



University of Hawai'i at Hilo

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Minutes Regular Meeting

Mauna Kea Management Board
Friday, January 9, 2009

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

Attending

MKMB: Chair Barry Taniguchi, 1st Vice Chair Patricia Bergin, 2nd Vice Chair/Secretary Ron Terry, John Cross, Lisa Hadway, and Christian Veillet

Kahu Kū Mauna: Ed Stevens and Arthur Hoke

OMKM: Stephanie Nagata and Dawn Pamarang

Others: David Byrne, Dawn Chang, Steve Clark, Sandra Dawson, Kristin Duin, Gary Fujihara, Cory Harden, Saeko Hayashi, Andy Hood, Ron Koehler, Bob Masuda, Pat McCoy, Cindy Nomura, Stuart Putland, Helen Rogers, and Deborah Ward

I. CALL TO ORDER

Chair Taniguchi called the meeting of the Mauna Kea Management Board (MKMB) to order at 10:05 a.m.

II. APPROVAL OF MINUTES

It was moved by Lisa Hadway and seconded by Christian Veillet that the minutes of the December 11, 2008 meeting of the MKMB be accepted. The motion was carried unanimously.

III. INTERIM DIRECTOR'S REPORT

No report

IV. KAHU KŪ MAUNA COUNCIL (KKMC)

No report.

V. OLD BUSINESS

A. Comprehensive Management Plan (CMP)

Interim Director Nagata explained the purpose of the meeting was to provide an opportunity for the Board, Kahu Kū Mauna, and the public to review and comment on the management recommendations proposed in the CMP. This is an informational meeting only and no board action will be taken.

Dawn Chang gave an overview of the contents of the CMP.

1. Cultural Orientation

The CMP begins with a cultural orientation on the cultural significance of the Mauna Kea. It was apparent, based on what was heard in the community, past plans and litigation, there was a need to convey to the community that the University understood the cultural significance of Mauna Kea. The cultural orientation provides a cultural context and addresses the traditional and contemporary significance of Mauna Kea. The

cultural background is built upon existing plans, reports and studies, including Kepa Maly's report in the 2000 Master Plan and studies by Ed and Pua Kanahele. Clearly there are Hawaiians who will disagree, so we do not espouse that this is the only viewpoint, but it is a viewpoint that conveys the cultural significance of Mauna Kea.

2. Introduction. The Introduction section talks about the foundation for and why the management plan is being developed. It discusses how the CMP was developed, including engaging in a community consultation process and building on preexisting plans. It also describes the Ka Pa'akai analysis: identifying cultural and natural resources; identifying potential threats or impacts of the project, i.e., the adoption of the management plan; and analysis of appropriate management measures to address threats to preserve and protect the resource.
3. Management Environment. This section describes the management area. It also gives an historical review of past plans for Mauna Kea and talks about the regulatory schemes that apply to Mauna Kea.
4. Community Engagement. It was thought that many people in the community felt disassociated with Mauna Kea and felt that UH did not involve the community in the development of plans that affected Mauna Kea. An extraordinary amount of time was spent reaching out to the community to engage them in the process, including traditional public meetings, small talk-story sessions, one-on-one meetings, and meetings with organizations and agencies such as the Association of Hawaiian Civic Clubs, Kanaka Council, Office of Hawaiian Affairs, business organizations, hunting organizations and hunters, subsistence gatherers, cultural practitioners, and families with lineal connections to Mauna Kea. The CMP dedicates quite a bit of time talking about the community engagement process, the principles that were used, which was first to ask permission, listen, ensure that what was heard was accurate, and include that in the planning process.
5. Cultural and Natural Resources. To a large extent, we relied on the information gathered in putting together the Cultural Resources Management Plan as well as the draft of the Natural Resource Management Plan. Information from those two plans, other previous plans, and various studies were used in this section.
6. Activities and Uses. This section describes activities and uses such as access, infrastructure, and their threats to the resources.
7. Management Component Plans. The major part of the plan addresses how to manage uses and activities. Education is a primary source of management. It is believed that if people are educated, they would have a greater appreciation of the cultural and natural significance of Mauna Kea, and they will become better stewards themselves. The next step is gathering more information about the resources, i.e., filling in information gaps. This is a very sensitive issue, for many Hawaiians there is no one right way or one wrong way. No Hawaiian is going to want to judge another Hawaiian. They recognize that they have different practices, but there is also an appreciation that while there may be different practices, there are probably some very fundamental values that Hawaiians will agree with which the plan is going to build upon. Kahu Kū Mauna and the MKMB Hawaiian Cultural Committee, working in coordination with families who have a lineal connection, cultural practitioners, and other Native Hawaiian organizations, will be used as a process to address some of these difficult cultural issues.

