



University of Hawai'i at Hilo

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Minutes Regular Meeting

Mauna Kea Management Board
Monday, November 4, 2019

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

Attending

- MKMB:** Chair Roberta Chu, 1st Vice Chair Doug Simons, 2nd Vice Chair & Secretary Julie Leialoha, and Greg Chun
- BOR:** Wayne Higaki (By Phone)
- Kahu Kū Mauna:** Shane Palacat-Nelsen (By Phone)
- OMKM:** Jessica Kirkpatrick, Fritz Klasner, Dawn Pamarang, Lukela Ruddle, and Joy Yoshina
- Others:** Laura Aquino, Doug Arnott, Dave Corrigan, Cory Harden, Stewart Hunter, Bonnie Irwin, Leilani Lindsay Kaopuni, David Lonborg, Marcia Sakai, Alika Toledo, Deborah Ward and Peter Young

I. CALL TO ORDER

Chair Chu called the meeting of the Mauna Kea Management Board (MKMB) to order at 10:09 a.m.

II. APPROVAL OF MINUTES

Upon motion by Julie Leialoha and seconded by Greg Chun the minutes of the September 27, 2019, meeting of the MKMB were unanimously approved.

III. KAKU KŪ MAUNA

Shane Palacat-Nelsen reported the Council sent in their letter to the Board of Regents (BOR) regarding the administrative rules.

IV. PUBLIC COMMENTS

Leilani Lindsay Kaopuni stated it appears this Board's recommendation regarding the relocation of Hoku Ke'a observatory to the Halepōhaku area went straight to the BOR because their proposed resolution has a plan for a new educational telescope facility at Halepōhaku. The resolution also contains plans to develop an educational facility in the Halepōhaku area, and a CIP request to the legislature for funding. 'Imiloa Astronomy Center opened in 2006 and was established to be an educational facility supposedly where Hawaiian culture and astronomy could come together. Developing another educational facility at the Halepōhaku area seems like a duplication of something that already exists that is not fully utilized at this time. As a Hawaiian practitioner with having lineal connections to Maunakea, Halepōhaku is a very culturally significant area, although it has been severely impacted by development. She adamantly opposes a cultural center at Halepōhaku as well as the establishment of a new observatory. You need to have some balance on your Kahu Kū Mauna Council and that this should be some of the kuleana that they bring forth. She did not feel that public comment was taken before some of these decisions and recommendations were made to the BOR.

Deborah Ward gave her comments on the BOR resolution. The idea that the two telescopes would be decommissioned by 2021 is unrealistic. They can Gantt chart all they want, but this will not be accomplished any faster than the

environmental impact statement and review process allows. While it is desirable to have the only student teaching telescope available, it would not need to be removed at all if the Governor would alter his proposed Maunakea 10-point plan. People from Oahu do not understand the nature of what is going on here and they make decisions for us that have no real value. The removal of the only student teaching telescope just because it is owned by the University is short-sighted and painful to those of us who think that the University's mission is teaching and not building more telescopes.

'Imiloa's task will require a tremendous amount of work especially with a deadline of August 2020. There is an educational center that will educate visitors and it is called 'Imiloa. There is no need for another cultural center on Maunakea. A reorganizing and restructuring plan should include more right holders and not stakeholders. The idea that the University would pursue a partnership with an appropriate agency or organization whose primary beneficiary is the Native Hawaiian community would not actually be a benefit to the Native Hawaiian community at all. There is a need to reduce the number of commercial shuttles and tourists to the mountain, and provide shuttles for visitors who do not have four wheel drives, and also require that all University of Hawai'i employees also take the shuttles. This would reduce the amount of risk of bringing unanticipated invasive species up to the mountain.

Cory Harden shared her concerns on the BOR resolution. Caltech's decommissioning is the first decommissioning on Maunakea. We need to get this right so this should not be rushed through. This will set a precedent for decommissioning in the future. Hoku Ke'a should be used as the educational telescope and the community should be involved in choosing the site. The 2024 date is not a realistic date for decommissioning the United Kingdom Infrared Telescope. Observatories should pitch in and help fund educational programs. No educational center should be built. The untouched mauna, with people who know her and sharing their wisdom with others, surpasses any human-built center. The reorganization and restricting plan is worthwhile, but the resolution should be clear about who will prepare the plan, and the community should be involved. It is good to see new ideas for management on the table, but any new management entity should meet anywhere else beside the Institute for Astronomy as it gives the appearance of favoring the observatories over the natural and cultural resources.

Peter Young stated his comments are only relevant to items 1 and 2 of the resolution. He realizes it is a resolution from the Regents. Caltech has submitted testimony asking that the date be changed to December 31, 2021 and not April 30, 2021. This project still needs to go through the formal permitting process.

V. AGENDA ITEMS

A. Response to the University of Hawai'i Board of Regent's Resolution 19-03

Chair Chu stated this Board was not consulted when this resolution was formed. Many of the public comments stated are comments that this Board agrees to. At this point we are trying to figure out what kind of comments to send to the BOR. We want to be able to submit comments and testimony and in order to do that we need to vote as a Board to approve such comments and testimony.

Mr. Palacat-Nelsen stated the Council submitted testimony regarding Resolution 19-03 and is not supporting the resolution. One of the biggest issues is that the Council was not consulted either and the parties involved in the process on Hawai'i Island were not consulted as well. The Council took a strong position opposing almost the entire resolution. They felt that the BOR should not have rushed with the resolution.

