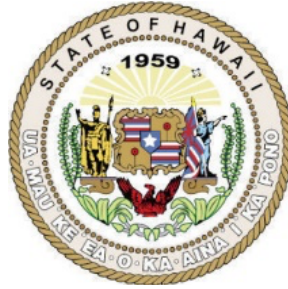


JOSH GREEN  
GOVERNOR OF HAWAII



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

## MAUNA KEA STEWARDSHIP OVERSIGHT AUTHORITY (MKSOA) MEETING

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DRAFT

# PUBLIC MEETING MINUTES

Thursday, April 13, 2023

10:00 am

Online via ZOOM and livestreamed via YouTube

## AUTHORITY MEMBERS

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

**EXCUSED:** NoeNoe Wong-Wilson, Gene Bal

**MKSOA SUPPORT:** Margaret Leong, Deputy Attorney General (DAG), Kapua Roback (UHH 'Imiloa), Ka'iu Kimura (UHH 'Imiloa)

**GUESTS:** Dr. Sunil Golwala (Director, Caltech Submillimeter Observatory), Barbara Hastings (Hastings and Pleadwell), Dr. Greg Chun (UHH CMS)

## I. CALL TO ORDER AND WELCOME PROTOCOL

The meeting was called to order at 10:02a.m. Member Matsuda shared reflections from the book, “‘Ōlelo No‘eau” written by Mary Pukui. Proverb #531, “*He ali‘i ka ‘āina, he kauā ke kanaka – the land is chief, man is its servant.*”

## II. COMMUNITY AND PUBLIC COMMENTS

None

## III. APPROVAL OF THE MINUTES OF THE MARCH 9, 2023 MEETING

**Motion:** Motion by Member Matsuda to approve the meeting minutes from April 13, 2023. Second by Member Beamer.

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

## IV. CHAIR REPORT

A. Caltech Submillimeter Observatory (CSO) Decommission Status presented by Dr. Sunil Golwala, Director, Caltech Submillimeter Observatory

Member Lanakila: Seeking clarification and concern for the status of the ground impact and penetration of concrete into the lava. Member Mangauil served on a cultural advisory committee to the decommissioning process a few years ago and the concern for concrete was brought up then. Also noted was the concern for a compromise to return the site to its natural state.

Dr. Gowala noted that there isn't expectation of penetration of concrete down into the lava. But there will be testing and monitoring as they make progress in decommissioning and will consult with appropriate authorities to address any potential issues. It is difficult to know what the natural state was, and therefore to know how to return it to its natural state.

Dr. Gowala noted that they anticipate road closures during the transit of the telescope – either partial or complete closure during a 4 day process for safety. Telescope may be staged near the Daniel K. Inouye highway during part of the process.

Member Beamer: In your work, have you reviewed previous decommissioning processes and anything

learned regarding best practices? Any communications/collaborations with the Hōkūkea decommissioning process?

Dr. Gowala noted only one example from Mauna Kea which was the United States Air Force telescope done many years ago. All measures are being taken to minimize impact and to return to the natural state. Other decommissioning examples from other sites around the world are not near the level of complexities as this. Most examples lean on the local experts and requests in the decommissioning process.

There has been no significant direct communications regarding the Hōkūkea decommissioning. Several thousands of pages of documents are available through the CSO process that is made public and can be provided as a reference.

Member Beamer: With the physical decommissioning happening, are their monitors that will be documenting and monitoring that process?

Dr. Gowala reported that the Independent Decommissioning Construction Monitor is logging daily activities. Any unexpected issues will be consulted with the Center for Mauna Kea Stewardship (CMS) and other appropriate entities. The decommissioning plan includes all of the monitoring measures, including reporting that will be a part of the public record.

Member Beamer noted that this process is important and needs to happen. Given the scale, magnitude and amount of activity, this will require a shut down of the road, limiting access. These are some of the challenges the Authority will need to encounter in the future. Fully supportive of this action and appreciative of the effort. What will become of the optic, will it be recycled?

Dr. Gowala responded that the telescope is being moved to Chile to be reused. The observatory buildings will be deconstructed with materials being recycled as best as possible. Traffic management plan was completed and the only road closures will be the crane and the office trailer at an estimated two instances of a few hours.

Member Irwin: Regarding communications between CSO and UHH-Hōkūkea: Hōkūkea is much smaller with no instrument located inside the facility. The UHH team received the CSO documents and are discussing accordingly with CMS, Mauna Kea Management Board and other entities. UHH is trying to learn what it can from this process (i.e. natural and cultural impacts).

Member Bertelmann: Expressed appreciation for the plan and supports the least amount of impact to the land. Regarding the rubble, will it be transported to a local site or off-island? Are there materials that need special disposal care?

Dr. Gowala reported that the project consulted with the West Hawai'i landfill. Aluminum, steel, copper wiring can all be recycled. The concrete foundation and the internal wall furnishing that are not recyclable and will go to landfill. The items being removed are "household items". Lead-paint abatement has already been done based on the hazardous materials plan. The only remaining hazardous materials is lead-paint on structural elements (hand rails, etc.). There will be efforts to properly deal with those items. Sampling will be done on the site once the concrete is removed to look for residue from hydrolic spills, as well as under the cesspool. No chemicals were disposed in cesspool, just human waste.

