



MKSOA MEMBERS

JOHN KOMEIJI  
*Chairperson*

\*LAURA KAAKUA  
\*DOUG ADAMS  
\*GENE BAL  
KAMANA BEAMER  
PAUL HORNER  
KALEHUA KRUG  
LANAKILA  
MANGAUIL  
NOE NOE WONG-WILSON  
RICH MATSUDA  
POMAI BERTELMANN  
\*BONNIE IRWIN

\*ex-officio

## MAUNAKEA STEWARDSHIP OVERSIGHT AUTHORITY (MKSOA)

19 E. Kawili Street, Hilo, HI 96720  
Telephone (808) 933-0734 Fax (808) 933-3208  
Website: / <http://dlnr.hawaii.gov/maunakea-authority/>

### PUBLIC MEETING MINUTES

Thursday, March 9, 2023

10:00 am

Online via ZOOM and livestreamed via YouTube

#### AUTHORITY MEMBERS

**PRESENT, In-person:** NoeNoe Wong-Wilson, Rich Matsuda

**PRESENT, Zoom:** John Komeiji, Chairperson; Doug Adams; Paul Horner; Lanakila Mangauil; Bonnie Irwin; Laura Kaakua; Gene Bal; Pomai Bertelmann; Kamana Beamer, Kalehua Krug

**MKSOA SUPPORT:** Margaret Leong, Deputy Attorney General (DAG), Kapua Roback (UHH 'Imiloa), Lisa Spain (UHH 'Imiloa)

**GUESTS:** Greg Chun (UHH CMS)

#### I. CALL TO ORDER AND WELCOME PROTOCOL

The meeting was called to order at 10:07 am.

#### II. COMMUNITY AND PUBLIC COMMENTS

No online or written testimonies provided.

#### III. APPROVAL OF THE MINUTES OF THE JANUARY 10, 2023 MEETING

**MOTION:** Motion by Member Wong-Wilson to approve meeting minutes from February 9, 2023. Second by Member Horner.

**ACTION:** The motion was unanimously approved.

**DISCUSSION:** Member Wong-Wilson requested that Excused vs. Absent members be differentiated in the minutes. Excused members will have contacted Chair Komeiji prior to the meeting.

#### IV. CHAIR REPORT

Chair Komeiji noted no report except for what will be discussed in the agenda.

#### V. GOVERNANCE

##### A. Status Report: Administrative Permitted Interaction Group

No comments received from the public regarding recommendations from the FIG.

##### i. Rules of Procedures and Organization.

**MOTION:** Motion by member Wong-Wilson to adopt rules as presented in 2/9/23 meeting. Second by Member Matsuda.

**DISCUSSION:** Member Matsuda asked to ratify past decisions based on these new rules.

**ACTION:** The motion was unanimously approved. Chair Komeiji will review minutes from past meetings that need ratification. Motion passed unanimously.

##### ii. Approval for five additional headcount and delegating authority to Chair to seek legislative approval.

**MOTION:** Motion by Member Wong-Wilson to approve 5 positions and for the Chair to seek legislative approval. Second by Member Matsuda.

**ACTION:** The motion was unanimously approved.

##### iii. Retention of consultants in the following areas: (1) Community Outreach; (2) Project Management; and (3) Outside Counsel. Delegating authority to Chair and Board committee to work with DLNR to issue RFPs and selecting appropriate consultant.

**MOTION:** Motion by Member Wong-Wilson to retain consultants in the aforementioned areas and that authority be delegated to Chair and Board committee to select appropriate consultants. Second by Member Matsuda.

**ACTION:** The motion was unanimously approved.

#### VI. ADMINISTRATION

##### A. Status Report: Hiring Executive Assistant

A subcommittee of three members led by Member Matsuda, Bertelmann, and Krug was created to oversee hiring process. The position has been posted on [www.governmentjobs.com/careers/hawaii/jobs3894222](http://www.governmentjobs.com/careers/hawaii/jobs3894222). Support is being provided by the DLNR HR office. So far there are four applicants and the committee is assessing their qualifications. The position will remain open until position is filled. The minimum salary was posted at \$50K, but has been reposted with \$50-70K pay range commensurate with qualifications given a difficult recruitment/hiring environment. Committee worked with DLNR HR and market data to determine appropriate range of pay. The \$70k range is a little above median of market data and could potentially be higher if experience of applicant is extensive. This is an

important role to fill immediately. Next steps are to finish analysis of applicants so far and to determine if qualifications need to be adjusted.

Request for clarification of who will make final decision and job offer. Chair's recommendation is to have the hiring committee members make a selection recommendation.

Question from Member Adams to Counsel: Do we need to identify hiring committee? Chair deferred discussion and vote to executive session.

## **VII. FINANCE**

### **A. Legislative Budget Update**

The Senate WAM committee requested a budget presentation in March. Due to the legislative timetable, April would be the next time that an update could be provided. A budget PIG was created to create budget. In order to meet the legislative request, we need to present for full board approval in April. Chair is in communication with House and Senate committees to let them know of the timing.