Doug Simons stated the Maunakea Observatories submitted their testimony. Their overarching concern aligns well with everybody's concern with the resolution which is the lack of consultation here on the Big Island. The observatories are specifically concerned about dates stated for decommissioning of facilities that were not confirmed with those actually responsible for doing the work. The biggest concern is the apparent lack of any coupling between the removal of five telescopes and the advancement of the Thirty-Meter Telescope (TMT). The five telescopes that are required to be removed from the mountain through a decommissioning process were explicitly put in the TMT permit as a mitigation measure. If TMT does not move forward, there is a lot of concern over removal of those five telescopes. An explicit statement in the resolution on tying the five telescopes to TMT going forward would certainly help alleviate worries about an expectation being sent to the community. Our position is if TMT does not go forward we fall back to the sub plan for decommissioning in the CMP, which calls for the removal of three telescopes. The observatories would also like to see a process that is set in place collaboratively with the community to figure out how to do that and which telescopes are involved.

Dr. Simons added he is concerned procedurally on the idea of declaring decommissioning of telescopes prior to notice of intent approval by this Board. This has him puzzled as to what this Board's function is if we have already received a directive from the University. He does not understand how the declaration of removing telescopes bypasses the function on this Board's involvement in that decision as representatives of the community. Are we being overruled in

a sense by the BOR pre-approving these decommissioning steps without going through this Board and the process which starts with a notice of intent?

Chair Chu had the same question. Unfortunately the resolution was put together without understanding the process that was established. The MKMB was created by the BOR in 2000 as part of the University's Mauna Kea Science Reserve Master Plan. The 2000 management plan was officially approved by the Regents and serves as the University's development and governance plan for management of the Mauna Kea Science Reserve. Through the Master Plan, the BOR committed to a community-based management structure whose members are approved by the BOR in public meetings. The MKMB serves as a community advisory board to the University on matters relating to management and development on Maunakea. The 2000 Master Plan references a requirement for community-based management of Maunakea. This recognition of home rule was a reason for the establishment of Kahu Kū Mauna, the Office of Maunakea Management, and the Maunakea Management Board. At the time of its development, community members made it very clear to the University that the Hawaiian concept of kuleana was very important to stewardship of the mauna. The development of this resolution without consultation of the MKMB, Kahu Kū Mauna, and numerous other on-island stakeholders and individuals is inconsistent with the commitment by the BOR to the principle of community-based management. This will be articulated in our comments to the BOR on Wednesday.

The other question is regarding the issue of the new educational telescope. There is no firm commitment on the part of the BOR other than to submit legislation to get the legislature to fund the building of this educational telescope. It was clear at our last Board meeting that we did not approve the notice of intent to decommission Hoku Ke'a until there was strong commitment and funding set aside to replace the educational telescope.

On the matter of restructuring and changing the management of the mauna, this Board felt strongly that it needs to be community-based and cannot be made up of primarily Oahu people. It is clear that there has been a lot of additional issues, unintended as they may be, but consequences that have not helped the situation.

Julie Leialoha commented she can understand why the BOR moved forward the way they did, but feels that if it is accepted as written it will cause a lot of complications. The other issue is the fact that the resolution overrides the Decommissioning Plan with no mention of the TMT being built, or not being built. The comments we intend to put forth are not in agreement with the resolution. Ms. Leialoha has an issue with the fact that the BOR meeting is being held on Wednesday to take action on this resolution only after learning of this less than a week ago.

Dr. Simons added the Mauna Kea Observatories are requesting that the BOR defer consideration of approval on Wednesday to allow the community and observatories more time to have input.

Greg Chun had a question for Dr. Simons on the issue of the resolution somehow bypassing the notice of intent process and asked if he would feel the same way if the clauses in the resolution were specifically tied to TMT since those conditions were part of the permit.

Dr. Simons thought there is a certain violation of the process in general with TMT going forward because it is now legally required to remove the five telescopes. We have some latitude in the sense of starting that process off through the notice of intent. In general, there is a lack of sequencing, whether required by the permit or this resolution, in our function on the Board. At this point, it is just built in.

Chair Chu stated the options for this Board are to defer voting on the resolution and to keep the Maunakea Governance Permitted Interaction Group (MIG) intact to hear all the comments and information before they resubmit or modify the resolution. The other option we have is to recommend amendments to the resolution. She was not sure how everyone felt about that because to do so, they would have to put it all together in one day.

Mr. Palacat-Nelsen stated Kahu Kū Mauna decided not to because 1) time constraints and 2) almost 90% of the entire resolution went against everything that was set up and approved by the BOR in 2000. The Council felt that the BOR decided to fast track this process without even notifying the Office or MKMB or any of the entities or the public. The Council unanimously strongly opposed the resolution. It was just a downright irresponsible move on the BOR's part.

Ms. Leialoha felt the Board should request for deferral and have the MIG stay intact until they make changes to the resolution as requested by the entities and re-visit it at another BOR meeting.

Dr. Simons agreed with Ms. Leialoha. He added even if we try and cram together something in 24 hours it still does not feel like a consultation process. If they really want to do this, they need to get it right. He does not feel they can

really get it right until we have an opportunity to reiterate with the Board about what we think should be written down in a resolution.

Action

It was moved by Julie Leialoha and seconded by Doug Simons to strongly recommend a request for deferral of the BOR Resolution 19-03 and to have the MIG continue to exist until all proper information has been gathered and an amendment to the resolution is made. The motion was carried unanimously. Testimony for Wednesday's BOR meeting will be prepared based on what this Board has agreed to.

VI. Adjournment

There being no further business the meeting was adjourned at 10:49 a.m.

Respectfully submitted:

Signed by Julie Leialoha

12/23/2019

Julie Leialoha, Secretary, MKMB

Date