Dear UH Regents,

It is clear that the management of Mauna Kea over the past 50 years has been very poor. These proposed rules only continue to illustrate and perpetuate a lack of respect towards the environmental preservation (conservation) and traditional cultural understanding of Mauna Kea for Kanaka Maoli. Mauna Kea is not a commodity and can no longer be treated as such.

I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University's responsibility.

1.) (Agenda item no. III.A) Adopting rules restricting access and use of Mauna Kea summit lands and implementing a vague permitting system for the access that it does allow. The rules apply to the public, but not University or observatory personnel, or government entities.

2.) (Agenda item no. III.B) Passing a resolution on twelve Mauna Kea management steps with a supporting budget.

I oppose both of these items on the grounds that they will undermine the rights of Native Hawaiian cultural practitioners and ultimately defeat the purpose of having rules to manage the summit area of Mauna Kea. Rules for Mauna Kea are primarily intended to regulate the University, observatories, and commercial tours and are not intended to prevent Native Hawaiian practitioners from their customs and traditions.

The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University's rule-making authority in the first place. I urge you to stop these rules from going into effect.

Sincerely,
Laura Acasio
Hilo
OPPOSITION to agenda items IIIA and IIIB

Meleana Adams <meleanaa@kalo.org>  
Reply-To: meleanaa@kalo.org  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

To whom it may concern,

I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University's responsibility.

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Sincerely,
University of Hawai‘i Alumni, Meleana Adams

Sincerely,
Meleana Adams
OPPOSITION to agenda items IIIA and IIIB

1 message

Presley Ah Mook Sang <presleya@hawaii.edu>  Mon, Nov 4, 2019 at 10:19 PM
Reply-To: presleya@hawaii.edu
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

Aloha nui mai,

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Ke aloha,
Presley Keʻalaanuhea Ah Mook Sang

Sincerely,
Presley Ah Mook Sang

https://mail.google.com/mail/u/0?ik=149d04c7c3&view=pt&search=all&permthid=thread-f%3A1649349226049549452& simpl=msg-f%3A1649349226049549452&...
BOR Testimony <bortest2@hawaii.edu>

OPPOSITION to agenda items IIIA and IIIB

1 message

Wai?ala Ahn <waiala.ahn@gmail.com>                      Mon, Nov 4, 2019 at 8:25 PM
Reply-To: waiala.ahn@gmail.com
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai'i

RE: OPPOSITION to agenda items IIIA and IIIB

null

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Sincerely,

Sincerely,

Wai?ala Ahn
OPPOSITION to agenda items IIIA and IIIB

Pi'ilani Akina <ainaopiilani@gmail.com>  
Reply-To: ainaopiilani@gmail.com  
To: bor.testimony@hawaii.edu  

Mon, Nov 4, 2019 at 9:25 PM

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Enough is enough. When there is such opposition, it is important to take the time needed to come to the best resolutions. Simply outlawing and stripping rights from everyday citizens and cultural practitioners is wrong. To do so in favor of corporate interests is immoral and a very dangerous practice.

Sincerely,

Sincerely,
Pi'ilani Akina
To whom it may concern,

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Sincerely,

Jim Albertini
Aloha UH President David Lassner and Board of Regent members,

Below is a short statement on why Mauna Kea is so sacred to Hawaiians by Kealoha Pisciotta. I stand in solidarity with Kealoha and other Native Hawaiian cultural practitioners.

I stand in opposition to the latest proposed UH Management rules for Mauna Kea.

Rules for managing Hawaii's most sacred temple, Mauna Kea, should be made by Kanaka Maoli/Native Hawaiian Cultural practitioners, not the University Board of Regents and State of Hawaii officials.

President Lassner and Board of Regents -- Get back to doing the work of education and stop desecrating Hawaii's moist sacred temple. You have done enough damage.

