



MAUNAKEA STEWARDSHIP AND 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, November 9, 2023

10:00 am

Online via ZOOM and livestreamed via YouTube

AUTHORITY MEMBERS

PRESENT, Zoom: Chairperson John Komeiji; First Vice-Chair Noe Noe Wong-Wilson; Second Vice-Chair Rich Matsuda; Ben Kudo; Laura Kaakua; Doug Adams; Paul Horner; Kolehua Krug; Pomai Bertelmann

EXCUSED Members: Bonnie Irwin; Kamana Beamer; Lanakila Mangaui;

MKSOA SUPPORT: Ryan K.P. Kanaka'ole, Jordan Ching, Ciara Kahahane, Linda Chow, Deputy Attorney General (DAG); Pua'ena Ahn (MKSOA Executive Assistant);

GUESTS: Greg Chun, Executive Director (UHH CMS); Ku'upua Kiyuna, Kelley Uyeoka, Rachel Hoerman, Dominique Cordy (Huliauapa'a); Shelley Muneoka, (KAHEA)

I. CALL TO ORDER AND WELCOME PROTOCOL

The meeting was called to order at 10:03 am. Opening remarks by 2nd Vice Chair Matsuda highlighting the need for working together to fulfill kuleana.

II. PUBLIC COMMENTS ON AGENDA ITEMS

In Person: Frederick "Rikki" Torres-Pestana – Provided comment.
Zoom: Shannon Rudolph – Testified in support of Agenda Items V, VI.
Shanti Mahaparamashiva – Provided comment.

III. APPROVAL OF THE MINUTES OF THE OCTOBER 12, 2023 MEETING

MOTION: Motion by 2nd Vice Chair Matsuda to approve meeting minutes from October 12, 2023. Second by 1st Vice Chair Wong-Wilson.

ACTION: The motion was unanimously approved.

IV. CHAIR REPORT

A. EXECUTIVE DIRECTOR POSITION POSTING

Thus far eight applications have been received which are currently under review by Hiring Committee. Senate Ways And Means Committee (WAM) has requested to Chair that the hiring process be expedited. Member Horner was asked to provide a brief update- the Hiring Committee is expected to meet next week to discuss current applicant pool.

B. OPERATIONAL CHALLENGES OF SUNSHINE LAW

A sense of urgency was imparted by Senate WAM upon Chair, who informed WAM that in order to stand up a new State agency, MKSOA Board is a “working board,” tasked with performing functions that would ordinarily be carried out by staff, which MKSOA currently lacks. Chair’s personal observation is that Sunshine Law as it exists impedes MKSOA Board’s ability to act expediently and thoroughly in order to meet its 2028 deadline, specifically restrictions on Board members being allowed to speak to more than one other member at a time.

V. GOVERNANCE

A. DISCUSSION AND VOTE: CO-MANAGEMENT WITH UNIVERSITY OF HAWAII

1. Creation of Transition Working Group- After meeting with UH Regents, a need was identified for structure and processes in order to reach consensus between UH and MKSOA on matters of co-management through the current 5-year transition period. Chair conveyed to CMS that MKSOA has no intention of interfering with day-to-day operations and C level projects but expects a say-so in projects of high and moderate levels of impact to the Mauna. Proposed working group is intended to be a mechanism for determining how to proceed in the event of any disagreements by MKSOA with decisions being made by UH. Other officials may be invited to discuss matters as appropriate (ex: BLNR Chair, CMS ED or other CMS administrators/staff). Transition Management Working Group pertaining to inventory of physical assets to be addressed at next meeting. Also that MKSOA will never “reach past” CMS ED Chun as primary CMS point of contact and attempt to issue directives to CMS staff.

Member Kudo noted that proposed Working Group addresses a requirement of Act 255 for a co-management structure, and that time is of the essence to operationalize it due to issues of significance in the future. Member Kudo later emphasized the currently high level of anxiety due to uncertainty for UH and CMS staff.

1st Vice Chair Wong-Wilson identified the potential need to revisit how co-management is structured in the event the proposed Working Group does not produce the desired effect.

2nd Vice Chair Matsuda stated his agreement with keeping discussions high level and not interfering with CMS daily operations.

MOTION: Motion to accept by Member Kudo, Second by Member Bertelmann.

