



University of Hawai'i at Hilo

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## Minutes Regular Meeting

Mauna Kea Management Board  
Tuesday, August 13, 2019

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

### Attending

**MKMB:** Chair Gregory Chun, 1st Vice Chair Doug Simons, Roberta Chu, Julie Leialoha, and Barry Taniguchi

**BOR:** Alapaki Nahale-a

**Kahu Kū Mauna:** Shane Palacat-Nelsen (by phone)

**OMKM:** Wally Ishibashi, Jessica Kirkpatrick, Fritz Klasner, Stephanie Nagata, Dawn Pamarang, Lukela Ruddle, and Joy Yoshina

**Others:** Laura Aquino, Mary Begier, Dave Corrigan, Hanalei Fergstrom, Cory Harden, B. Hastings, Stewart Hunter, Bonnie Irwin, Herring Kalua, Leandra Keuma, Dave Lonborg, Marcia Sakai, Daniel Smith, Deborah Ward, Dwayne Yoshina, and Peter Young

### I. CALL TO ORDER

Chair Chun called the meeting of the Mauna Kea Management Board (MKMB) to order at 10:05 a.m. Chair Chun noted those in attendance constitute a quorum.

### II. APPROVAL OF MINUTES

Upon motion by Julie Leialoha and seconded by Roberta Chu the minutes of the April 2, 2019, meeting of the MKMB were unanimously approved.

### III. DIRECTOR'S REPORT

#### A. Administrative Rules

Following public hearings in September 2018, the University made changes to the rules based on testimonies heard and received. A second round of public hearings were held in Honolulu, Hilo, Waikoloa and Kahului on June 3, 4, 5, and 7 respectively. The Hearing Officers' reports are being compiled along with public comments received and will be reviewed by the University. If needed, amendments to the rules will be made. The Board of Regents (BOR) is planning to review and consider approval of the rules on their August 30, 2019 agenda.

#### B. Thirty-Meter Telescope (TMT)

On June 20<sup>th</sup> the governor announced that the Department of Land and Natural Resources (DLNR) issued to the University a notice to proceed with construction on the Thirty-Meter Telescope (TMT). The issuance of this notice was based on DLNR's review of documents related to the project's pre-construction permit conditions and compliance on the part of the University.

On July 17<sup>th</sup> TMT began transporting equipment from the base yard towards the Maunakea Access Road but was stopped because the Maunakea Access Road was blocked by a large group of protestors. The Access Road remains closed. A remnant of the old Saddle Road, which runs parallel to the Daniel K. Inouye Highway, is being used to

connect to the Maunakea Access Road above the road block. This road has deteriorated from disuse, but is the only readily available access to the upper sections of the Access Road. The spur road is lined with vehicles, tents, and people walking about including children. Access for observatory personnel and deliveries of supplies, such as water, gas, and fuel requires informing the Office of Maunakea Management (OMKM) who in turn informs the Division of Conservation and Resources Enforcement (DOCARE) of the names of observatories, number of vehicles and estimated time of arrival. This information is then transmitted to the kupuna. For deliveries involving large vehicles, such as water and fuel tankers, pre-arrangement is needed to use the main Maunakea Access Road until they reach the kupuna tent where they make a detour around the tent off the shoulder of the road and then reconnect with the main road above the tent. Maunakea Support Services (MKSS) and University of Hawaii (UH) personnel do not require this same procedure, but our personnel have been blocked on occasion from going up the mountain.

**C. Removal of Unpermitted Structures**

On June 20<sup>th</sup> the state removed unpermitted structures built in the Mauna Kea Science Reserve, Mauna Kea Forest Reserve and Department of Hawaiian Home Lands. The structures that were removed were not permitted as required by Conservation District Rules.

**D. Ingress/Egress and Parking Project near the Visitor Information Station (VIS)**

This capital improvement project is completed. Following final inspection, the University submitted a letter of substantial completion to the contractor. The Visitor Information Station remains closed due to the road block. There are about 50 parking stalls, a walkway and a one-way ingress drop off lane that runs parallel to the Access Road. This project is in compliance and fulfills one of the Comprehensive Management Plan's (CMP) action of putting parking and vehicle pullouts on the same side of the road as the VIS.

Discussions

Deborah Ward stated that during the process of looking at the Environmental Assessment for the ingress/egress project there was a decision to remove 200 māmane trees. Have the replacement māmane trees been successfully planted and are they living?

Director Nagata stated we have planted māmane seedlings but there was frost that killed them. We have a new batch of seedlings in progress. The next step for us is to build a dedicated greenhouse. That is moving forward now that the VIS ingress/egress project is near complete.

