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DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

# KAHU KŪ MAUNA COUNCIL GUIDELINES Amended August 13, 2013

## FOREWORD

The Auditor of the State of Hawaii (hereinafter, Auditor), in the February 1998 report entitled *Audit of the Management of Mauna Kea and the Mauna Kea Science Reserve*, noted that the University of Hawai'i's focus on development of, and efforts to develop, the summit of Mauna Kea have, since 1967, "overshadowed the university's commitment to provide reasonable assurance of protection for the summit's natural resources." The Auditor concluded that, since the effective date of the lease between the State and the University, "little was done to protect [the] natural resources [of Mauna Kea]. The university, as leaseholder, should have provided sufficient protection to the natural resources and controlled public access and use." In order to improve the current management of Mauna Kea and the Mauna Kea Science Reserve, the Auditor recommended, among other things, that "a new method of measuring the impact of future development on Mauna Kea" be developed and that it include a "forum for continuous community input."

Given the findings and recommendations of the Auditor, the Mauna Kea Science Reserve Master Plan dated June 2000 creates a "community based" management structure intended to provide the necessary stewardship for the sustainable use of Mauna Kea. Community involvement in the management process begins with the Mauna Kea Management Board (hereafter MKMB), an advisory board composed of seven Hawai'i Island residents representative of "the major stakeholders of Mauna Kea." The Master Plan envisions the MKMB as the collective voice of the community.

The Auditor also noted that, "[v]ery little effort was made to recognize the cultural significance of [Mauna Kea]." In the auditor's opinion, "[m]any of the subsequent problems stem from this limited approach to protection." Given the above, the Auditor recommended that this "new method of measuring the impact of future development on Mauna Kea" also "include methodology that distinguishes and gauges the impact on land area, biota/fauna, and sites of historic/cultural significance." Mauna Kea is, no doubt, a sacred place in Hawaiian culture and history.

In response to the above recommendations of the Auditor and in recognition of Mauna Kea's sacredness, the Master Plan emphasizes the need for a sincere sensitivity toward and consideration of Hawaiian cultural values and issues in any deliberation over further development and/or the continued management of the Mauna Kea Science Reserve. The Master Plan therefore establishes a second, very specific level of community involvement. It recommends "a special Kahu Kūpuna Council made up of representatives of native Hawaiian organizations as well as individuals recognized for their specialized knowledge" be created. The Master Plan contemplates that this Kahu Kūpuna Council operate much like the State Burial Council, a group that provides guidance on the disposition of Hawaiian human remains. As such, the Kahu Kūpuna Council would assist the MKMB in matters pertaining to the management of the 11,288 acre Science Reserve and related native Hawaiian cultural issues. The Master Plan tasks the MKMB with organizing this Council.

## **I. NAMING OF THE COUNCIL**

The term "Kahu Kūpuna Council" was first used in the 2000 Mauna Kea Science Reserve Master Plan (hereafter Master Plan) to refer to the MKMB's advisory council on native Hawaiian issues. As its first order of business, the newly appointed members of this Council recommended that this Council be officially named and hereafter known as "**Kahu Kū Mauna**" to more accurately reflect its mission. The general English translation of Kahu Kū Mauna is "**Guardians for the Mountain.**"

## **II. INTERNAL POLICIES**

The Kahu Kū Mauna Council (hereafter KKMC) shall develop a Vision/Mission Statement of Purpose and Philosophy. It shall also develop Bylaws, Rules of Conduct, establish short and long term goals, and develop other policies and/or guidelines the KKMC deems necessary to properly carry out its duties.

## **III. ORGANIZATION**

### **A. Appointment, Number of Members and Terms**

1. Approving Authority. Pursuant to the Master Plan, the MKMB shall be the approving authority for prospective candidates to fill seats within the KKMC.

2. Structure. The basic structure of the KKMC shall consist of a minimum of seven (7) to a maximum of 9 members composed of representatives from the East Hawai'i and West Hawai'i Districts. ]
  - a. On occasion the KKMC's activities may require additional assistance and input. The KKMC may invite individual(s) to consult on an ad hoc basis until the task or issues has been completed or resolved.
3. Vacancies. Vacancies for seats on the KKMC may be filled either by advertising in local newspapers or through recruitment by members of the MKMB, the Office of Mauna Kea Management (hereafter OMKM), the KKMC, or by referrals from others who are knowledgeable in the qualifications of the prospective candidates. These candidates will be asked to submit their applications and resumes to OMKM who will screen the applications to insure that the applicant qualifies for the position. The OMKM will thereafter forward the applications and resumes to KKMC for review, and to set up appointment dates for interviewing the candidates.
4. Initial Terms. Upon approval of the June 2000 Mauna Kea Science Reserve Master Plan, and the subsequent inception of the previously named "Kahu Kūpuna Council", it was necessary at that time to stagger the completion dates of the first term tenure of the newly appointed 9 council members. Thus the staggered tenure was determined by the drawing of lots in the following manner:
  - a. Two (2) members would serve a one [1] year term, three (3) would serve a two [2] year term, two (2) would serve a three [3] year term, and two [2] would serve a four [4] year term.
  - b. After serving the staggered terms, each member then become eligible to serve a second term of four (4) full years, upon approval of the MKMB.
5. Terms. Effective on the issue date of these revised Guidelines (October 8, 2013), new replacement members shall serve a term of four years with each member being eligible for a second term. Prior to the approval of these term limits, KKMC members served open-ended terms. To accommodate the new term limits and to avoid more than two members' terms expiring at once, current members shall serve staggered terms based on the following:
  - a. Of the longest serving members, one (1) would serve a one [1] year term, two (2) members would serve two [2] year terms; and one (1)



would serve one three [3] year term. Of the remaining three members, one (1) would serve a three [3] year term; and two (2) would serve a four (4) year term.

