



University of Hawai'i at Hilo

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**Minutes
Regular Meeting**

Mauna Kea Management Board
Tuesday, September 11, 2007

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

Attending

MKMB: Chair Rob Pacheco, 1st Vice Chair Barry Taniguchi, 2nd Vice Chair Ron Terry, Herring Kalua, Christian Veillet, and Harry Yada

Kahu Kū Mauna: Ed Stevens

OMKM: Stephanie Nagata, Dawn Pamarang, and William Stormont

Others: Doug Arnott, Kenyan Beals, John Cross, Richard Ha, Cory Harden, Saeko Hayashi, Nelson Ho, Arthur Hoke, Kenji Ito, Ka'iu Kimura, Shawn Lantech, Bruce Matsui, John Maute, Mark McGuffy, Seiji Murao, Malka Nakao, Cindy Nomura, Stuart Putland, Bob Saunders, Sunny Takeishi, Toshiaki Tanaka, and Rose Tseng

I. CALL TO ORDER

Chair Rob Pacheco called the Mauna Kea Management Board (MKMB) meeting to order on September 11, 2007, at 10:00 a.m.

II. APPROVAL OF MINUTES

It was moved by Barry Taniguchi and seconded by Harry Yada that the minutes of the July 9, 2007, meeting of the MKMB be accepted. The motion was carried unanimously.

III. DIRECTOR'S REPORT

A. Comprehensive Management Plan

President McClain and VP for Legal Affairs, Darolyn Lendio, informed the Office on August 28 that UH System will be developing the Comprehensive Management Plan (CMP).

Bruce Matsui, Deputy Attorney gave an update on the ongoing litigation and status of the CMP. Judge Hara denied the University's Motion for Reconsideration. Once the final judgment is entered, the University plans to file a Notice of Appeal. UH System views the Judge's decision as an opportunity to prepare what the Judge Hara refers to as a CMP

The UH System decided to take responsibility for the preparation of the CMP, with Darolyn Lendio the primary person in charge. They wanted the Board, Office, and especially the community, know they will not be left out of the process. Everybody, especially the Board and the Office, are vital and critical parts of the process. They were planning on incorporating the work that has been done thus far by the Office and Board in the preparation of the CMP, particularly the cultural and the natural resources portion.

They plan to work closely with the Board and the Office in preparing the plan. They have been in serious discussions with a consultant who has been assembling a team. They are not at liberty to divulge the name of the

consultant because an agreement had not yet been reached. They will notify the Office and Board the name of the consultant and what they will be doing.

Mr. Matsui responded to questions. He clarified that while UH is appealing the decision, they are going ahead with the development of the CMP. They anticipate completion of the CMP by early summer of next year. With respect to the TMT, although it is a worthwhile project, Ms. Lendio's position is that the TMT is not the primary driver of the CMP. Instead, Judge Hara's decision gave the University an opportunity to develop a CMP that works. If the TMT could be incorporated into the CMP it would be great.

Mr. Taniguchi asked if the CMP is going to be handled by general counsel's office, i.e., who is responsible for the development of the plan and who is going to be responsible for the administration of the plan after it is completed? Mr. Matsui anticipated it would make sense for OMKM to administer the plan. Mr. Taniguchi asked when will answers to these questions be addressed. It looks like System is proceeding without consulting us, but telling us they are going ahead and doing the plan.

Mr. Matsui indicated System would take into consideration MKMB's opinion of the consultant, particularly if the Board did not feel the consultant was qualified. But it was noted that we would not be notified who the consultant was until after a selection was made. Mr. Matsui stated the UH has some flexibility in hiring a consultant, because we are retaining the consultant in connection with the litigation, which give us more flexibility in the procurement or the retention of a consultant.

Mr. Matsui stated in the motion to deny reconsideration UH did not receive clarity on what the CMP should contain, but the CMP needs to be more than just site specific. UH will be working with DLNR on the development of the CMP.

Mr. Taniguchi asked if System was reacting to Outrigger Telescopes issue or was this in response to future development. Mr. Matsui replied the CMP is not for any specific project, but the court said one needed to be done and cover a larger area.