D. Ward commented that the project is not really completed because that was a critical condition of DLNR. Director Nagata stated that part of the project – the mamane growing and planting – cannot be completed by the end of the paving portion of the project.

Alapaki Nahale-a does not disagree with the report, but thinks it does not acknowledge the impact of the people who are blocking the road. When he first joined this Board, it was communicated to him that this body has no say or influence over TMT and that project moved forward. Since a lot of time was spent on your report, documenting the efforts being made to allow access for astronomy community and the present dangers, he feels he is warranted to ask if we are involved in any way in addressing, communicating, and coordinating the actions and activities around those who are choosing to block the roadway.

Director Nagata explained our communication is with DOCARE as they are the immediate law enforcement closest to the road block. We work with DOCARE in terms of how we need access to the mountain. They in turn communicate directly with the kupunas. They have been very helpful in getting us access to the mountain.

Daniel Smith was curious if there could be communication from this board about our needs and build or mediate a relationship for more communication.

Chair Chun asked Mr. Smith is he was offering to set that up. Mr. Smith replied he could if that is interesting, yes, he could definitely get the right people for the Board to talk to. Chair Chun replied we are always interested in communicating. That is a conversation we could have off line.

**IV. KAHU KŪ MAUNA COUNCIL (KKMC)**

Shane Palacat-Nelsen reported the Council continues to work on consultation for the decommissioning of the Caltech Submillimeter Observatory (CSO). They are also happy that the ingress/egress project is completed. A couple meetings prior Mayor Kim visited the Council to talk about his vision and creating collaboration between his group and the Council. Members of the Council continue to work with ohana as this is one of their CRs in the Comprehensive Management Plan (CMP). Some members of the Council have been up on the mountain getting a feel for what is

happening at Pu'uhuluhulu. One of the things we will be talking about at future meetings is how we can continue to control the number of people when the road does open up. There might be an opportunity for us with collaboration with Maunakea Management Board (MKMB) to discuss how we can have better control of managing people on the mauna once the road is open, particularly with commercial entities.

## V. PROGRAM REPORTS

### A. Natural Resources

Fritz Klasner reported an Environment Committee meeting is planned for the first half of September. The September meeting agenda items tentatively will include invasive species concerns at Halepōhaku, native plant restoration, and Caltech Submillimeter Observatory (CSO) Decommissioning Technical Report reviews. There was not a late-spring or early-summer meeting this year as we completed the annual arthropod and invasive species monitoring.

Annual arthropod, including wēkiu bug, and invasive species monitoring was completed in June. The Natural Area Reserve (NAR) and Big Island Invasive Species Committee (BIISC) program staff, along with staff from Dr. Eiben's lab, assisted OMKM allowing us to complete the work in under 3 weeks. If it were to be conducted by a single field crew, this monitoring would require over a full month to complete. This outside participation also helps ensure our methods are well-documented and regularly reviewed and updated. No new threats were identified with initial specimen screening, although full identification of everything collected is still ongoing. Wēkiu bug numbers were average or maybe slightly below the long-term average this year, but not so low to be of concern. Wēkiu bug number vary greatly from year to year. With Dr. Eiben's recent departure we also recently inherited his arthropod reference collections, an invaluable resource with approximately 80,000 specimens. We are working with DLNR and UH Mānoa about sending specimens to the appropriate repository.

A carpenter ant queen (genus *Camponotus*) was found on June 19<sup>th</sup> during routine invasive species monitoring in the Department of Transportation (DOT) right-of-way. All ants in Hawai'i are introduced, and under the 2015 Maunakea Invasive Species Management Plan, ants are considered to be a "priority threat." Rapid response procedures were initiated and a report was submitted in July, shortly after staff access to UH managed lands was obstructed, since response activities were no longer possible. In brief, no additional carpenter ants were detected. This was the second incident of a carpenter ant detection at Halepōhaku, with the previous being in 2016. The species is not believed to be a serious ecological threat at Halepōhaku. Regular monitoring will continue when access is allowed; new or additional detections will be reported pursuant to DLNR permits and the Maunakea Invasive Species Management Plan. As there are numerous possible avenues via which the queen could have arrived – fallen off a vehicle, in wood or vegetation brought up, nearby (or more distant) colonies in the Forest Reserve, etc. – we are unable to determine how this species made it to the site. A single specimen of a new ant species (*Cardiocondyla obscurior*) was detected during rapid response efforts.