ACTION: The motion was unanimously approved.

VI. ADMINISTRATION – Public Testimony taken (written or oral) on any of these items

INFORMATIONAL: Presentation by Huliauapa‘a on behalf of KAHEA regarding its Nomination of Maunakea as a Traditional Cultural Property (TCP)

Historic preservation nomination document was compiled from an abundance of existing public records, archival documents and cultural resources including expert testimony. KAHEA and Mauna Kea Anaina Hou are the official nominators, Huliauapa‘a contracted by KAHEA to draft nomination document. Mauna Kea is being nominated to the Hawai‘i Register of Historic Places- maintained by SHPD, and the National Register of Historic Places- maintained by the National Park Service. TCP must be determined to be eligible and maintain integrity as a tangible property. NRHP criteria of significance modifies existing guidance for properties of historic significance. Precedent has already been set by the nomination and listing of other sacred mountains which have become listed as TCPs, as well as previous documented acknowledgements of Mauna Kea as sacred. Mauna Kea meets and exceeds national and state criteria for eligibility as a History Property, TCP and as a Historic District. Listings will have the effect of providing more information at the beginning of compliance processes, allow SHPD to comment on proposed changes to Historic Properties before they occur and allow Historic Property owners to request Section 106 Federal review. Benefits of listings include an acknowledged establishment of Mauna Kea’s historical and traditional significance that will be available at the start of compliance processes, historic significance assessments for planning and management, and Cultural Impact Assessments.

Chair Komeiji asked whether State or Federal compliance processes would supersede MKSOA decision-making authority.

Rachel Hoerman (Huliauapa‘a Historic Preservation Specialist) stated that she is unable to speak to that matter as of yet.

1st Vice Chair Wong-Wilson asked if there was a timeline for listing.

Ku‘upua Kiyuna (Presenter, Huliauapa‘a Legal Specialist) informed MKSOA Board of the upcoming Hawai‘i Historic Places Review Board meeting on next week Friday, November 17. The Mauna Kea nomination will be reviewed, and public testimony will be taken.

VII. FINANCE

No report.

VIII. OPERATIONAL UPDATE: CENTER FOR MAUNAKEA STEWARDSHIP

A. Status of decommissioning: CSO

1. Majority of fixtures have been removed from Mauna, remainder of work to be postponed until Spring due to winter weather concerns, HELCO to remove transformer, Hawaiian Tel to remove transmission lines, power has been cut to dome but, not to utility shed.

B. Status of decommissioning: Hōkū Kea

1. Selection of bid has been awarded, contract under finalization, work will not begin until spring.

C. Status: Current permits, leases

1. Inventory of permits and leases had been previously submitted to former BLNR Chair Case and MKSOA, due diligence inventory under way of property, vehicles, licenses, database compilation in process.

Member Kudo questioned whether assets and other liabilities be included?

ED Chun confirmed that major assets and liabilities are already in previously sent letter, smaller ones are currently under inventory.

Chair has asked ED Chun for a report on conservation efforts and E&O efforts of the last calendar year to be presented at next Board meeting.

Member Kudo suggested a summary of CTO permits as well.

ED Chun stated that an overview can be prepared, revenues have been included in previous financial reports, permit renewals are under discussion.

IX. EXECUTIVE SESSION

- A. The Authority has recognized the need to convene in Executive Session pursuant to Section 92-5(a)(4), HRS, to consult with the Board's attorney on questions and issues pertaining to the power, duties, privileges, immunities, and liabilities on the following matters:

1. Legal implications of Traditional Cultural Property designation
2. Status of the Office of Hawaiian Affairs lawsuit

MOTION: 1st Vice Chair Wong-Wilson moved to enter into Executive Session. Member Kudo second.

ACTION: The motion was approved unanimously.

Board entered into Executive Session at 11:18 am.

Board returned from Executive Session at 11:52 am.

X. ANNOUNCEMENTS

- A. Next public meeting, Thursday, December 14, 2023, 10:00 am.
- B. Notice from NSF to proceed with Sec 106 Consultation hearings via mass email

XI. ADJOURNMENT

MOTION: 1st Vice Chair Wong-Wilson moved to adjourn. 2nd Vice Chair Matsuda second.

ACTION: The motion was approved unanimously.

Meeting adjourned at 11:54.

*Approved*_____