Ron Terry asked about the natural resources component of it. OMKM/MKMB started the natural resources management plan before Judge Hara's decision or before this was even an issue. The focus of our plan was not to be the linchpin for a larger plan that would allow for future development, but rather to manage the natural resources. The natural resources plan could probably fit into this larger CMP. He asked if System was aware that OMKM retained a consultant to develop that plan. If they have not yet done so, it is a good time to look at the scope of work and if there are any issues we should discuss with them.

Harry Yada stated it sounds like there are a number of decisions that have not been made other than pursuing the preparation of the CMP. Under that assumption, he would urge System to consider putting OMKM in charge of formulating the plan because that is the sole purpose of the Office. It does not matter whether you say it is System or the Office that will do the CMP because the Master Plan process requires it ultimately goes through System anyway. But from the public perception perspective, especially since the Office has already started on the components of the management plan, the CMP should be based out of OMKM. By doing so it puts some distance between the Office and some of the poor decisions that were made in the past. Further, local Big Island based management, and the function and mission of the Office fits in with the development of the plan being based there. Mr. Yada also stated that if according to Mr. Matsui they plan to do the CMP right, then it is important that the CMP not be tied or driven by any one project and that it is a plan for the mountain. Mr. Matsui stated Judge Hara's decision was not clear on who was supposed to prepare this plan, but the University is stepping up to the plate to do what the court says needs to be done.

Mr. Taniguchi asked what, if any, was the relationship between the CMP and the Master Plan? Mr. Matsui replied that if a development component is added to the CMP it will look more like a hybrid between a master plan and a management plan. Mr. Taniguchi replied that is correct, so who is going to make the determination? Is the consultant going to determine the contents of CMP? If not, who is going to do that? Mr. Matsui stated there will be consultation with many different groups, including the Office and the Board. Right now, Ms. Lendio is in charge of putting the plan together, with the consultant providing recommendations. Mr. Taniguchi asked if the consultant will do what we want done or

what they want done? Who is going to define what we want done; what are the CMP parameters and content of the CMP? He did not think Ms. Lendio was qualified to do it. Mr. Matsui felt that she is going to draw on working with the Office.

Chair Pacheco commented one of the issues that we have struggled with is the issue of authority to promulgate administrative rules. We decided to proceed with drafting administrative rules even though we may not have authority to do so but he hopes that System will consider the issue of administrative rules in the CMP. If you are going to manage the mountain, you need rules and currently there aren't any. If the CMP is to be successful, administrative rules will have to be at the forefront too.

Christian Veillet asked again for clarification about the timing for completing the CMP. Mr. Matsui stated they are looking at maybe early summer of next year. Dr. Veillet referred to Mr. Yada's comments that the perception regarding development of the CMP was being done elsewhere and not on island, or that the Big Island is not being given the opportunity to have meaningful participation. He felt Mr. Yada's statement about the placement and role of the MKMB and OMKM is important, because there will be complaints that things are still being done on O'ahu. It would be helpful if System could clearly state MKMB's and OMKM's role early in the process. Mr. Matsui understood the concern and stated most of what is going to happen needs to take place here.

Mr. Taniguchi replied the major decisions are taking place on O'ahu. Unfortunately the perception is that decisions are being made in Ms. Lendio's office. We do not want decisions being made on O'ahu to continue.

Chair Pacheco thought the Board would like a public display of cooperation and partnership in building the CMP and that it originates out of here and has the stamp of the OMKM when it is done. That is what this Board and Office were set up to do - to advise the System on the management of Mauna Kea. So it makes sense that the CMP is generated out of here. If it does end up happening that way, then funding is required to support the Office.

Director Stormont added he was glad that System informed us where the University was going with the CMP. System feels strongly that it is a System matter because of the various components of the Plan. There are many decisions still to be made, including the scope and if it will contain development. It was made clear that we would have a strong role in making these decisions. They clearly understood and made the commitment to ensure that we and the Board are very involved.

Mr. Taniguchi asked Mr. Matsui to take back a message from the Board: That O'ahu is O'ahu. The perception is also that System is IfA, and that is something you have take into consideration and be very careful about, because IfA is not trusted. Apologies to IfA individuals, but the perception out in the community is that IfA is controlling everything, so you got to make sure System is calling it, not IfA.

B. Visit by Lt. Governor Duke Aiona

Director Stormont reported that the Office and IfA co-hosted Lieutenant Governor Aiona's visit to the mountain in early August. Governor Aiona represents Hawai'i in the Aerospace States Association, which is an organization of states that have an office dealing with aerospace.

