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**Minutes
Regular Meeting**

Mauna Kea Management Board
Wednesday, July 14, 2010

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

Attending

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

BOR: Excused

Kahu Kū Mauna: Ed Stevens

OMKM: Stephanie Nagata and Dawn Pamarang

Others: David Byrne, Gerald De Mello, Jesse Eiben, Linda Gregoire, Cory Harden, Arthur Hoke, Stewart Hunter, Bob McLaren, Cindy Nomura, Betty Stevens, Dwight Vicente, Harry Yada, and Edmund Yamagata

I. CALL TO ORDER

Chair Taniguchi called the meeting of the Mauna Kea Management Board (MKMB) to order at 10:00 a.m.

II. APPROVAL OF MINUTES

Upon motion by Christian Veillet and seconded by Ron Terry the minutes of the May 19, 2010 meeting of the MKMB were unanimously approved.

III. INTERIM DIRECTOR'S REPORT

A. Thirty Meter Telescope

Governor Lingle approved the Final Environmental Impact Statement (FEIS) for the Thirty Meter Telescope (TMT) project on May 19. Notice of acceptance was published in the June 8th Office of Environmental Quality Control bulletin which started the 60-day challenge period.

On June 28th, the University of Hawaii Board of Regents (BOR) approved the TMT project and accepted all but two of MKMB's conditions as submitted. They accepted the remaining two with added clarification:

Revised Condition 1: That the TMT and BOR negotiate in good faith to secure substantial funding in the form of sublease rent that shall be applied specifically for management of the mountain. ~~The Mauna Kea Management Board (MKMB) will have the opportunity to vote on whether to recommend approval of the terms. The BOR shall consult MKMB during the negotiations and will give them the opportunity to vote on whether to recommend approval of the terms.~~

Revised Condition 4: TMT and UH should enter into a binding ~~agreement~~ Operating Site Development Agreement (OSDA) whereby TMT agrees to comply with all the mitigation measures described in the FEIS. Failure to comply shall result in ~~an agreed-upon penalty~~ agreed upon remedies. ~~TMT shall develop, and the~~

~~Office of Mauna Kea Management (OMKM) shall approve a mitigation document that is the functional equivalent of a federal record of decision (ROD); The OSDA will be developed along with a contractor's checklist to assist in monitoring mitigation.~~

The conservation district use application is currently being prepared for submittal.

Cory Harden asked if the TMT mitigations are not implemented is the UH is responsible for seeing that they are carried out? Interim Director Nagata explained it means that the UH can go after TMT to make sure that mitigation measures are carried out.

Ms. Harden asked if it is not the University, who it would be. Ron Terry stated it still would have been the University. The BOR clarified by adding that the OSDA would be the document binding TMT because we do not have a state record of decision in our EIS process, which can be a problem in enforcing mitigation measures that are not made a part of the permit. Almost all of these mitigation measures will be adopted by the Department of Land and Natural Resources (DLNR) if they approve the conservation district use permit for this project. In addition to that, the University wants to make sure that those mitigation measures are there. UH cannot tell the Board of Land of Natural Resources what to do, so we have mitigation measures we feel are important and want them enforceable. Our conditions for approval included that, but it was somewhat vague so the Regents clarified and said it would be the OSDA, which is a good formal structure.

B. Governor's Visit to Mauna Kea

On June 22nd, Governor Linda Lingle and guests were given a tour of Mauna Kea. Interim Director Nagata, Dr. Bob McLaren, and Sandra Dawson gave brief presentations. All participated in a tour of Gemini and Keck and were shown the TMT site.

C. Kona-Kohala Chamber of Commerce

On June 25th Interim Director Nagata attended the annual installation luncheon of the Kona-Kohala Chamber of Commerce. UH President M.R.C. Greenwood was the keynote speaker. President Greenwood spoke about various initiatives taking place on the Big Island. She also recognized and thanked OMKM and MKMB for the work they have done with the Comprehensive Management Plan sub plans and review of the TMT project.