Mahalo and aloha,

Jim Albertini

---

Jim Albertini Malu 'Aina Center For Non-violent Education & Action P.O. Box 489 Ola'a (Kurtistown) Hawai'i 96760 Phone 808-966-7622 Email ja@malu-aina.org Visit us on the web at www.malu-aina.org
Why Mauna Kea is so sacred to Hawaiians: it is
The Realm of Akua - the Creator

This upper region of Mauna Kea resides in Wao Akua, the realm of Akua - the Creator.
It is also considered the Temple of Supreme Being and has been acknowledged as such through all of Polynesia, pre-dating modern science by millenia.
It is the home of Na Akua (the Divine Deities), Na ʻAumakua (the Divine Ancestors) and the meeting place of Papa (Earth Mother) and Wakea (Sky Father), progenitors of the Hawaiian people.
It is said that Mauna Kea is where the Sky and Earth separated to form the Great-Expanse-of-Space and the Heavenly Realms.
Mauna Kea in every respect represents the zenith of Native Hawaiian Peoples’ ancestral ties to creation itself.

- Kealoha Pisicimiento, based on the mana’s shared with her by her kupuna
Mauna Kea comments on bicycle access

1 message

Daniel Alexander <daniel@hbl.org>  
To: bor.testimony@hawaii.edu

Mon, Nov 4, 2019 at 11:40 AM

Aloha,

Hawaii Bicycling League submits these comments on and request for amendments to Chapter 20-26, Hawaii Administrative Rules, entitled “Public and Commercial Activities on Mauna Kea Lands”, to provide bicycles the same rights to access roads as motorized traffic.

The proposed Administrative Rules under 20-26-30 "Outdoor Sports Activities" prohibit bicycling on roads without a permit. Bicycling is a legally recognized form of transportation with a myriad of benefits and it’s important that we ensure that bicycling is allowed on roadways. In Hawaii law, bicycles are vehicles and have rights to access all public roadways, with very limited exceptions. Given that private motorized vehicles are allowed to use access roads, we strongly object to bicycles being treated differently and requiring a permit for the same rights to the use of the roadway.

We urge that Chapter 20-26-30 be amended to delete section (1) "Use of vehicles with wheels propelled by pedals, for example, a bicycle, north of Halepohaku, except by written permission" and that Chapter 20-26-2 "Definitions" for “Private Vehicle” be amended to include bicycles.

This amendment is needed to:

- Make the rules consistent with Hawaii law HRS 291c-1 that defines "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway or highway, including mopeds and bicycles, but excluding toy bicycles, devices other than bicycles moved by human power, and devices used exclusively upon stationary rails or tracks.”
- Ensure that bicycles have are provided the same rights and responsibilities as operates of motorized vehicles.

Thank you very much for considering the comments of Hawaii Bicycling League. If you have any questions or would like to discuss further, please contact Daniel Alexander (808-275-6717, Daniel@hbl.org).

Also, see attached formal letter.

Thank you,
Daniel

--

Daniel Alexander  
Co-Executive Director  
Hawaii Bicycling League  
O - 808-735-5756  
C - 808-275-6717  
daniel@hbl.org

HBL_Chapter 20-26 comments 11.4.19.pdf  
264K
OPPOSITION to agenda items IIIA and IIIB

1 message

Alohalani Althea <Alohapinata@gmail.com>  Mon, Nov 4, 2019 at 6:57 PM
Reply-To: Alohapinata@gmail.com
To: bor.testimony@hawaii.edu

To whom it may concern,

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1.) (Agenda item no. III.A) Adopting rules restricting access and use of Mauna Kea summit lands and implementing a vague permitting system for the access that it does allow. The rules apply to the public, but not University or observatory personnel, or government entities.

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I oppose both of these items on the grounds that they will undermine the rights of Native Hawaiian cultural practitioners and ultimately defeat the purpose of having rules to manage the summit area of Mauna Kea. Rules for Mauna Kea are primarily intended to regulate the University, observatories, and commercial tours and are not intended to prevent Native Hawaiian practitioners from their customs and traditions.

The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,

Sincerely,

Alohalani Althea
RE: OPPOSITION to agenda items IIIA and IIIB

null

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Sincerely,

Sincerely,
Margie Alvarez
RE: OPPOSITION to agenda items IIIA and IIIB

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Sincerely,

Sincerely,

Kerri Ambrosio

Kerri Ambrosio <Kerriambrosio2@gmail.com>
Reply-To: Kerriambrosio2@gmail.com
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai'i

Mon, Nov 4, 2019 at 10:01 PM
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Sincerely,