C. Research on Mauna Kea

The Pacific International Space Center for Exploration Studies (PISCES)

PISCES is a newly established program at UH Hilo. Hawai'i Island is a potential site for research related to future lunar and Mars habitation. It has been suggested that they engage in dialogue with the local community before moving forward with their plans.

National Aeronautics and Space Administration (NASA) Ames Research Center

A group from NASA Ames Research Center is considering various sites on Mauna Kea below the Science Reserve to test robotic instruments. Similar to the PISCES, we suggested they work with the community and to look at other sites on Mauna Kea such as the area off Skyline Road.

Dr. Terry stated the Environment Committee could be of help in locating alternative sites being that the group collectively has extensive knowledge of most parts of the island. He knows there are specific requirements, but there are parts of Mauna Loa that are in subdivisions, are classified as agriculture, or private lands that might be suitable. Dr. Terry offered the committee as a resource for people looking for legitimate alternative sites because Mauna Kea is somewhat crowded.

Ed Stevens expressed concern that there has been no archeological research done in these other areas. Mr. Stevens stated he liked the Skyline possibility but before giving approval to proceed, they need to know if there are any cultural sites in that area. Director Stormont stated UH does not have jurisdiction over that area, but DLNR will look into engaging an archeologist to do a quick survey of the area.

D. University of Hawai'i (UH) 24-inch Telescope Renovations

Dr. Bill Heacox, at UH Hilo, has informed the Office that work on the UH 24-inch renovation might begin as early as this November or December. Director Stormont and Heacox, et al, will be meeting on Thursday to go over the process and making sure all the conditions of our approval and their permit are being met. One of the DLNR conditions requires a construction monitor. The mechanics for selecting the monitor still needs to be worked out.

Mr. Taniguchi asked if there has been a review of the construction plans and mitigation efforts, such as controlling dust. Director Stormont replied they have not yet been reviewed, nor has he seen any mitigation plans.

E. Slide Presentation by Associate Director Nagata

Associate Director Nagata gave an update on the research and survey activities initiated by the Office over the past several years. A slide presentation was given for the following:

Cultural Inventory in Mauna Kea Science Reserve

The inventory of the Science Reserve, which began in August 2005, will be completed by the end of the month. This project is jointly funded by the Office and Mauna Kea observatories. Maps showing the location of sites prior to and post 2000 were presented. Of interest is the increase in the number of "find spots" particularly along road sides. Find spots is a term used to identify sites that are obviously modern, i.e. campsites, or features which historic value cannot be determined because of the uncertainty regarding their age and function. We will consult with Kahu Ku Mauna Council and the Hawaiian Culture Committee on how to approach the find spots situation.

The next step is analysis of the data for patterns, such as the location of sites with respect to other sites.

Wēkiu Bug Project

Federal Status. The Office and the Mauna Kea observatories are jointly funding surveys by the Bishop Museum. Maps showing the location of wēkiu bug populations prior and post 2000 were shown. A summary of the bug's federal status was presented. In 1999 the bug was listed as a candidate for threatened and endangered status and was given the highest priority listing for a species - Priority 2. It maintained that status through 2003. In 2004, the Fish and Wildlife Service (FWS) felt listing was still warranted but precluded due to other species with greater priority for listing, and to pending proposals to mitigate threats to the bug. In 2006, the Fish and Wildlife Service downgraded the bug's priority to an 8. The primary reason being the discovery of new locations of wēkiu bug populations, particularly in areas outside the zone for future development.

The Office in conjunction with the Wēkiu Scientific Committee is working with the FWS on a candidate conservation agreement. We expect to have draft within the next few months. If this agreement is accepted by the FWS, the wēkiu bug is taken off of the candidate list. The agreement will require implementation of mitigation activities, monitoring and reporting.

Life History and DNA Study. Jesse Eiben, a graduate student working with Dan Rubinoff at the UH Manoa, is doing research on the species' life history, including reproductive potential and longevity, and microhabitat factors. Objectives of the study include: 1) development of a longevity and a degree-day model that will provide the minimum and maximum temperatures at which the bug will not grow; 2) analysis of the influence of food, water and temperature on birth rate; 3) analysis of seasonal trends in reproduction; and 3) development of a population of growth rate model.