Native plant restoration associated with the Ingress/Egress project is going slowly. We had planned on out-planting additional seedlings in July, but were unable to do so due to lack of access to Halepōhaku. We are working with Rangers to try and keep existing seedlings watered and will start more seedlings pending reliable access.

Our summer intern, a UH Hilo undergraduate student, assisted with field work efforts this summer. Her project was to prepare information sheets on select native plants – including māmane, 'āhinahina, and 'āweoweo – presenting summaries of cultural knowledge integrated with restoration roles of these same plants. The next step in this effort is to bring her product to Kahu Kū Mauna for their feedback and guidance.

The seabird and bat inventory project is continuing. Both seabirds and bats have been detected, while flying overhead, using radar in the Forest Reserve and on UH managed lands. Both the radar and acoustic monitoring to date have not found evidence of bird or bat habitat use near the summit. Seabirds, both 'ake'ake and u'au, have been detected using acoustic monitors in the upper elevations of the Forest Reserve – suggesting that they are landing on the ground - increasing interest in searching for possible burrow habitat. Bats have been detected in the Halepōhaku area, although the only activity detected to date is foraging. The project has ceased high elevation work until access issues are resolved.

The office participated in 'Imiloa's weeklong summer camp for youth. This year's theme was "Fantastic Bugs and Where to Find Them." For both the June and July camps we shared information about the wēkiu bug, led an insect role playing activity, and showed keiki insect collections from Maunakea.

No volunteer events are scheduled at this time.

## **B. Cultural Resources**

Lukela Ruddle reported OMKM and 'Imiloa have been working together to create cultural displays for the VIS. The first one about adzes found on the mountain, is about to be installed. We are also working on an orientation video to be shown at the VIS for people visiting the mountain and anticipate having it ready in about 6 months. The video will run about 7-8 minutes long. We are working on a second edition of our Maunakea activities book. The content will probably be based on research being done on the mountain. Annual summer archaeological monitoring is being postponed due to access issues. If reliable access is not available by October/November monitoring 2019 monitoring will be cancelled because of the onset of hazardous winter conditions.

## **VI. PUBLIC COMMENTS**

Mr. Smith, stated that what he consistently hears is about safety issues regarding transportation up the mauna. This is why he feels so strongly the need to open up communication channels with the Kia'i. He believes that the reason the Ki'ai are standing on the road is because of the history of management. He feels the obstacle is blocked communication between this Board, DOCARE and the Kia'i. If we establish communication about the concerns of this of this board including invasive species, CMP implementation, safety, with the Ki'ai it would paint a different picture and help bridge the gap. Everyone wants to protect that mountain.

## **VII. AGENDA ITEMS**

### **A. Election of Officers**

Chair Chun stated we have a proposed slate of new officers that have come forward. To ensure representation of the community into this process, it is good that we periodically change chairmanship and officers.

Roberta Chu has graciously agreed to step in as chair, Doug Simons will remain as 1<sup>st</sup> Vice Chair, and Julie Leialoha will step in as 2<sup>nd</sup> Vice Chair & Secretary. In recognition of Barry Taniguchi's many years of prior service he was not asked to take on anything more than he has already contributed.

Chair Chun called for a motion to affirm that slate of new officers to be effective at the next Board meeting. It was moved by Barry Taniguchi and seconded by Doug Simons to affirm the appointments effective at the next Board meeting. The motion was carried unanimously.

### **B. Administrative Rules Update**

As reported under the Director's Report.

### **C. Ingress/Egress Project Update**

As reported under the Director's Report.

### **D. Overview and Status of Caltech Submillimeter Observatory (CSO) Decommissioning**

Director Nagata provided a PowerPoint overview of the decommissioning process. The Decommissioning Plan was approved by the Board of Land and Natural Resources (BLNR) in 2010, thus making the State's plan and process for deconstructing observatories and restoring their sites on Maunakea.

Deconstruction can be full or partial and the restoration of the site is based on a 3-tier approach: 1) minimal, 2) moderate, or 3) full restoration. The starting point for discussion is always full removal and full restoration. That would be the ideal situation. However, the observatory must go through a process that looks at all compliance documents including the Conservation District Use Application (CDUA), Conservation District Use Permit (CDUP), master lease, sublease, and any other operating agreements associated with the observatory undergoing decommissioning. Some of these documents have conditions that may affect the decommissioning of a facility.

Part of the process involves environmental due diligence and an environmental assessment (EA). In the case with CSO, it is now going through a Chapter 343 environmental assessment process. A key part of this process involves the community that will have a role in providing input into the degree they want the facility removed as well as to the degree they want the site restored. Another way the community participates is through the Decommissioning Review Committee. This committee is comprised of volunteers from the community who have technical expertise such as engineering, planning, and landscape architecture. There is also outreach to the public giving it the opportunity to give input.