Member Mangauil: Reiterated his appreciation and reemphasized the importance of collecting the data through this process for future efforts and decision making – conservation, cultural, and legal expectations and guidelines.

Chair Komeiji: Expressed appreciation for the openness and transparency.

Member Beamer: Expressed importance of MKSOA understanding and defining best practices in decommissioning and think about and be part of the procurement process as MKSOA moves forward.

Member Krug: Did they make the process up from scratch, what is informing their process?

Chair Komeiji: Their plans had to be reviewed and approved by the University of Hawai‘i and the Board of Land and Natural Resources since it impacts a conservation district.

Member: Irwin: There is a [decommissioning plan](#) and process. MKSOA may want to change, add, or revise the process. Each telescope is different so each one will look different.

Member Krug: Requested to know of and have access to those who informed the decommissioning plan and process.

Member Mangauil: What is the timeline and exact dates of the process? Would like to request sufficient time for community and practitioners to prepare.

Barbara Hastings: The project doesn't know exact dates yet. The dates change as various components are required. Everything is getting posted onto the [CSO website](#) regarding the process.

Chair Komeiji noted that information will be made available to the Authority as it is received so that Authority members are equipped with information.

B. Hōkūkea Decommissioning: Information was sent earlier regarding the Hōkūkea Decommissioning. The plan will be heard by BLNR tomorrow. Included were information and testimony of the ‘Aha Moku provided via email. ‘Aha Moku is requesting the building be donated to MKSOA for educational and a “rest stop” area for kupuna at the summit. MKSOA is not prepared to respond on this matter to the BLNR hearing tomorrow (4/14/23). Will need a future discussion on the position that MKSOA will take.

C. Congratulations to all who have been confirmed through the Water Land Senate Committee. All have passed through. Waiting to hear when it goes to full senate floor vote. There is a request that all being confirmed can be on the senate floor on that floor vote day.

Member Beamer: Mahalo to Chair Komeiji and Vice Chair NoeNoe Wong-Wilson for attending the hearings and being there to support the process.

Chair Komeiji: We're one team and need to support each other.

## V. GOVERNANCE

A. **MOTION:** Motion made by Member Matsuda to ratify all prior decisions made by MKSOA prior to today which include – Rules of Procedure, Organization of the Board of Directors of the Mauna Kea Stewardship and Oversight Authority, and the Permitted Interaction Groups. Second by Member Adams.

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

## VI. ADMINISTRATION

A. **VOTE:** Appoint Member Matsuda, Member Krug, and Member Bertelmann to the Executive Assistant Hiring Committee

Chair Komeiji noted that it is not a board's role to hire an executive assistant. There was discussion as to whether this is a matter to vote on or to appoint. Chair Komeiji assumes the Chair's prerogative to not have a vote unless there is a dissenting opinion. No dissenting opinion expressed.

**B. Status: Hiring Executive Assistant**

Member Matsuda noted that there are 9 applicants that were screened and scheduled. Based on that process, 3 candidates advance to interview. Recruitment will remain open until filled. The Department of Land and Natural Resources (DLNR) offices are assisting in this process.

Member Krug: Mahalo to Member Matsuda for the coordination and convening of the committee to discuss questions and information needed from the candidates.

Member Bertelmann: Appreciation for the committee and the alignment of the interests and intentions for this position.

**C. Status: Hiring Consultants**

Chair Komeiji stated that there is a rule that states that Deputy Directors and other appointed individuals cannot serve on procurement selection committees. Clarification was sought through the State Procurement office. Neither chair nor vice chairs of the Authority can serve on the procurement committees. MKSOA will proceed with a committee of Member Adams (Chair), Member Beamer, and Wesley Machida who has extensive experience in the state processes.

**VII. FINANCE**

**A. Legislative Budget Update.**

The Senate Ways and Means committee issued a budget 2 weeks ago. \$14M has remained in the Authority's budget as well as five state positions. We continue to monitor and answer any questions.

**B. MOTION:** Member Matsuda moved to approve the budget as presented by the Permitted Interaction Group (Feb 9, 2023). Second by Member Bertelmann.

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

**VIII. OPERATIONAL UPDATE**

**A. Legislative Update**

- Senate Bill 81 that would have inserted the Board of Land and Natural Resources (BLNR) as part of the MKSOA's decision making process has been deferred.
- Main priority now is to insure budget support

**B. Center for Maunakea Stewardship Update Report**

Chair Komeiji requested monthly updates from CMS at board meetings.