Very preliminary mitochondrial DNA analysis shows little variation among the populations within the summit area and the Mauna Loa bugs. The next step is microsatellite analyses which involves nuclear DNA analysis.

The bug goes through five nymph stages and the duration between the molts is dependent on temperature, e.g. generation time is shorter at warmer temperatures. The bugs must withstand daily temperatures that range from minus 5 to 40 degrees centigrade. Preliminary conclusions are that under average conditions it takes about 115 days from egg to reproductive adult and average adult life span is about 45 days. It is still not known what factors the bugs take advantage of to survive and grow.

Data from the research can be used to develop a model for determining generation time based on temperature. Habitat maps can be created by combining microhabitat data and data from SOEST's ongoing Mauna Kea climate study. Data from both the surveys and studies are providing valuable data for making more informed decisions on how to manage and conserve this species.

Commercial Tours

Associate Director Nagata gave a report on commercial tour statistics. (Note: OMKM took over the commercial tour permits from DLNR on January 1, 2007)

Comparing Fiscal Years 2006 and 2007, the number of commercial tour vans and passengers increased from 4,476 to 4,896 vans, and 44,427 to 47,488 passengers. For the period January to July for 2006 and 2007, the number of vans increased from 2,066 to 2,359 vans, and 19,462 to 21,528 passengers. Ninety percent of the commercial vans are on the mountain during the period 4:00 pm to 8:00 pm.

Analysis of the total number of vehicles (31,414) by user categories shows that independent travelers and observatories are the heaviest users of vehicles, 12, 679 (40%) and 13,839 (44%) vehicles respectively. Commercial tour vans represent about 16 percent of the total number of vehicles traveling to the summit.

Chair Pacheco acknowledged the good work reported by Associate Director. In addition to the vehicle statistics, fees collected are going straight back to the management of the mountain, where before fees collected by DLNR went back into the general fund. Also, there has been tremendous progress toward managing the mountain from establishment and expansion of the ranger program, research on the wēkiu bug to completing a cultural inventory.

F. Thirty Meter Telescope (TMT)

An organization called the Keystone Center based in Colorado is under contract with the Moore Foundation to assess the social feasibility and challenges of developing the 30-meter telescope (TMT) on Mauna Kea. They met and interviewed members of the Board, Kahu Kū Mauna, and a wide range of people from the Big Island community, as well as individuals in Honolulu.

IV. COMMITTEE REPORTS

A. Kahu Kū Mauna Council

Ed Stevens felt the Keystone approach was different and refreshing. That is, it is being done before the project actually gets under way. The Council was initially apprehensive, thinking it would be the same old stuff. It was also refreshing because they came to look at all of the factors and to report back the people's perception and obstacles before they make a decision on the TMT.

B. Environment Committee

Dr. Terry reported the Committee had their first meeting with the consultant, Sustainable Resources Group Int'l, Inc., (SRGII), a couple of weeks ago. We are looking at probably a year from now before we have a full, approved Natural Resources Management Plan, which is interesting because System's goal is to complete the CMP by summer. He was grateful that members of the Board made it known that more coordination is needed between us and System. Director Stormont added we told the President and Ms. Lendio that completing the CMP by May 2008 was not doable.

Dr. Terry explained the plan will encompass the whole Science Reserve, the access road and Hale Pohaku. Biological resources are one of the big concerns, particularly fauna at and near the summit, flora at the lower elevations, and alien species. The plan will also include the geological and hydrological resources, climate, and relationships with uses of the

mountain. Although our plan is being worked on separately from the cultural one, they are not separate because of the intimate interaction between natural and cultural resources. The intent is to look at the natural resources somewhat in isolation and then see how it fits in with the cultural one

Dr. Terry added the consultant is looking at traditional ecological knowledge as part of the management information and objectives. The contract does not call for field work to collect data, instead the consultant has been asked to look at existing data to identify data gaps, and suggest work that needs to be done.

C. Hawaiian Culture Committee

Herring Kalua reported the committee hopes to complete their review of the draft administrative rules by October. He agreed it is really important that the Hawaiian Culture Committee, Kahu Kū Mauna, and the Environmental Committee work closely together, because the content must be combined to make things work.

V. OLD BUSINESS

A. Administrative Rules

Dr. Terry suggested a joint meeting of the Hawaiian Culture and Environment committees. Kahu Ku Mauna Council would also like review the rules and give input.