- b. After serving the staggered terms, each member serving three or more years would be eligible for a second four year term upon approval of the MKMB.
6. Emeritus KKMC members may confer emeritus status to any long serving member whose term has expired but whose mana'o and institutional knowledge are invaluable resources to the KKMC. An emeritus status is a non-voting position, except under situations when the KKMC lacks a quorum of regular KKMC members.
  7. Replacements: When a member of the KKMC must step down or leave the KKMC, a letter will be forwarded to the MKMB via the OMKM Director, explaining the circumstances and requesting approval to initiate a search for a replacement.

**B. Removal for Cause**

KKMC members may be removed for justified causes, for example, inability to work harmoniously with one or more KKMC members. At the request of the majority of KKMC members, a letter shall be submitted to the MKMB requesting approval to require a KKMC member to step down and relinquish his/her seat on the KKMC and initiate a search for a replacement.

**C. Selection Process for New Applications**

The KKMC will review new applications and resumes forwarded by OMKM to set up interviews and appointment dates and times. The KKMC may elect to interview the candidates as a body or as a subcommittee of three (3), whichever is deemed appropriate. Results of the interviews will be forwarded with selection recommendations to the MKMB via the OMKM Director for approval.

**D. Membership Qualifications**

1. Knowledge and Experience. Each applicant shall have sufficient knowledge of and experience with or be in the process of gaining such knowledge of and experience with the cultural significance and sacredness of Maunakea. It is desirable that the applicant be familiar with cultural practices as applied to traditional and customary use of Maunakea.

2. Applicants will be expected to make occasional trips to the summit of Maunakea in order to become familiarized with the various landforms and locations of astronomy facilities.
3. Each applicant shall be a resident of the Island of Hawai'i; and have basic knowledge of each 'āpana representing the six (6) districts of this moku.

**E. Council Chairman**

1. A KKMC Chairman shall be selected by the membership to serve in various capacities as follows: Attend MKMB meetings to give reports on KKMC activities, prepare schedules and agendas for KKMC meetings, attend other meetings when KKMC representation is appropriate, work closely with OMKM to disseminate information to the KKMC on requests for permits to conduct various activities in the Mauna Kea Science Reserve, and to perform any other duties that are deemed appropriate to the mission of the KKMC.
2. A Vice Chairman shall be selected by the membership to assist the Chairman in matters pertinent to KKMC business.
3. Anytime a new Chairman or Vice Chairman is selected as a replacement, the OMKM and MKMB shall be notified.

**F. Meetings**

1. Meetings of the KKMC shall be conducted at least once a month. Additional meetings may be scheduled at the discretion of the Chairman. Special Meetings and/or Workshops/Retreats shall be scheduled at the call of the Chairman.
2. A quorum for meetings shall be 50 per cent plus one (1) of the authorized membership.

**G. Voting**

At times when the KKMC requires a vote on certain action items, 50 per cent plus one (1) of its current members' votes shall be required to carry the vote. If there are not enough members present at the meeting to have a quorum and the action item needs to move forward because of pressing deadlines, the votes needed to obtain the majority vote shall be taken either by proxy vote, by telephone poll, or by emeritus vote before or after the meeting.

**H. Attendance**

Good attendance is critical in ensuring the KKMC's effectiveness in attaining goals and realizing its mission. Good attendance is a positive reflection of the

KKMC member's motivation and desire to actively contribute to the KKMC's business. Poor attendance shall be quantified and treated as follows: Three (3) successive absences or six (6) absences in a calendar year shall be grounds for dismissal.

#### IV. GENERAL DUTIES

- A. Recommend policy and management guidelines to the MKMB, covering the natural and cultural landscape concerning Native Hawaiian traditions and practices associated with Maunakea.
- B. Recommend appropriate rules and guidelines for the proper protection, preservation, and enhancement of traditional and customary practices, and for the overall cultural integrity of Maunakea.
- C. Participate in the implementation of the Comprehensive Management Plan for the University of Hawaii's managed lands on Maunakea as specified under the key tasks for KKMC. This includes monitoring of plans covering cultural and natural resources, including programs and policies to protect all historic properties on Maunakea.
- D. Recommend policy and management guidelines to MKMB for the identification of culturally significant sites requiring signage and/or barriers which would help in heightening sensitivity and awareness in the prevention of inadvertent destruction to historic properties.
- E. Review all major and minor project proposals, temporary facility proposals, variance requests, and amendments to the Master Plan for impact on cultural, spiritual, and historic values of Maunakea and advise MKMB of its findings and recommendations.
- F. Undertake cultural assessments prior to any minor or major proposed activity that may adversely impact any culturally significant feature, practice, tradition, or site of Maunakea and advise the MKMB of its findings and recommendations.
- G. At the discretion of the KKMC, assist in dispute resolution when requested.

#### V. REIMBURSEMENTS OF EXPENSES

Reasonable and properly documented costs associated with the use of a personal vehicle or of the expenditure of personal assets for KKMC business shall be reimbursable.

KKMC members will be required to complete, sign and submit documentation in order that OMKM may commence with processing reimbursements on a timely basis.