Zack Anderson
COREY ASANO

To: bor.testimony@hawaii.edu

RE: OPPOSITION to agenda items IIIA and IIIB

null

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Sincerely,

Corey
Kaneohe, Oahu

Sincerely,
Corey Asano
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Davelynn Ashford

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Sincerely,

Brenda Awong
OPPOSITION to agenda items IIIA and IIIB

Maddy Ayers <Ayers3@hawaii.edu>  
Reply-To: Ayers3@hawaii.edu  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

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Sincerely,

Maddy Ayers
OPPOSITION to agenda items IIIA and IIIB
1 message

Darci Baker <darci.baker.1985@gmail.com>  
Reply-To: darci.baker.1985@gmail.com  
To: bor.testimony@hawaii.edu  

UH Board of Regents
University of Hawai‘i

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The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. I find these proposed rules offensive and irresponsible.

I urge you to stop these rules from going into effect.

Sincerely,
Darci Baker

Sincerely,
Darci Baker
BOR Testimony <bortest2@hawaii.edu>

OPPOSITION to agenda items IIIA and IIIB
1 message

Brandy Baltazar <brandybaltazar@gmail.com>                  Mon, Nov 4, 2019 at 7:33 PM
Reply-To: brandybaltazar@gmail.com
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai‘i

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Brandy Baltazar
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Sincerely,

Ember Behrendt
OPPOSITION to agenda items IIIA and IIIB

Olaf Behrendt <Cocolafo@gmail.com>  
Reply-To: Cocolafo@gmail.com  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

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Sincerely,

Sincerely,

Olaf Behrendt
Aloha University of Hawaii Board of Regents,

My name is Sam Benigni. For more than six years I have been employed as one of three Telescope Systems Specialists (TSS) at the UKIRT observatory. I have been gainfully employed on Mauna Kea for more than ten years and began volunteering at the Visitor Information Station (VIS) in early 2006.

As a UKIRT TSS, I’m proud to be a part of the Mauna Kea Observatories (MKOs) `ohana – a community of 500+ scientists, engineers, technicians and other employees who call the Big Island home and are grateful for the opportunities Mauna Kea provides. In response to the University of Hawai‘i Board of Regents (BOR) Resolution 19-03, and for the following reasons, I respectfully request that the BOR defer its decision on Resolution 19-03.

As written, if TMT is not built in Hawaii, it appears the University would still commit to decommissioning five (5) telescopes, including three (3) which remain highly productive. This would be a major blow to Hawai‘i’s position as a global leader in astronomy, diminish the Institute for Astronomy, and result in job losses for the Big Island community. Furthermore, I am worried the actions proposed in the resolution could set a precedent for shuttering world-class observatories prematurely and for reasons outside of their respective scientific relevance.

When it comes to reorganization of the management functions, the MKOs are a primary funder of MKSS and stakeholder in management of the summit. Reorganization would have major consequences to observatory operations and MKOs should be consulted. To that end, input from the observatories, staffs and the Big Island community should be considered before this resolution is adopted.

I, and our entire MKO ‘ohana, seek a vibrant future for astronomy on Mauna Kea that benefits our Hawaii Island community. Please defer this resolution.

Thank you,

Sam Benigni

sam.benigni@gmail.com
Item No. 111 A and Item No. 111 B
I OPPOSE both items for the following reasons.

In short, all around the world we are seeing a militarization or police, rampant infringements on native and environmental rights, and criminalization of both native practices and first amendment rights. Our children and grandchildren will look back to see who was on the right side of history, and who stood in defense of corruption and private business interests. UH, a supposed “Hawaiian Place of Learning,” needs to actually respect the voices and rights of Kanaka Maoli in Hawai‘i, instead of propping up the interests of a private foreign company. These proposed rules are set up to directly target Kia‘i mauna, to criminalize their way of living, and try to terrorize native people and their allies.

Item No. 111 A
1) Adopting rules that restrict access and use of Mauna Kea summit lands and implement a vague permitting system for the access that it does allow. The rules apply to the public, but not the University or observatory personnel, or government entities. (Agenda item no. 111 A)

Agenda item No 3A
1) The proposed rules restrict all access except UH, observatory, personnel and Gov. officials when they are the reason for the rules. See Hawaii Revise Statue (HRS) Article X11, Section 7 allos kanaka to access the Mauna as a customary right.
2) Requiring 15 days practice to permit Mauna access, making it impossible for Kia’i to rally in opposition to hewa. This rule only severs the interest of the state in that they will inhibit kanaka sovereign right to peaceful protest.