The other component of the management plan is the actual management measures, or specific recommendations. The management measures are all designed to look at the resources first and how to preserve and protect those resources while managing the uses.

The last component is enforcement. It is hoped that people will be educated and they will do self-enforcement. The University is moving forward with a request for rule-making authority to assist in enforcement of the CMP.

8. Issues Beyond the Scope of the CMP. Issues covered in this section are clearly policy issues: ceded lands, state lease, decommissioning, and new telescope development. Ms. Chang made it very clear that the CMP is not a development plan. It is not designed to proactively promote new development. The plan is to manage the uses, but at the same time recognizing that there will be applications for new development. The plan provides OMKM and MKMB a rational tool to evaluate the appropriateness of proposed activities.

Regarding this last section, it was important to recognize that the community raised these issues. Ms. Chang stated that these were beyond the scope of the management plan, but needs to be addressed at a higher level.

Ms. Chang stated they were planning to have a draft of the CMP some time in January and it will be posted on the web site. They also plan to do an informational briefing before the Land Board. They will also make sure that MKMB gets a complete draft of the CMP.

Discussions

Lisa Hadway asked if there was a Table of Contents for the CMP. Ms. Chang stated she was a little reluctant to distribute the Table of Contents as it is still subject to change. She also made the public aware that while they may have a copy of Section 7 even that may be subject to changes.

Ron Terry asked how the Environment Assessment (EA) schedule was going to fit in. Interim Director Nagata stated the EA would go out at the same time the draft CMP is made public, which should be by the end of January. The project timetable was to come out with the draft of the CMP by the end of January, post the EA in the Office of Environmental Quality Control (OEQC) Bulletin in February which starts a 30-day comment period. Following that 30-day period we will be incorporating the comments, so that would be some time in March.

B. CMP Draft Management Recommendations

Interim Director Nagata introduced the consultants: Kristin Duin and Andy Hood of Sustainable Resources Group International, Inc. (SRGII); and Steve Clark and Pat McCoy with Pacific Consulting Services, Inc. (PCSI).

Interim Director Nagata gave a PowerPoint presentation on the CMP draft management recommendations. The management areas under the University of Hawaii include the Science Reserve, the area around HP, and summit access road. She touched on a few of the management recommendations:

- Conduct educational efforts to generate public awareness about the importance of preserving the cultural landscape.
- Develop and adopt a management policy on the piling and stacking of rocks for the UH management areas.
- Define and maintain areas where snow-related activities can occur and confine activities to slopes that have a protective layer of snow.
- Encourage observatories to investigate options to reduce the use of hazardous materials in telescope operations.
- Require use of Best Management Practices Plan for Construction Practices.
- Require on-site monitors (e.g., archaeologist, cultural resources specialist, entomologist) during construction, as determined by the appropriate agency.
- Require any future observatories to consider site restoration during project planning and include provisions in subleases for funding of full restoration.
- Require cataloguing of initial site conditions for use when conducting site restoration.
- Require use of closed-contained zero-discharge waste systems for any future development in the summit region, from portable toilets to observatory restrooms.

Pat McCoy explained the situation regarding “find spots,” which are primarily stacks of rocks in which the historical use cannot be determined. During the surveys for OMKM they have noticed a tremendous increase in the number of “find spots” from earlier surveys. Regarding the recommendation requiring the use of closed-contained zero-discharge waste systems for future development, Andy Hood provided background on the hydrology of the summit area and Lake Waiau. Based on available information, it appears that Lake Waiau is a closed system and likely does not receive water from the summit.

Discussions

Ed Stevens asked about decommissioning and about backfilling of the site, whether to leave it below surface, remain in place, or take it completely out. Chair Taniguchi guessed full restoration means you should bring back the material that was taken out. You may not be able to get that material. Do you put foreign material or leave a concrete block in the ground and leave the surface in a natural state? Those are the kinds of questions that have to be asked.

Mr. Stevens stated it should be part of the planning policy that, for instance, TMT. There is a lot of material that is going to come out of there that could be stockpiled for future use even if it means finding a designated area, like the old batch plant. Unless it is restored completely with natural things, the *mana* does not return, it is still contaminated with man-made stuff. To restore it back to what it was includes the cleansing of it so a ceremony to restore it can be done.

Chair Taniguchi stated the Board has not yet started on a protocol for decommissioning. We have not come across the situation to decommission yet, but that day is coming soon. One of the requirements that the plan should have is a decommissioning protocol. Mr. Stevens stated that is why he is suggesting full restoration. If you have it as an option, you lose the battle.

