



University of Hawai'i at Hilo

640 N. A'ohoku Place, Room 203, Hilo, Hawai'i 96720

Telephone: (808) 933-0734 Fax: (808) 933-3208

Mailing Address: 200 W. Kawili Street, Hilo, Hawai'i 96720

**Minutes
Regular Meeting**

Mauna Kea Management Board
Wednesday, September 1, 2010

University of Hawai'i at Hilo
Hououlu Terrace (UCB 127)
200 W. Kawili Street
Hilo, Hawai'i 96720

**Attending
MKMB:**

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

BOR:

Dennis Hirota

OMKM:

Stephanie Nagata and Dawn Pamarang

Others:

Laura Aquino, Dean Au, Craig A., Roy Bagorio, Mary Begier, Leonard Bisel, David Byrne, Ronnie Cabanting, Nancy Cabral, Johnny Carrill, Robert Christensen, Roberta Chu, Gregory Chun, Sandra Dawson, John Dill, Reggie Domingo, Jesse Eiben, Jenno Enocencio, Yen Wen Fang, Linda Fisher, Scott Fleming, Suzanne Frayser, Paul Gillett, John Hamilton, Cory Harden, Janice Harvey, Inge Heyer, Nelson Ho, Stewart Hunter, Leslie Isemoto, Brian Lowdes, Bob McLaren, Jeff Melrose, Jon Miyata, Cindy Nomura, Guilros Padilla, Helen Rogers, Royden Shim, Hideki Takami, Nimir Tamimi, Kumiko Usuda, James Valdez, Deborah Ward, Bill Walter, Ross Wilson, Robert Yamada, Stephen Yee, Mason Yamaki, and Miles Yoshioka

I. CALL TO ORDER

Chair Taniguchi called the meeting of the Mauna Kea Management Board (MKMB) to order at 11:03 a.m.

II. APPROVAL OF MINUTES

Upon motion by Christian Veillet and seconded by Herring Kalua the minutes of the July 14, 2010 meeting of the MKMB were unanimously approved.

Upon motion by Lisa Hadway and seconded by Herring Kalua the minutes of the May 19, 2010 Executive Session were unanimously approved.

III. INTERIM DIRECTOR'S REPORT

A. Thirty-Meter Telescope Environmental Impact Statement

The challenge period for the Thirty-Meter Telescope (TMT) Environmental Impact Statement (EIS) has expired. No lawsuits were filed against the EIS.

B. Thirty-Meter Telescope Conservation District Use Application

The University prepared a Conservation District Use Application (CDUA) that will be presented today.

C. University of Hawai'i (UH) President's Tour of Mauna Kea

On August 9, 2010, Interim Director Nagata and Dr. Bob McLaren accompanied President Greenwood on a tour of the summit followed by a visit to the Keck Observatory hosted by its director Taff Armandroff.

utility corridors; and the location of the TMT project as well as the design and color helps minimize visual impact.

3. ***Preservation and improvement of existing physical and environmental aspects of the land and visual impacts.***

The TMT project will be located in Area E in the northern plateau where it will not have an impact on the existing summit cinder cones. It will not be visible from Lake Waiau or the summit, but will be visible from the northern ridge of Kūkahauūla where other telescope facilities are located and are visible. Its location at a lower elevation below the summit and design features help to minimize its visibility. From outside the Mauna Kea area, TMT will be visible to approximately 15 percent of the population of the Island of Hawaiʻi.

4. ***Protection of public health, safety and welfare.***

Wastewater

TMT is designed to have a zero-discharge sanitary waste system. No wastewater will be discharged into the ground, but instead will be collected, held in tanks and disposed at treatment and disposal facilities off the mountain.

Solid Waste

The contractor will be required to remove waste frequently to prevent build-up of waste materials. Recycled materials will be separated and sent to a recycling facility. The contractor will also follow construction waste minimization guidelines developed by the Department of Business, Economic Development and Tourism.