3) Being on Mauna I ka po require special permit, eliminating, overnight Kia’i presence and limiting access to Kilo. See HRS Article X11, Section 7, Without an overnight occupation, the state is free to dictate its agenda.

4) First offense could face a $400.00 fine and immediate expulsion from the Mauna. It’s ridiculous to penalize kanaka for excising their native rights.

5) Proposed rules haughtily authorizes the office of UH Press, enabling him to restrict access and rule on pleas against the fines….Kanaka need to govern kanaka entities.

Item No. 111 B

The resolution repackages old proposals and presents them as evidence of a new management direction. The resolution includes two new actions:
1) Relocation of the Hoku Kea to “already developed land” by Hale Pohaku and
2) Construction of a new educational center at Hale Pohaku.

1) The expansion of Hale Pohaku and increase in visitor numbers is inappropriate for a conservation district and wao akua.
The proposed rules are limiting customary and traditional access to the Mauna while simultaneously encouraging a large tourist presence.

2) Since at least 2000, the university has identified five telescopes for decommissioning “within the next 20 year” and the renewed promise in 2019 to do so by 2033 does not account for this past broken promise.
The university has proved that its gross negligence knows no ends. Enough words on paper, time for concrete actions.

Sincerely,

Katy Benjamin
Hilo, HI 96720

Sent from my iPhone
OPPOSITION to agenda items IIIA and IIIB

11/5/2019

1 message

Bethany Bilowus <bethanyrosebee@gmail.com>  
Reply-To: bethanyrosebee@gmail.com  
To: bor.testimony@hawaii.edu

Mon, Nov 4, 2019 at 9:23 PM

To whom it may concern,

I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University's responsibility.

1.) (Agenda item no. III.A) Adopting rules restricting access and use of Mauna Kea summit lands and implementing a vague permitting system for the access that it does allow. The rules apply to the public, but not University or observatory personnel, or government entities.

2.) (Agenda item no. III.B) Passing a resolution on twelve Mauna Kea management steps with a supporting budget.

I oppose both of these items on the grounds that they will undermine the rights of Native Hawaiian cultural practitioners and ultimately defeat the purpose of having rules to manage the summit area of Mauna Kea. Rules for Mauna Kea are primarily intended to regulate the University, observatories, and commercial tours and are not intended to prevent Native Hawaiian practitioners from their customs and traditions.

The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University's rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,

Sincerely,

Bethany Bilowus
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Sincerely,

Sincerely,
Natasha Boteilho
Re: OPPOSITION to agenda items IIIA and IIIB

null

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Sincerely,

Jim Breath
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Sincerely,
Te’ana Bryan

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Sincerely,

Jodie Burgess
OPPOSITION to agenda items IIIA and IIIB

Keali'i Bush <tahitibush@gmail.com>
Reply-To: tahitibush@gmail.com
To: bor.testimony@hawaii.edu

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Sincerely,

Keali'i Bush
OPPOSITION to agenda items IIIA and IIIB

1 message

Kaeli Bush <kaelikb@hawaii.edu>  Mon, Nov 4, 2019 at 10:14 PM

Reply-To: kaelikb@hawaii.edu
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

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Sincerely,

Sincerely,
Kaeli Bush
OPPOSITION to agenda items IIIA and IIIB

1 message

Kristin Cabanila <Noahbellamome@gmail.com>  
Reply-To: Noahbellamome@gmail.com  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

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Sincerely,

Sincerely,

Kristin Cabanila
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Jaimie Callahan
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Sincerely,

Mandy Carvalho
OPPOSITION to agenda items IIIA and IIIB

1 message

Marshelle L. Castro <mshelle55@gmail.com>  
Reply-To: mshelle55@gmail.com  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

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Sincerely,

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Marshelle L. Castro
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Sincerely,

Sincerely,

Haylee Clay
OPPOSITION to agenda items IIIA and IIIB

Patrick Clemente <unkopat@gmail.com>  
Reply-To: unkopat@gmail.com  
To: bor.testimony@hawaii.edu  

UH Board of Regents  
University of Hawai'i

RE: OPPOSITION to agenda items IIIA and IIIB

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Sincerely,

Sincerely,
Patrick Clemente
Aloha,

My name is Stephanie Cornwell. I am a descendant of W.H. Cornwell, Minister of Finance, professional and personal friend to Queen Liliuokalani. Following in his footsteps, I stand for Kanaka Maoli.