Kristin Duin added they can make sure the point is made that decommissioning goes through an internal approval process. This might be where we add to or strengthen a recommendation to develop a decommissioning protocol. MKMB and Kahu Kū Mauna have approval over that. It is not the developer or the observatory that gets to decide which they do. It is MKMB and the entities that are responsible for that process.

Cory Harden asked what happens if the telescopes do not have enough money to do the restoration. Is there a provision where they have to set that money aside when they do the construction? Chair Taniguchi thought for future projects it is going to be part of the plan. His concern is with what is there now. The subleases have a requirement that they are responsible for the decommissioning. He does not think there is a requirement to have a sinking fund. We need to start working with the existing observatories as to how they are going to fund this.

Dr. Terry stated the recommendations looked good. He will be submitting specific comments. As we proceed with getting this plan finalized, he would like everyone to think about ways that we can take these actions and make them as specific and binding as possible with our limited resources, personnel, and volunteer groups. There needs to be more specificity on how to implement the recommendations. Just having the recommendations allows us to go to the legislature and say that these are the things that we need to do, give us some clout to make it happen.

Dr. Terry's second comment had to do with priorities. Access, for example, is a big issue. Do we have a sense of what the broader community wants to do about access? He has heard from environmentalists and Native Hawaiian groups there needs to be a way to restrict access on Mauna Kea, but on the other hand he has heard the opposite at hearings he's attended - do not try to restrict our access. Is there any consensus on this issue? Ms. Chang replied she cannot say if there is consensus other than recognizing that it is a priority issue from a resource management standpoint.

Chair Taniguchi emphasized we need to be careful as to what we put into the plan versus what we are going to develop later. The more specific things/actions that we put into the plan, it becomes subject to more conflict, then we will not be able to get a plan through. This is why we want the authority to do rule-making. A lot of this stuff will be addressed in rule-making. Interim Director Nagata added you might be committed to something that might not be workable. Dr. Terry commented the plan is to be adaptive and was not suggesting that anything be written in stone, but some suggestions would get us a little closer towards managing the number one crisis on the mountain.

Christian Veillet felt the recommendations were presented systematically. He felt the most important part was the desired outcomes because they form the basis for the recommendations. He suggested rewriting the desired outcome on page 7-32 because the term "enhance" implies encouraging more activities on the mountain. Mr. Hood stated the recommendation was to control access not to enhance the opening up of more area. Many of the recommendations are stated in a passive voice because it was written for an entity that does not have rule-making authority. Many of the recommendations are predicated on OMKM getting authority from the legislature to implement rules to make the recommendations legally binding.

Ms. Hadway said although she is with the NARS she does not represent all of DLNR. She has some clarification regarding hunting issues and referenced Title 13, Chapter 122-123. She reviewed the Cultural Resources Management Plan and read that section and found out that a lot of the information came from the State Historic Preservation Division report in 2000. She plans to provide comments to the consultants. There are a lot of plans

proposed and suggested that they be put down on paper what all the plans are, e.g. education plan; the operating, monitoring, management plan for the operations; staffing plan, and training plan. Some of those fit together and it would be helpful to see where they best fit under. Many of the recommendations say OMKM will develop.

Ms. Hadway also explained the reason why she asked about the Table of Contents is because the Natural Resources Management Plan (NRMP) numbering is very similar to the CMP numbering. When you look at the document, you sometimes do not know if it is talking about the NRMP or the CMP. What is Plan B in the event of lack of funding and/or the legislature does not give UH rule-making authority?

Ms. Chang commented that because this will become a BLNR document, if the Land Board incorporates these conditions on their conservation district use permit, it will have enforcement authority. In the absence of rules, you cannot force CMP conditions on the public unless DLNR chooses to exercise some enforcement authority. At least MKMB can say so long as the CMP gets approved, we now have a management tool to evaluate the appropriateness of any new development. Plan B is really how to enforce this against a member of the public. She believes some of the recommendations can become, especially if DLNR adopts the CMP, conditions of the CDUP.

VI. ANNOUNCEMENTS

Ron Koehler recognized David Byrne, staff at the Visitor Information Station, and the rangers for a job well done over the holidays when a near crisis situation took place. With everyone's hard work there were no major incidents.

VII. NEXT MEETING

The next meeting of the Mauna Kea Management Board is tentatively scheduled for Thursday, February 5, 2009.

Ed Stevens announced that he would not be able to make this meeting and, therefore, Arthur Hoke would attend for Kahu Kū Mauna.

VIII. ADJOURNMENT

There being no further business, Chair Taniguchi adjourned the meeting at 12:00 p.m.

Respectfully submitted:

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

2/5/09
Date