D. University of Hawaii at Hilo Chancellor's Tour of Mauna Kea

On July 8th Chancellor Donald Straney was given a tour and orientation of Mauna Kea. Dr. McLaren gave a brief history of the development of telescopes on Mauna Kea and spoke briefly on what led up to the Master Plan. Interim Director Nagata provided a summary of OMKM, MKMB and Kahu Kū Mauna and their respective roles and responsibilities; a summary of the Master Plan's project review process; and what has been done over the past ten years.

Also attending were Chair Taniguchi, Ron Terry, who provided an environmental briefing, and Herring Kalua, who had originally suggested that Chancellor Straney visit Mauna Kea. Ed Stevens and Hannah Springer from Kahu Kū Mauna were also in attendance and provided the cultural perspectives of Mauna Kea.

Subaru gave a brief description of their telescope and provided a tour of their summit facility.

E. Administrative Rules

The Office's outside legal counsel reviewed existing rules from other agencies, primarily DLNR, and put together a list of content ideas which will be taken out to the public for their input and comments.

F. Mauna Kea Rangers

We are currently short one ranger. Scotty Paiva was deployed to the Gulf for 60 days to assist with the British Petroleum oil cleanup. We expect him back in August.

G. Retirement Party for Ron Koehler

A retirement party for Ron Koehler was held at Hale Pohaku on Friday, July 9. The Office staff along with Chair Taniguchi attended and wished him well in his retirement.

IV. KAHU KŪ MAUNA COUNCIL (KKMC)

A. Revised Guidelines

The Council is submitting its second revised guidelines for review and approval by the MKMB. Changes were made because the Council is finding it difficult to maintain the number of members on the Council. Some of the major changes are: 1) recruitment by members of the MKMB, OMKM, or the Council, or by referrals; 2) open-ended tenure to serve unspecified term limits; 3) selection of a chairman and a vice chairman; 4) establishment for a quorum for meetings; and 5) voting requirements.

Recommendation

Interim Director Nagata explained the MKMB approved the original guidelines in 2000 and a first revision in 2008. OMKM recommends adopting the revised guidelines.

Action

It was moved by Ron Terry and seconded by Patricia Bergin to adopt the revised Kahu Kū Mauna Guidelines.

Discussion

Chair Taniguchi suggested revising the voting requirements to 50 percent plus 1 of its current members to carry the vote. Ed Stevens endorsed this change and Ron Terry also agreed to the change.

Board members voted in favor of adopting the revised Guidelines with the change noted with no one opposing.

B. Summit Lele

The rangers reported accounts of vandalism to the lele on the summit and the winds blowing it down. The Council feels it is time to develop a cultural protocol for the summit as far as the installation of new structures or objects. They want to follow the Office of Conservation and Coastal Lands (OCCL) policy about securing a permit for any objects placed for more than 14 days. Thus far, there have been no permits requested. The Council is looking to meet with those who represent the cultural practitioners, and are preparing a letter requesting to get together to work out a protocol for the summit of Mauna Kea. The outcome is to have a final product that both sides are satisfied to work with. The rangers will then have a set of guidelines to follow. The Council is giving this priority and will work to get it done as quickly as possible.

V. OLD BUSINESS

A. Wēkiu Bug Update

Jesse Eiben, UH Manoa graduate student studying wēkiu bugs, gave a general overview and of his research. A paper that he co-authored with his major professor, Dan Rubinoff, was recently published in the *Journal of Insect Conservation*.

He indicated the TMT site is not prime wēkiu bug habitat. TMT agrees to fund habitat mitigation studies.

Mr. Stevens asked if the equipment installed several years ago yielded data and is it being used. Mr. Eiben stated the study was to see where wind currents deposit insects which are the food source for wēkiu bugs.

VI. ANNOUNCEMENTS

Dwight Vicente made a statement about UH's lease that no such lease exists because there is no valid treaty between the Hawaiian Kingdom and the United States.

VII. NEXT MEETING

The next meeting is tentatively scheduled for Wednesday, August 11, 2010.

VIII. ADJOURNMENT

There being no further business, Chair Taniguchi adjourned the meeting at 11:20 a.m.

Respectfully submitted:

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

9/1/10
Date