I am submitting this letter to oppose Agenda items III.A and III.B, which will adversly impact the rights of Native Hawaiian cultural practitioners and undermine the University’s responsibility.

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In kapu aloha,

Sincerely,
Stephanie Cornwell
Aloha,

To whom it may concern, I am writing to voice my disapproval of proposed restrictions to bicycle access on Mauna Kea.

§20-26-30 Outdoor sports activities. The following acts are prohibited within the UH management areas: (1) Use of vehicles with two wheels propelled by pedals, for example, a bicycle, north of Halepōhaku;

Bicycles should have unrestricted access to use the access road and other paths within the UH area. This is an unjustified change in the rules as people riding bicycles has little to no impact on the management of the area.

As a UH alumni, Hawaii resident, and avid cyclist, I am strongly opposed to this unnecessary restriction and will continue to seek ways to prevent it from happening.

Thank you,
Travis Counsell
BOR Testimony <bortest2@hawaii.edu>

**OPPOSITION to agenda items IIIA and IIIB**

1 message

Noelani Crail-Naluai <Bargainbetty78@gmail.com>  
Mon, Nov 4, 2019 at 7:15 PM

To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

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Noelani Crail-Naluai
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Sincerely,

John Culliney
OPPOSITION to agenda items IIIA and IIIB

2 messages

Bobbi Cuttance <Bobbicuttance@gmail.com>  
Reply-To: Bobbicuttance@gmail.com  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

To whom it may concern,

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Sincerely,

Bobbi Cuttance

[Quoted text hidden]
OPPOSITION to agenda items IIIA and IIIB

Phyllis Davis <Pdavis8081956@gmail.com>
Reply-To: Pdavis8081956@gmail.com
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai‘i

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Phyllis Davis
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Kaylee DeCambra
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Sincerely,
Kiara Del Aragon

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Re: OPPOSITION to agenda items IIIA and IIIB

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Sincerely,
Shanti Devi

Sincerely,
Shanti Devi
OPPOSITION to agenda items IIIA and IIIB

Denise D'Haenens-Luker <dhluker@gmail.com>  
Reply-To: dhluker@gmail.com  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai'i

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2.) (Agenda item no. III.B) Passing a resolution on twelve Mauna Kea management steps with a supporting budget.

I oppose both of these items on the grounds that they will undermine the rights of Native Hawaiian cultural practitioners and ultimately defeat the purpose of having rules to manage the summit area of Mauna Kea. Rules for Mauna Kea are primarily intended to regulate the University, observatories, and commercial tours and are not intended to prevent Native Hawaiian practitioners from their customs and traditions.

The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,

Denise D'Haenens-Luker
To comply with common industry standards, please limit the duration of commercial tour activity permits to no longer than 2 years.

Proposed addition:
§20-26-65 subsection (d)
Permits shall expire after 2 years. After expiration, if qualified applications outnumber available permits, the permits shall again be allocated by drawing or lottery.
To whom it may concern,

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Sincerely,

Sincerely,
Axton Durand
OPPOSITION to agenda items IIIA and IIIB

1 message

Piʻikea Everett <piikea.everett@gmail.com>  Mon, Nov 4, 2019 at 10:44 PM
Reply-To: piikea.everett@gmail.com
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB
null

Welina me ke aloha,

My name is Piʻikea Everett. I am writing this testimony to state my opposition to the University of Hawaiʻi’s latest version of the administrative rules proposed for Mauna Kea.

It is difficult for me to place my trust in an institutional such as the University of Hawaiʻi to determine what is in the best interest of Mauna Kea when past events have demonstrated years of mismanagement and abuse of our sacred places. Clearly, these rules are targeted to restrict cultural practitioners from accessing cultural sites through an unreasonable permitting process, especially with large group permits of 15 people or more and special permits for night access. There also seems to be a lack of rules in place for the university, observatories, and government officials. These groups and institutions MUST also be held accountable for their (mis)use of Mauna Kea as well. It is as if these rules seem to privilege members of the University and other organizations and institutions that support its own vision of creating the Thirty Meter Telescope at the summit of Mauna Kea. The people who are being hurt the most by these public rules are cultural practitioners who have a deep and intimate connection with this place as well as many Kanaka ʻŌiwi who will be hurt from these restrictive rules and may suffer from paying hefty fines and threatened with immediate expulsion from this place.

