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Minutes Regular Meeting

Mauna Kea Management Board
Tuesday July, 21, 2009

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

Attending

MKMB: Chair Barry Taniguchi, 1st Vice Chair Patricia Bergin, Lisa Hadway, Herring Kalua, and Christian Veillet

BOR Ex officio Officers:

Dennis Hirota and Eric Martinson

Kahu Kū Mauna: Ed Stevens

OMKM: Arnold Hiura, Stephanie Nagata, and Dawn Pamarang

Others: Doug Arnott, Deborah Chang, Antonio Chrysostomou, Kristin Duin, Suzanne Frayser, Jim Gaines, Cory Harden, Saeko Hayashi, Aolani Ka'ilihou, Jim Kennedy, Mike Maberry, Bob Masuda, John Maute, Jeff Melrose, Cindy Nomura, Mike Robinson, Helen Rogers, Betty Stevens, Bill Stormont, Rose Tseng, Dwight Vicente, Debra Ward, and Harry Yada

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

Upon motion by Patricia Bergin and seconded by Herring Kalua the minutes of the June 23, 2009 meeting of the MKMB were unanimously approved.

III. INTERIM DIRECTOR'S REPORT

A. Gemini Observatory's Site Plan Approval Request to Install an All-Sky Camera

Gemini received a Site Plan Approval from the Department of Land and Natural Resources (DLNR) to install an All-Sky Camera on the rooftop of Smithsonian's summit facility.

B. Institute for Astronomy's (IfA) Replacement of the Existing Canada-France-Hawaii Telescope Weather Tower with an Atmospheric Monitor and Weather Station

The IfA's request to replace the existing Canada-France-Hawaii Telescope weather tower has been approved by the DLNR. A permit was not needed as the project is considered a replacement and is covered under its existing Conservation District Use Permit (CDUP).

C. School Bus Pupil Safety Transportation

The Office received a letter from the Department of Transportation (DOT) clarifying the use of vehicles for school travel. There are exemptions from using a school bus. The exemptions include: (1) transporting students over the age of 18; (2) use of a privately-owned passenger vehicle when the transportation is provided without compensation of any kind; (3) use of a mass transit system; and (4) use of privately-owned vehicles provided by a community association or a nonprofit corporation. In addition, there are exemptions if one cannot find a vehicle that is adequate for transporting students and for economic reasons. No exemption will be granted for the qualification of drivers. Drivers must meet the qualifications for transporting students. The rules do not apply if the request is for a non-school or non-school sanctioned function.

The DOT assured us that it is not up to the University (i.e. OMKM) to interpret their rules. If any of the commercial tour operators have questions regarding whether they are exempt from their particular rules, they need to contact the DOT to get an exemption from them.

D. Thirty-Meter Telescope (TMT) Draft Environmental Impact Statement (EIS)

The deadline to file comments for the Draft EIS was July 7, 2009. There were as of today, 52 comment letters plus about 150 boiler plate emails from Kahea members. The categories are as follows:

- 17 letters in general support of the project itself
- 6 opposed to the project plus 150 Kahea emails
- 13 from agencies
- 5 which were not directly related to project
- 11 comments received related to the EIS with respect to impacts and litigation

IV. KAHU KŪ MAUNA COUNCIL (KKMC)

Ed Stevens reported the Council met with consultants Jeff Melrose and Debbie Chang and have agreed to give them full support on creating the Public Access Plan (PAP). The Council looks forward to working with them.

V. NEW BUSINESS

A. Public Access Plan

Sustainable Resources Group International, Inc. (SRGII), headed by Kristin Duin, was hired to help develop the Public Access Plan (PAP). Part of this team includes Jeff Melrose of Island Planning and Debbie Chang of Island Transitions. All parties visited the mountain a few weeks ago and met with rangers and staff at the Visitor Information Station (VIS) to get their input on access related matters. They took a field trip to the summit, looked at some of the trails, observed sunset activities on the mountain, and star gazing activities at the VIS.

SRGII will be pulling together background material from the Comprehensive Management Plan (CMP) the Natural Resources (NRMP) and Cultural Resources (CRMP) Management Plans. They will be responsible for the overall preparation of the document. Jeff Melrose and Debbie Chang will be doing consultations with the community, talking to individuals and groups, and initiating some round table discussions with community members.

Jeff Melrose shared they have begun the interview process. They are considering developing a series of different alternatives for approaching access and discussing them in the round table conversations. The general sense at this point is that people have been very helpful and data from both the CRMP and the NRMP are very useful. Debbie Chang added their meetings so far are small group meetings or individual meetings where people feel very comfortable in sharing their views. Most are appreciative of the opportunity to talk with them.

Chair Taniguchi understands the potential litigants do not want to participate, and cannot understand their rationale. This is an opportunity for them to express their thoughts, but because of their potential litigation they refuse to participate. Ms. Chang added it is unfortunate because we are deprived of their input. The Sierra Club attorney has recommended they not participate.