During operations the project will provide recycling containers throughout the facility. Other solid wastes will be stored in closed containers to prevent providing potential food for invasive fauna and will be disposed at approved landfills.

TMT will also develop a waste management plan which goal is to minimize the level of solid waste generated by operations at a level below that of comparable sized facilities. The plan will establish policies and procedures for efficient handling, storage, use and disposal of waste.

Hazardous Waste

Handling of hazardous materials will follow all applicable regulations. All hazardous wastes will be stored in containers with a secondary containment system. Storage containers will be inspected daily to ensure the containers are intact and functional. TMT will not be using mercury and will be using non-toxic ethylene glycol. TMT will use an EPA-permitted contractor to transport hazardous materials off the mountain.

TMT will develop a Materials Storage/Waste Management Plan and Spill Prevention Response Plan. These plans will establish protocol for proper handling, storage, use and disposal of hazardous waste materials.

Although mirror washing wastewater is not considered a hazardous material, it will be treated as such. Mirror washing wastewater will drain into a double-walled holding tank which will be equipped with a leak detection system. Similar to the handling of other wastewater, it will be removed and transported off site for treatment and disposal.

5. ***Effect on traditional and customary Native Hawaiian rights and on historic properties.***

The CDUA evaluated the impact on cultural resources used for traditional and customary Native Hawaiian rights, including pilgrimage, prayer, shrine construction and offerings, collection of water from Lake Waiau, Piko deposition, scattering of cremation ashes and burial blessing. It also described the impact on historic properties. The majority of the areas within the Mauna Kea Science Reserve and Natural Areas Reserve where rituals and observances are believed to occur would not be affected by the project. The vast majority of the Science Reserve and Lake Waiau will also not be affected by the project, thus leaving substantial undisturbed areas where traditional and customary practices can continue.

An archaeological survey of the Science Reserve indicated there are no documented burials within the northern plateau. The closest burial is over a mile from the TMT site. The project would not have an impact on burial blessings.

Should the MKMB recommend approval of the CDUA and the UH Hilo Chancellor concurs with the MKMB's recommendation, submittal of the CDUA to DLNR completes the University's review process.

The next step is the review and acceptance of the application by DLNR followed by public hearings as prescribed by law. Following these steps, adjustments to the CDUA may be required. The BLNR makes the final determination whether to grant a CDUP for the construction and operation of the TMT project.

Statement by Gary Sanders, TMT Project

Mr. Gary Sanders provided a short technical overview of the TMT project. The thirty meter diameter telescope is designed to collect light and provide very high resolution, become a leader as an astronomical resource for optical and infrared astronomy and to preserve Mauna Kea as the capitol of astronomy. TMT has worked very hard and respectfully in this process to develop a management and construction plan that meets all of the laws, regulations and requirements of the community. TMT is very grateful for MKMB's consideration today and for the opportunity to comment.

Public Testimonies

There were a total of 10 public testimonies. Six testified in support of the TMT project, three testified against, and one spoke about remembering the Hawaiians. (See attached.)

B. Executive Session

Chair Taniguchi asked for a motion to enter into executive session to discuss issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pursuant to HRS §92-5(a)(4). It was moved by Ron Terry and seconded by Herring Kalua to enter into executive session. Upon unanimous approval, the executive session commenced at 12:05 p.m.

The Board reconvened in public session at 1:34 p.m.

C. Approval of the Conservation District Use Application for the Thirty-Meter Telescope Project
Action

It was moved by Ron Terry and seconded by Herring Kalua to approve the Conservation District Use Application for the Thirty-Meter Telescope Project and to recommend to UH Hilo Chancellor Straney that the University of Hawai'i at Hilo accept the CDUA, and request of President Greenwood to designate UHH as the appropriate agency within the University to submit the application to the Department of Land and Natural Resources.