CSO's notice of intent was presented to this Board a while ago. CSO's environmental assessment phase is currently undergoing review. A draft will be presented to Kahu Kū Mauna and then to this Board for review and approval.

Julie Leialoha commented this will take work to make sure we are going to start at full restoration, but she would

hate to start there and not end up close to what we should be looking at when it comes to the decommissioning plan. She understands the need to undergo the EA process, but technical aspects regarding a number of the compliance issues may be problematic. This is going to be a difficult conversation, but she is glad we are starting it.

Doug Simons asked where we stand with decommissioning of Hōkū Ke‘a. Director Nagata replied Hōkū Ke‘a submitted its notice of intent to decommission to MKMB a few years ago. There was public comment against decommissioning this educational telescope. UH Hilo was asked to consult with community members. In the meantime, UH Hilo Astronomy Department has looked at other sites for locating the telescope. However, their research indicated that the only place they can do it is on Maunakea. Hualalai and Mauna Loa are not suitable sites for various reasons. The summit of Maunakea is not an option, but are looking at Halepōhaku as a location.

Dr. Simons asked when we can expect a notice of intent to come back to the Board. Director Nagata stated once UH Hilo decides what they want to do, it can come back to this Board. Director Nagata reminded the Board that the telescope at the Hōkū Ke‘a site on the summit has been removed. What remains is the shell.

Ms. Ward stated that transparency with regard to the cost of decommissioning will be important. As she understands, the University of California is funding that, but if we can have a policy of keeping cost transparent so that we can see what it cost to decommission.

Chair Chun commented that some of the environmental impacts of the process itself will be covered in the EA. To your point on the financial component, obviously there is a requirement that the observatory cover those costs, but we have not talked about making those numbers public. Director Nagata stated we do not have those numbers.

**E. Office of Maunakea Management – No Commercial Activity Signs**

Installation of four (4) posts and signs in the University of Hawai‘i managed Halepōhaku parcel which state commercial activity is not allowed without a permit. Unpermitted tours occur on Maunakea. Signs consistent with applicable laws and administrative rules will communicate expectations and requirements to both permitted and unpermitted entities. The proposed signs state that commercial tours are prohibited without a permit.

Kahu Kū Mauna

Kahu Kū Mauna Council was consulted at their May 16, 2019 meeting. No concerns were identified.

DLNR Rules

Signs are a land use as defined by Hawaii Administrative Rules §13-5 and a permit from DLNR is required. The project will not proceed until appropriate DLNR approval has been obtained and any conditions incorporated into the project.

Comprehensive Management Plan

The signs are consistent with the Maunakea Sign Plan and proposed Administrative Rules for University-managed lands.

Recommendation

OMKM recommends the MKMB classify this proposal a minimal impact project based on the following:

1. The proposed request does not increase the size or area of existing improvements and is intended to limit unintended impacts and activities on University managed lands.
2. There are no archaeological sites in the immediate area.
3. The project maximizes infrastructure use with negligible impact to the immediate surroundings and summit region.

If this project is classified minimal impact, OMKM will proceed with the permit application.

Discussion

Chair Chun asked what is the scale of commercial activity. Mr. Klasner replied there are 8 permitted operators. They conduct tours during the day, but primarily stargazing in the evening is the most common and most cramped for space.

Action

It was moved by Roberta Chu and seconded by Doug Simons to classify this project as minimal impact and recommend the applicant be allowed to proceed with the permit application. The motion was carried unanimously.

**F. Office of Maunakea Management – Stargazing Areas, Equipment Storage and Laydown Areas, Traffic Delineation**

MKSS and OMKM requests to demarcate certain areas and ensure continued safe operations and maintenance of existing:

- Permittee stargazing areas to address capacity limits (for both commercial tour and special request permits),
- Equipment storage and laydown areas for MKSS,
- Vehicle and pedestrian traffic areas for Permittee and facility management staff and partners through installation of gates, traffic barriers, and portable toilets.

Clearly defined areas for maintenance equipment and supply storage, public activities, and commercial tour operator activities help ensure approved land uses and activities can be safely conducted and impacts confined to the appropriate, approved area.

This proposal minimizes impacts from existing operations, does not irrevocably commit resources, and accommodates current use patterns for facility operations, stargazing under permits, and independent travelers, except for large school groups which arrive in a full-size bus (50+ passengers). This is not intended as a permanent solution for Permittee stargazing. As commercial permits conclude and new permits issued, the question of stargazing locations will need to be addressed again at that time.