Interim Director Nagata explained that following the public process the Plan will come to this Board for review and recommendation to approve. It is forwarded to Chancellor Tseng then to the President who submits it to the Board of Regents (BOR) which must approve it before it goes to the Board of Land and Natural Resources (BLNR).

B. Decommissioning Plan

This plan will focus primarily on the process for decommissioning observatory facilities with some discussion on limitations on development on the summit. Information from the NRMP and CRMP will be pulled together and expanded. It will also include discussions on the roles and responsibilities of the observatories, the university, and

DLNR. In addition it will look at tie-ins to the lease and subleases. The intent is to present this plan to the MKMB in October for approval followed by submittal to the Board of Regents and on to the BLNR.

Chair Taniguchi stated both he and Interim Director Nagata met with DLNR personnel to discuss the process. We would like to have most, if not all, of the plans submitted to the BLNR for approval by February 2010. We realize that the BOR will not be meeting in December. Chair Taniguchi noted the DLNR is not expecting a plan stating, "Telescope A will be down by 2015" or "Telescope B will be decommissioned by a certain date." They realize we are not in a position to do that. What they want is the process that will be followed when telescopes are decommissioned. Will it require a financial plan to be sure there is adequate funding for the decommissioning? Will the actual physical removal of a telescope have to be done prior to 2033, or at the end of the lease, or can they be physically taken down later? All of these questions need to be worked out

Lisa Hadway hoped that if there is a need for more time to be sure the plans are done properly that we are not forcing ourselves into this timetable. Chair Taniguchi stated if we do not set a time frame, this will go on forever. We recognize that if we run into unanticipated circumstances, we will make sure we address them properly.

Interim Director Nagata stated both the draft NRMP and CRMP are nearly complete. Information for the Decommissioning Plan can be found in other existing plans, such as the Master Plan, and it is a matter of pulling the information together. We are not doing new research for the development of these plans.

Chair Taniguchi explained DLNR is looking at all their leases not just Mauna Kea. Many leases were written back in the 1950s and '60s and are starting to become due. Mr. Stevens stated the existing 65 year lease is very skimpy on decommissioning and questioned if this decommissioning plan would be folded into the lease. The lease should be modified. Chair Taniguchi thinks changes will be made when we renegotiate the lease. The renegotiation will include looking at funding sources to manage the resources. Kristin Duin stated the Decommissioning Plan will address current and potential future leases separately knowing that they will be different.

Mr. Stevens asked if it would be appropriate to get a commitment from the existing observatories now if they plan to go beyond 2033. Chair Taniguchi replied definitely. If they want to participate with the extension they have to commit. We do not have the lease extension yet, so first things first.

Dr. Veillet asked what the timetable was for the extension of the lease. Is there any idea? Will the Office and this Board be involved in that? Chair Taniguchi replied soon and believes we will be involved in that process. Chair Taniguchi announced that the TMT board met and selected Hawaii as the preferred site. Given that, OMKM, MKMB and the BOR are going to be the lead agents in the renegotiation of the lease. That has to happen as part of the TMT project.

C. Natural Resources Management Plan (NRMP) and Cultural Resources Management Plan (CRMP)

The draft CRMP is completed and will be posted on our web site. The NRMP is being finalized and will also be posted on the web site. Both will be distributed in electronic format to the public libraries on island as well as major libraries on the neighbor islands.

Open houses will take place on September 1st in Waimea, 2nd in Kona, and 3rd in Hilo. There will be displays and materials highlighting major components of the plans and a summary of major recommendations. The public will have an opportunity to submit written comments which will be incorporated in the final plans. Both plans will be brought to this Board in October.

Ms. Duin commented both the NRMP and CRMP have been updated since approval of the CMP to include cross references to the management recommendations in the CMP. It will be helpful for OMKM to be able to look at the CRMP, NRMP and the Decommissioning Plan to see how they relate to the CMP.

D. Restoring the Jeep Road on Pu`u Poliahu

The IFA initiated a project to restore the jeep road on Pu`u Poliahu. The options are to restore it to its natural state as much as possible or reduce it to a trail. Mike Maberry is representing this project and has been in contact with Kahu Kū Mauna.

Mr. Maberry explained initially they were looking at reducing the road down to a small foot trail, but there has been some discussion about having the road completely removed. Mr. Stevens commented there have been discussions with the Council and there are pros and cons regarding a trail. They need more time to talk about it.

Interim Director Nagata stated the IfA needs a decision relatively soon because funding will expire at the end of the fiscal year, which is September 30th.