Dr. Terry commented on a statement made earlier by a testifier who stated the University was fronting the TMT by putting this application forward. Dr. Terry felt there is some confusion as to why this board is involved. The Board was asked back in 2000 to start taking some responsibility and making Mauna Kea its kuleana. Everything starts and stops with this Board. Personally he has no problem with making TMT do everything and making them responsible and not getting the Board involved, because it is a burden for us having to review everything carefully. This is what we were asked to do so we essentially own this CDUA. Many of us have spent hours reviewing it and worked hard on the EIS, and we are confident about administering the vote. We are taking that responsibility.

Board members unanimously voted in favor with no one opposing.

VI. ANNOUNCEMENTS

There were no announcements from the public.

VII. NEXT MEETING

Board members will be polled for future meeting dates.

VIII. ADJOURNMENT

There being no further business, Chair Taniguchi adjourned the meeting at 1:39 p.m.

Respectfully submitted:

Signed by Dr. Ron Terry

11/3/10

Public Testimonies

Nimr Tamimi asked for support in allowing the submittal of the CDUA to the DLNR to continue the permitting process for the TMT project. He strongly believes this project will not only provide a vital economic resource for our community, but it will also provide a wealth of education and hope for our children. The development of the EIS and the fact that it has been unchallenged shows the depth and strength of the project and the people involved with developing its plans. Based on their past record he has no feelings of regret for supporting this project and has the utmost confidence that subsequent documents will be just as strong as the EIS.

Deborah Ward stated recently there was a newspaper article that mentioned that a member of the public was ten years behind in his/her criticisms of the University's management of the summit resources. Chair Taniguchi and Herring Kalua cited the work of the Environment Committee, among others, as an example of the change in practice. She noted as a member of the Environment Committee that the committee met only once in 2009 and not once in 2010. The Environment Committee was not convened to provide input on this proposal, nor on the CDUA. The Natural Resources Management Plan (NRMP) promulgated by the Environment Committee calls for a number of studies to be carried out before any further development. When the CMP came before the BLNR without the NRMP BLNR later required its inclusion. She requests that the MKMB defer its decision until the Environment Committee has a chance to provide its input.

Ron Terry stated there is some truth to what Ms. Ward said. He tried to convene the Environment Committee for a number of times over the last six months with no success. It has been difficult finding a common time for everybody to meet, which is frustrating for him. Regarding the NRMP and CMP he always felt the NRMP should be part of the CMP. The BLNR asked for it and we also wanted it and now it is part of the CMP.

Dr. Terry stated individual members of the Environment Committee responded and discussed the TMT EIS with each other. He also spoke with Deborah Ward, Nelson Ho and a number of other people. He indicated that he, Deborah Ward, and Lisa Hadway submitted comments. Even though it was not the Environment Committee per se that submitted comments, the committee had significant input in the TMT EIS and had an impact on the way the document was changed and the way the Plans were changed. He has never thought of the Environment Committee as operating like the MKMB which gives recommendations. The Environment Committee is where we share input, although he would like to broaden the scope a little. While the Committee is composed of a dedicated group of people if we had 20 members we might get critical mass more often. He has asked Interim Director Nagata to send out invitations to people. Of course, he does not want a group with people who only come every third or fourth time. As the chair of the Environment Committee, he apologized for not meeting Ms. Ward's expectations. He has been trying really hard just to have a committee do a good job. The work on the NRMP was excellent.