Equipment laydown areas for MKSS will allow for safe, controlled, and reliable areas for storing and using heavy equipment, material storage, and related uses. With increasing independent traveler visitation (as opposed to commercial tour activity), visitors have increasingly been observed at unusual and unexpected locations on the University-managed Halepōhaku parcel.

Traffic, vehicle and pedestrian, demarcation will ensure safety of all those present, allow for regular access to infrastructure such as septic system cleanout areas and under buildings, and irregular access for occasional facility maintenance and renovations.

Restoration of previously disturbed areas, after the traffic demarcation infrastructure is in place, will allow mitigation of adverse impacts from past use and limit impacts of existing use.

The project includes 3 primary actions:

- 1) Explicitly recognize existing land uses, activities, and areas for:
  - a) Stargazing by Permittees and
  - b) equipment laydown by MKSS.
- 2) Install gates (5), traffic barriers, and portable toilets to manage impacts from activities listed above and address previously identified traffic safety concerns.
- 3) Restore lands using native vegetation in areas previously impacted by approved uses.

Consolidation of existing equipment storage and laydown areas is ongoing. Stargazing in existing parking areas would begin upon approval. Preparations for stargazing in other areas would commence soon thereafter along with delineation of parking and driving areas. Gates, pipe and chain type, along with signs would be installed as soon as supplies are purchased and staff schedules permit. Restoration would occur after other elements are complete.

The proposed activities are expected to take approximately 2 years to complete. All work will be conducted by OMKM and MKSS staff.

Kahu Kū Mauna

Elements of this proposal were included in MKSS’s 2018 5-Year Outlook. An in-depth consultation with Kahu Kū Mauna occurred on December 11, 2018 and again on June 20, 2019. The Council had no concerns as long as the activity did not directly affect the Maunakea Summit Access Road.

Comprehensive Management Plan

The proposal is consistent with the 2009 Maunakea Comprehensive Management Plan, the Maunakea Sign Plan, and other statutes.

Recommendation

OMKM recommends the MKMB classify this proposal a minimal impact project based on the following:

1. The proposal addresses identified safety concerns and is consistent with all permit requirements.
2. The project does not increase the size of the facility or area of disturbance.

3. There are no archaeological sites in the immediate area.
4. It is expected that the immediate surroundings and Halepōhaku region will experience negligible impact from this project.

If this project is classified minimal impact, OMKM recommends MKSS and OMKM be allowed to proceed with the permit application.

#### Discussion

Dr. Simons asked where stargazing is allowed. Director Nagata stated public stargazing will be around the area of the VIS. The areas recommend to be set aside for commercial tours is away from the VIS because they are not allowed to mingle with the public at the VIS. Mr. Klasner added a private individual can go pretty much anywhere to stargaze.

#### Action

It was moved by Julie Leialoha and seconded by Roberta Chu to classify this project as minimal impact and recommend the applicants be allowed to proceed with the permit application. The motion was carried unanimously.

### **G. Gemini Observatory – Installation of Safety Infrastructure**

Installation of lifeline attachment points on exterior ladders and the support facility roof, and a 24-foot section of handrail on the support facility roof. This project addresses an important functional requirement to safely access external areas of the facility that require ongoing maintenance.

#### Kahu Kū Mauna

The Council identified in their January 2019 review of Gemini's 5-year outlook that no further consultation was required for this project. No concerns were raised during the consultation with the Council.

#### Comprehensive Management Plan

Safety is not identified as a management action in the 2009 Mauna Kea Comprehensive Management Plan. The proposal is consistent, however, with the overall principles of the CMP.

#### Recommendation

OMKM recommends the MKMB classify this proposal a minimal impact project based on the following:

1. The proposed request does not increase the size or area of existing improvements.
2. There are no archaeological sites in the immediate area.
3. The project promotes safe and responsible use of existing infrastructure with negligible impact to the immediate surroundings and summit region.

If this project is classified minimal impact, OMKM will proceed with the permit application.

#### Action

It was moved by Doug Simons and seconded by Roberta Chu to classify this project as minimal impact and recommend the applicant be allowed to proceed with the permit application. The motion was carried unanimously.

### **VIII. ADJOURNMENT**

There being no further business the meeting was adjourned at 11:00 a.m.

### **IX. SPECIAL MEETING**

The Board moved into a special meeting at 11:20 a.m. and adjourned at 12:35 p.m.

Respectfully submitted:

Signed by Julie Leialoha

9/27/19

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Julie Leialoha, Secretary, MKMB

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Date