Mr. Maberry indicated they need to retain an architect to prepare a grading plan. They also need to schedule inspections of the material that would be pulled back up, which was initially pushed over, and have it inspected for wēkiu bugs. The consultation he received regarding the impact on wēkiu bugs is to do the work as early as possible so as not to impact the bugs in the fall or winter. With the approval of this Board they would approach DLNR for their approval. The project would take about two weeks to undertake. His time frame is the last week of September.

Chair Taniguchi asked if work had to be completed or is it sufficient to just encumber the funds by that time. Mr. Maberry was not sure and would have to check. His understanding was that contracts would have to be completed so they can be billed.

Mr. Stevens stated we should move forward with this project and recommended restoring the road with no trail at all. The Council feels that when a project is done, restore it to its previous condition. In this case, when studies at the test site were completed the telescope was removed but the pad was left. Subsequently, with a little pressure, Mauna Kea Support Services (MKSS) removed the pad and all that is left is the road.

Ms. Hadway recognized this as a very valuable project and there are funds available to do it. But like building things, dismantling things require a permitting process and declaration that this is a Major or Minor project. This needs to follow the process. In the past we have been given information beforehand to review. We are being asked on the spot to make a determination without any background.

Interim Director Nagata stated she considers this project a Minor one. If this Board feels this is a Minor Project, the President needs to make a final classification. Mr. Maberry added even if this Board approves the project, it does not mean that DLNR will.

Chair Taniguchi stated the decision we need to make is classification of this project and review the details later. He recommended classifying this a Minor Project with the provision that details as they are developed will be provided. Interim Director Nagata added classifying this project does not mean that the Board has approved the project, but it allows us to review the project.

Dennis Hirota asked about NPDES – Non Point Discharge Elimination System. This is over an acre so if there is grading it will require a NPDES permit. He does not know if we have a general permit and added it takes six months to get one. Ms. Hadway explained the Department of Health issues the permit. Mr. Maberry will look into it.

Dr. Veillet stated he agrees with moving forward as long as it is pending further review when we have more information. Even if it is for restoration, we still have to follow the process.

Mr. Maberry stated the situation is dependant on the action taken today and the feeling by the Board will determine whether or not to spend more money. The next step is the preparation of an architectural grading plan. They know what two pieces of equipment are required – a Case excavator with a 54” bucket and thumb and a Case loader extendahoe. The next steps would be to look into the NPDES followed by the DLNR process. After that is squared away, the next step would be a wēkiu bug habitat survey.

Mr. Stevens inquired if there have been previous surveys for the wēkiu bug on Pu’u Poliahu. Interim Director Nagata replied not along side the road. Surveys were done on the northern flanks of Pu’u Poliahu but not the inner, crater side adjacent to the road.

Deborah Ward thought Pu’u Poliahu was a traditional cultural property (TCP) and, therefore, wouldn’t the State Historic Preservation have to give their okay? Interim Director Nagata replied she did not believe Pu’u Poliahu was a TCP. Kūkahau’ula is and does not include Poliahu. Harry Yada noted any grading permit is going to be reviewed by the State Preservation Division.

Chair Taniguchi recommended classifying this a Minor Project with the provision that details as they are developed be provided to the Board. Interim Director Nagata reiterated that classification of the project is the first step in reviewing a project. It does not mean the Board is approving or disapproving the project, but allows this Board and the Office to further review the project and its impacts.

Action Item

It was moved by Herring Kalua and seconded by Patricia Bergin to classify this project a Minor Project. This action does not imply approval of the project. The motion was carried unanimously.

VI. ANNOUNCEMENTS

Herring Kalua introduced Mr. Mike Robinson who works for the Land Management Division of the Department of Hawaiian Homes Land.

School Bus Pupil Safety Transportation

Doug Arnott commented on the school bus issue. Subsequent to the letter the DOT wrote to the Office, he responded to the DOT. DOT replied saying it was an unfortunate situation and was willing to sit down and discuss the matter. Interim Director Nagata informed Mr. Arnott he could work with DOT about getting an exemption. The one thing the DOT will not exempt is the qualifications of the driver.

Mr. Arnott asked how this rule was discovered. Interim Director Nagata replied it was from another company who wanted clarification on the transportation of school children.

VII. NEXT MEETING

The next meeting of the Mauna Kea Management Board is scheduled for Friday, August 28, 2009.

VIII. EXECUTIVE SESSION

Chair Taniguchi asked for a motion to move into executive session to discuss personnel issues pursuant to HRS §92-5(a)(2) regarding the hiring of a director. It was moved by Christian Veillet and seconded by Patricia Bergin to enter into executive session.

The public portion of the meeting ended at 11:25 a.m.

IX. ADJOURNMENT

Upon returning from executive session and there being no further business, Chair Taniguchi adjourned the meeting at 11:55 a.m.

Respectfully submitted:

Signed by Barry K. Taniguchi
Barry K. Taniguchi, Chair, MKMB

August 28, 2009
Date