Director Stormont stated President McClain and Ms. Lendio were aware of the situation regarding administrative rules. She thinks there might be a mechanism for including administrative rules as part of this Comprehensive Management Plan process. Ms. Lendio suggested OMKM submit a request to her office to officially begin the process to look into this. Director Stormont is working on the white paper he promised for submittal to the Regents. Director Stormont was asked again about the status of the white paper.

Draft rules would be submitted to the System and System could either coordinate the public meetings or it could delegate to OMKM.

B. Mauna Kea Support Services (MKSS) Transfer

No report.

C. Project Request Timeline

A draft flowchart showing the schedule for submittal and review of projects and was presented by Dr. Terry and Associate Director Nagata.

The chart attempts to summarize the process from submittal by a proposer, project classification, review and comment by Kahu Kū Mauna Council Project, review and approval (minimal impact projects) or recommendation for approval (minor and major projects) by MKMB. It includes steps for modifying a project's classification if MKMB or the Council disagrees with OMKM's recommendation. The chart also refers to a flowchart for reviewing the approval of major projects. The major project review flow chart attempts to tie in the processes of various State agencies and UH, i.e. the OMKM/MKMB/Kahu Ku Mauna Council review steps, Master Plan design review process, UH System approval process, Office of Environmental Review, and DLNR. This process still needs further review and fine tuning.

It was suggest changing the review time for the Kahu Ku Mauna Council from 20 days to 30 days. It was emphasized the it be made very clear that the process as currently depicted, involves considerable review by this body and the MKMB and UH must approve the project before applying for a CDUA. In the past, a CDUP was sought before coming to this board.

There was considerable discussion but no consensus on whether OMKM should be responsible for submitting the CDUA. A committee was formed including Ron Terry, Harry Yada, Jim Kennedy, Bob McLaren and Associate Director Nagata to review the process outlined in the chart and report back to the Board.

Mr. Taniguchi thanked Dr. Terry and Associate Director Nagata for preparing this.

VI. NEW BUSINESS

A. Kahu Kū Mauna Council Nominees

Discussion

Kahu Kū Mauna Council submitted three names for the Board’s consideration and approval to fill three vacancies created when the terms for Pua Kanahēle, Reynolds Kamakawiwo’ole, and Kaleo Kualī’i expired. The nominees are Arthur Hoke, Jr., Antoinette Mallow, and Tiffnie Kakalia. If approved, each will serve a 4-year term.

Arthur Hoke has served on MKMB, but he has not served on the Council. Antoinette Mallow and Tiffnie Kakalia are with Na Pua Noeau, in Hilo and Kona respectively. They both have a passion for the well-being of Mauna Kea and want the opportunity to serve on the Council in achieving its mission of caring for Mauna Kea.

Action

It was moved by Ron Terry and seconded by Barry Taniguchi that the nominees be approved. The motion was carried unanimously.

VII. ANNOUNCEMENTS

Comprehensive Management Plan

Cory Harding asked if UH is taking the lead in developing the CMP, it might be viewed by some in the community as an end-run around the Judge's decision. It may not be a violation of the letter of the law, but violation of the spirit of the law. The community should be the one to take the lead.

Dr. Terry felt that under the current structure, OMKM is the logical entity to develop and administer a management plan. Mr. Hoke thought Ms. Harding’s concern is similar to what he’s heard, that the University is reverting back to where it was before the Master Plan. Mr. Taniguchi reiterated his earlier statement about the perception that IfA is in control.

Mr. Taniguchi and Dr. Terry felt the Board shared her concern and will make sure there is adequate oversight and control. The Board will take an active roll if System tries to pull a “fast one.” Chair Pacheco stated at least we have word from System which is a good first step.

Appreciation to Outgoing Board Members

Chancellor Rose Tseng thanked Chair Pacheco and Harry Yada for their service on the Board. Director Stormont also thanked both of them for their patience, time, and energy.

Director Stormont announced new Board members John Cross and Lisa Hadway will join the Mauna Kea Management Board effective October 1, 2007.

VIII. NEXT MEETING

The Office will poll Board members for available meeting dates for November 2007.

IX. ADJOURNMENT

There being no further business, Chair Pacheco adjourned the regular meeting at 11:57 a.m.

Respectfully submitted:

Signed by Dr. Ron Terry
Dr. Ron Terry, Secretary, MKMB

11/27/07
Date