Nelson Ho addressed his comments to concerned Big Islanders who love and respect Mauna Kea, people such as: Mae Mull, who in the 1970s spoke against the urbanization of the summit, Mayor Herbert Matayoshi, whose was concerned in the early 1980s about what was taking place the mountain top; those who expressed their concern during the 1983 Master Planning process that astronomy was taking over the summit of Mauna Kea and tried to get the UH and international astronomy community to live within limits establish a genuine balance on the mountain top; and those who testified at the UH 2000 Master Plan hearings. Big Islanders today are still upset with the industrialization and impacts on Mauna Kea just as they are about those same impacts on Haleakala. Sierra Club and others will keep advocating to restore the balance on the mountain against those forces pushing to industrialize it. They will keep advocating for management that protects the public's interest rather than the interest of the various stakeholders who stand to gain by continuing astronomy development. The TMT proposal represents a major push for more industrialization. It will not go unchallenged. This is the University of California and Caltech telescope, not a UH telescope as alleged on the CDUA proposal. The University is in collusion with the ambitions of the Californians and other outsiders who do not have the Islanders interest in mind. UH, by fronting for TMT, undermines its own reputation in our community. Some say many changes in management have occurred in the last ten years. But the attempts to repair the broken promises of the 1970s and 1980s are too little and too late. TMT should not be allowed on the mountain before all those issues are resolved, and in ways that serve the public's interests. Islanders outside the power structure do not want another telescope. They appreciate the education dollars that are promised now and the jobs that may go to the island residents, but they are not in favor of damaging Mauna Kea to get them. Even though this is not a UH telescope, Hawai'i tax payers are footing the bill to defend outsider ambitions against legal challenges.

Jon Miyata, president-elect of the Hawai'i Island Chamber of Commerce, which membership includes over 300 businesses representing over 700 members. TMT is one of the most important and significant project for this island and our state. It will fuel economic growth by providing hundreds of construction jobs for the better part of a decade, and will help to further diversify and grow our economy by providing our children the opportunity to utilize their scientific technical talents without having to leave Hawai'i. The long term economic benefits of the TMT will be widespread as we envision this project both during and after construction having the effect of bolstering substantially all sectors of our economy including the construction

was to hold off and wait until more information was obtained and the proper EAs and EISs were filed and more community concerns were being presented to them. But, they went ahead and did it on their own without our advice and without our motions not being considered and supported the TMT. After careful consideration on his part, he wrote an article in the OHA magazine regarding the scientific community as well as the spirituality world of the Native Hawaiians. There was a huge gap. He loves how science works and the theories behind it. However, he cannot help but think about the kanaka who are homeless, the kanakas that do not have the opportunities to go to school, and the kanakas who want to come to school and learn astronomy but do not have the math, the physics, or the scientific background to meet the challenges of being an astronomer. Everybody says Ellison Onizuka is the first Hawaiian to go into space. He is the first Hawaiian born and raised in Hawai'i, but he is not kanaka. He wants to see the kanaka go into space, go into the depths of the sea and discover. He would like to see the spiritual aspect of the Native Hawaiian community as well as the tangible scientific community come together. Only then will we have years meshed so that the telescope can work properly with the spiritual aspect behind it.

Herring Kalua remarked what Mr. Enocencio stated is 100 percent correct. He knows there are some Native Hawaiian astronomers here on the mountain. Chair Taniguchi informed Mr. Enocencio that one of the new paradigms for the observatories is that they are putting a lot of emphasis on trying to support educational opportunities, particularly for the Native Hawaiian community. Chair Taniguchi also mentioned Paul Coleman, a Native Hawaiian astronomer at the IfA at UH Manoa. There is also a student from Pahoia studying at the IfA.

Cory Harden stated Nelson Ho told her how recently he went up to the mountain with his family and they were sitting there after sunset watching the stars come out and ranger came along and told them they needed to get off the mountain. After the ranger found out who Nelson Ho was, he was told he could stay up as long as he wanted. Astronomers get to stay up, but this is what is happening on the ground. People are chased away. She is hearing from a lot of folks who are seeing benefits to the economy, which she cannot deny. She is not seeing the dollar signs, she is seeing the destruction. It is not about the science, it is about the concrete that is required. She cited the famous quote from the Vietnam War "We had to destroy the village in order to save it." We need to think about how much of the village we are destroying in order to save it. She sees much more respect for the environment and the culture then she had in the past, but with TMT, where does it end? It is always one more telescope and one more.