### **B. Create Permitted Interaction Group to assess, research, study and recommend proposed biennium budget.**

Member Wong-Wilson presented a draft budget. Budget draft will be attached to the meeting minutes. Committee members include Wong-Wilson, Komeiji, Bal, and Adams with the assistance of Wes Machida. Meetings were held on March 2<sup>nd</sup> with University of Hawai'i Institute for Astronomy and Center for Maunakea Stewardship staff Doug Simons, Greg Chun, Nahua Guilloz, and Stewart Hunter.

Member Adams noted that the board has not yet voted on the budget however due to the timing of the legislative request for budget update, Chair Komeiji will present an unofficial budget to the legislature pending full board review and approval. Budget will be posted for review prior to the next board meeting for discussion/vote.

## **VIII. OPERATIONAL UPDATE**

### **A. Report on Proposed Legislation**

- SB81 would permanently create review and approval authority of BLNR for anything done within the conservation district by MKSOA. Chair's position is that more time is needed to get established and that it takes away from the autonomy of the Authority, which was not the original intention when the MKSOA was created.

Member Beamer asked if DLNR had taken a position on the bill. Member Kaakua responded with clarifications of land owner, land manager, and land regulations. The OCCL wants to ensure that there are no violations within the conservation district (CD). DLNR is supportive of the Authority and building capacity. DLNR official testimony supports the bill, but also seeks to ensure that an entity is regulating the CD.

Member Beamer asked for clarification on DLNR's role with the Kaho'olawe Island Reserve Commission (KIRK). Member Kaakua clarified that KIRK is an attached agency of DLNR. BLNR/DLNR has ownership, but management

and operation decisions are managed by KIRK.

Member Mangaul noted that original intention of MKSOA was to model KIRK and to work with BLNR/DLNR when required.

Member Beamer inquired if the Board should have a formal position on this bill. Chair noted that the board can take an official position and circulate if it reflects a policy adopted by the board.

Member Adams commented from the county perspective that it supports less confusion with regards to who has responsibility. There is concern for the current bill creating confusion.

Member Adams also commented that it may be problematic for the board to take a position on legislation when members are not yet confirmed. Members can act as individuals to present opinion. Also noted was discomfort with making a decision on a position when it was not listed as such on the agenda.

Member Wong-Wilson commented that Act 255 provides clarity on the transition to the authority.

Chair noted that Act 255 requires an interim report at the next legislative session to include proposed changes to the act. A process has been established to make changes.

- Chair discussed the confirmation hearing process. No timetable established yet. Advised to consider gathering support to encourage confirmations. Member Bal recommended that contacting committee members, senate president and island senators.

B. Update regarding UH 88 Observatory incident

Update was included in the CMS annual report. Samples of fluids from drain and system were sent to an EPA certified lab in California. Fluids were confirmed as Ethelene Glycol 37-39%. The amount of discharge TBD. IFA is developing plan to drain, flush and restart system using a different substance using propylene glycol. It is considered safer. HDOH will need to approve the plan. Still in progress and system remains off. It is inspected daily to insure no additional spill.

C. Center for Maunakea Stewardship Annual Report

CMS Director, Greg Chun, provided a report presented to BLNR on Feb. 24, 2023 regarding FY 2022. See attached powerpoint.

D. Permitted Interaction Groups

Chair discussed needs for creating additional permitted interaction groups to address required plans – Management Plan, Financial Plan, Astronomy Framework, advisory groups, Administrative Rules & Regulations, recommendations for nature preserve status, recommendation on UH astronomy relocation to Hilo, interim report for amendments to Act 255 legislation, and an annual report, transition plan between UH and MKSOA.

Creating PIGs associated with these requirements and timelines may not be

reasonable, however there is currently no staff and procurement of consultants may take time. Members asked to think about sequencing of these issues.

**IX. EXECUTIVE SESSION**

- X.** To consult with the MKSOA's attorney on questions and issues pertaining to the Authority's powers, duties, privileges, immunities, and liabilities pursuant to HRS§92-5(a)(4), regarding proposed legislation, governance, administration, and finance.

**MOTION:** Member Matsuda moved to approve to go into Executive Session. Member Wong- Wilson seconded the motion.

**ACTION:** The motion was approved unanimously.

Executive Session began at 11:46 am, and ended at 12:23 pm.

**XI. ELECTION OF OFFICERS**

- At next month's board meeting there will be a vote on appointing Rich Matsuda, Kalehua Krug, and Pomai Bertelmann to a hiring committee that will review, evaluate, and hire the executive assistant. Member Adams raised the question as to whether a committee chair was needed.
- Election of Officers: 2 officers, 1st vice chair and 2nd vice chair. These positions cannot be filled by ex-officio members and the astronomy member cannot be the 1st vice chair.

**MOTION:** Member Wong-Wilson nominated as 1st vice chair by Member Horner and second by Member Adams.

**ACTION:** The motion was approved unanimously.

**MOTION:** Rich Matsuda nominated as 2nd vice chair by Member Wong-Wilson and second by Member Bertelmann.

**ACTION:** The motion was approved unanimously.

**XII. ANNOUNCEMENTS**

- A. Next public meeting, Thursday, April 13, 2023, 10 am.
- B. Member Matsuda shared that Maunakea Forest Restoration Project hosting tree planting March 13-16.
- C. Members Matsuda and Adams spoke at the Kona Kohala Chamber Annual Meeting regarding general information about the Authority.

**XIII. ADJOURNMENT**

Meeting adjourned at 12:01 pm

Approved \_\_\_\_\_