CMS Director Greg Chun presented updates to:

- The contested case regarding the Comprehensive Management Plan which was dismissed by the Hawai'i Supreme Court;

- The Hōkūkea decommissioning plan and permit application will be reviewed by BLNR. Regarding the decommissioning process, CMS coordinates the multi-level decommissioning process with the observatory and also will have an onsite construction monitor during the process. The issue that the ‘Aha Moku has raised with regards to the facility has to do with a designation on the summit area that can be used for cultural practitioners as a rest site, prep site for cultural practice, etc. This idea is a condition in the TMT permit and needs further discussion;
- The hazard compliance regarding the UH88 telescope ethylene glycol spill. The plan is to upgrade to propylene glycol (a safer substance). Quotes have been secured for that transition and re-engineering of the system. The plans are being prepared for review by the UH Environment Health and Safety Office and by the Department of Health (DOH);
- An ethylene glycol leak was discovered at the Subaru telescope on April 6, 2023, in equipment due to a faulty o-ring in the filter. Estimated 6 liters of fluid were released in the building over an 8-month period. There is no indication that the fluid reached the soil/environment and it was contained within the facility. Subaru did notify DOH and are preparing their written report;
- On April 4, 2023 Chair Komeiji, Greg Chun, DLNR administrators Russell Tsuji and Michael Cane, and respective legal counsel met to have preliminary discussions regarding the facilitation of UH leases to the MKSOA. UH holds 2 general leases – the science reserve area and Hale Pōhaku, a right of easement for the roadway corridor, 18 Conservation District Use Permits, and numerous site plan approvals – chapter 343, Hawai‘i Revised Statutes requirements apply. Chair Komeiji reiterated that MKSOA is not in a position to take over anything. Director Chun will be preparing a list of items and steps for the transition;
- CMS will be conducting annual facility inspections at the Mauna Kea observatory facilities to ensure compliance with permit conditions;
- Stewardship partnership with DLNR on hinahina restoration is successful. Volunteers and UH students are helping to re-establish the area intended for planting. 91 native plants outplanted, 90 new mamane in greenhouse;
- CMS is reinstating a stargazing program at the Visitor Information Station. Collaborating with local amateur astronomers and looking to further develop with local schools/practitioners. 30 max by reservation to manage capacity, no advertisement planned;

Member Mangauil inquired about accessibility to stargazing programs. Has there been any notice of a designated limit for the upcoming program?

Director Chun noted that it was open to anyone from the public. Limit was designated to manage capacity. No advertisements have been distributed. A pilot offering was held for invitees. Upcoming event is at full capacity. Road access remains as normal.

- Shared Services: winter weather has had impact on increased road maintenance and traffic to the summit. Snow fall has been at larger amounts than had been in the past.

Member Mangauil inquired if in the transitional period, is UH going to pursue rules/management issues during this transition period? Are there UH plans to enforce beyond what currently exists (i.e. access)? Request to move forward with caution and be aware of community concerns.

Chair Komeiji expressed that UH management plan will stay in place. MKSOA has to create its own management plan within this transition time. MKSOA needs to decide if it adopts all, some, or none of the UH plan. UH cannot authorize new leases, etc. during this transition time.

Director Chun expressed that co-management is a front and center issue for UH. Act 255 needs to be clarified between CMS, MKSOA and other authorities. Regarding specifics in the management plan, there are things that don't make sense for UH to move forward on. There are things (i.e. conditions in CDUPs) that need to be dealt with (i.e. request to defer decision on decommissioning of Hōkūkea).

Chair Komeiji expressed that MKSOA does not have "co-management" until July 1, 2023. Process and decision making needs to be worked through and clarified between UH and MKSOA. DLNR also has positions regarding the conservation district issues. We'll need to clarify and address these items during the next legislative session. Communication is key, perhaps monthly DLNR updates are appropriate as well.

Member Beamer requested a future presentation to include a metrics of requirements that need to be accomplished.

Director Chun noted that the request is possible and would not be as clear cut in all cases. Many of the requirements moving forward also depends on MKSOA plans.

Chair Komeiji responded that a UH inventory of significant areas via permit or authorization may be a place to start this planning process/clarification.

Member Beamer: Is it in the UH plan to come up with best practices/evaluation of the decommission practice?

Director Chun noted that 2020 CMP supplement approved by BLNR in 2022 reflects some of the lessons learned. The process doesn't call for a "best practices" report, but CMS supports and is capable of capturing that kind of documentation. Decommissioning review happens by the observatory, an independent construction monitor (hired by the observatory), and by CMS.

Member Adams noted that in May 2023 road work will be done on Waikōloa road. This may conflict with the CSO decommissioning schedule.

## **IX. EXECUTIVE SESSION**

- A. Consultation with the Authority's attorney on questions and issues pertaining to the Authority's powers, duties, privileges, immunities and liabilities pursuant to Section 92-5(a)(4) Hawai'i Revised Statutes, regarding proposed Legislation, Governance, Administration and Finance.

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

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

## **X. ANNOUNCEMENTS**

- A. Next Meeting: May 11, 2023, 10:00 am

**XI. ADJOURNMENT**

**MOTION:** Member Adams moved to adjourn. Member Beamer seconded the motion.

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

Meeting adjourned at 12:16p.m.

*Approved* \_\_\_\_\_

**DRAFT**