- Following the installation, another 1-2 weeks of equipment testing will be required before the seeing monitor is fully operational.

#### 6. Mitigation Measures

- Gemini staff will ensure no loose tools or equipment will be left on the job site at the end of each day.
- In the event of windy conditions special precautions will be taken to keep debris from being blown away from the job 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 Gemini Observatory be allowed to proceed with the project.

#### Conditions

OMKM recommends Gemini:

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.
5. Gemini personnel must contact OMKM and coordinate the inspection of crates and/or boxes containing the seeing monitor assembly. Inspection and elimination of alien arthropods or other alien species must take place before the assembly is transported to the summit.

#### Action

It was moved by Barry Taniguchi and seconded by Arthur Hoke to adopt OMKM's recommendations to classify this project insignificant and allow Gemini to proceed under OMKM's conditions. It was noted for the record by Dr. Kennedy that he has recused himself from voting on the motion since he has an affiliation with Gemini Telescope. Dr. Kennedy stated for the record, in his opinion, this type of request falls within the scope of similar requests brought previously before the Board. The motion was carried unanimously.

Doug Simons, of Gemini, was introduced. Dr. Simons acknowledged the Board and thanked the Office for doing a nice job of summarizing the project.

Discussion

Dr. Terry asked if the project's classification was based on the Master Plan or on other procedures, such as CDUP conditions. Director Stormont replied it was based on the Master Plan. Dr. Terry inquired if the Board had any say in advising the University on HRS Chapter 343 regarding Environmental Impact Statements or was this beyond the Board's scope. Director Stormont replied it was not mentioned because the magnitude of this project did not appear to trigger Chapter 343. Dr. Terry stated usually an agency is required to make some sort of determination and assumes OMKM would be advised of the determination that's been made under Chapter 343 or may have some input as to that determination. Dr. Terry agreed that in this particular case it is an exempt activity, but felt procedurally it should be made explicit as part of an agency's responsibility when it proposes a project.

Mr. Taniguchi requested Ms. Tsujimura, Legal Counsel, to look into Dr. Terry's responses and inform the Board.

**VII. ANNOUNCEMENTS**

IfA Approval for Site Testing

Dr. McLaren mentioned that about a year ago IfA received approval to install site testing equipment on the four wheel drive road. Subsequent to getting the approval, it was discovered the mid way point on the road was not an ideal location because of proximity to an outcrop of lava which would disturb air flow. The desired location has since been identified as 13 North at the end of the road. The IfA plans to present at the next meeting of the Board an explanation for the change in location and a description of installation work to be done. Dr. McLaren assured the Board there will be no underground work, no excavation, and it will be colored to blend in.

Conditions of CDUA Approval

Mr. Yada stated the CDUA approval contained conditions that the Office is responsible for compliance that go beyond NASA's project. Have there been discussions with IfA regarding how future permitting is pursued with DLNR? It seems awkward that the Office has the responsibility of monitoring compliance but does not control the permits. Chair Pacheco added the special conditions in the CDUA bring up a lot of questions and suggested putting that on the agenda for discussion at the next meeting. By then, Director Stormont hopes to have more discussions with IfA and the system.

**VIII. EXECUTIVE SESSION**

Mr. Taniguchi moved to enter into Executive Session to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities. Mr. Hoke seconded the motion. The motion was carried unanimously. The Executive Session commenced at 11:05 a.m. and concluded at 12:30 p.m.

**IX. ADJOURNMENT**

Chair Pacheco adjourned the regular meeting at 12:30 p.m.

Respectfully submitted:

Signed by Dr. James Kennedy  
Dr. James Kennedy, Secretary, MKMB

2/9/05  
Date