The University of Hawaiʻi needs to do a better job in allowing cultural practitioners to have a greater say in determining the future of Mauna Kea. It is not enough to write in your Comprehensive Management Plan that "for the Hawaiian people Mauna Kea is their cultural connection or piko (umbilical cord) to Papa and Wākea, it is the beginning and the end."

You must do a better job of treating this issue with better respect towards Kanaka ʻŌiwi- this is our piko and our connection to creation- our beginning and our end. Your attempts to push these rules without proper jurisdiction and discourse with the Hawaiian people will sever us from our piko and our connection to this sacred place.

Me ka haʻahaʻa,a,
Piʻikea Everett

Kāneʻohe, Hawaiʻi

Sincerely,
Piʻikea Everett
OPPOSITION to agenda items IIIA and IIIB

Victoria Fallas <vkeanaaina@gmail.com>
Reply-To: vkeanaaina@gmail.com
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai'i

RE: OPPOSITION to agenda items IIIA and IIIB

null

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The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,

Victoria K. Fallas

Sincerely,
Victoria Fallas
OPPOSITION to agenda items IIIA and IIIB

Samantha Fannon <fannon@pdx.edu>  
Reply-To: fannon@pdx.edu  
To: bor.testimony@hawaii.edu

To whom it may concern,

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The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,
Samantha Raven Fannon

Sincerely,
Samantha Fannon
Dear members of the Board of Regents,

My name is Duncan Farrah, and I am an employee of the UH Institute for Astronomy and Department of Physics and Astronomy. I am honored to be part of the Maunakea Observatories (MKOs) `ohana – a community of 500+ scientists, engineers, technicians and other employees who call Hawaii home and are grateful for the opportunities Maunakea provides.

I am writing in response to Resolution 19-03. For the reasons below, I respectfully request that the BOR defer its decision on Resolution 19-03:

1 - The Resolution does not clarify if the decommissioning of five (5) telescopes is contingent on construction of the Thirty Meter Telescope. As a result, as currently written, the resolution seems to commit the university to decommissioning five (5) telescopes, including three (3) that are highly productive, even if TMT was not built in Hawaii. If Hawaii were to lose TMT and five (5) further telescopes, it would be an irrecoverable blow to Hawaii’s astronomy community, and have substantive adverse effects on the economy of the Big Island, and its community.

2 - Decommissioning of telescopes would profoundly impact the operations and management of the MKOs and the IfA, who are both primary funders of MKSS, and are responsible for the harmonious and efficient management of summit operations. Moreover, the staff at the MKO and IfA are an integral part of the Big Island community, and would be substantially affected by telescope decommissioning. Input from the observatories, staff, and the Big Island community should be considered before the resolution is adopted

I, and our entire MKO `ohana, seek a future for astronomy on Maunakea which continues to lead the worlds enduring quest to understand the sky, and works in harmony with all of our Hawaii Island community. Please defer this resolution.

with sincere regards

Duncan Farrah
To whom it may concern,

I, Lexi Kameko Figueroa, am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiians like myself and cultural practitioners and undermine the University's responsibility.

1.) (Agenda item no. III.A) Adopting rules restricting access and use of Mauna Kea summit lands and implementing a vague permitting system for the access that it does allow. The rules apply to the public, but not University or observatory personnel, or government entities.

2.) (Agenda item no. III.B) Passing a resolution on twelve Mauna Kea management steps with a supporting budget.

I oppose both of these items on the grounds that the access to Mauna Kea should not be restrictive to those who are unable to put in a 15 days advance notice before their arrival. Cultural practitioners and Natives Hawaiians to Hawaiʻi should not have to submit a notice to access land which has always historically belonged and that which still belongs to them. The University of Hawaiʻi as well as other observatory and government officials working in relation to the access of Mauna Kea should not be granted with unethical advantages to access Native Hawaiian Crown Lands such as Mauna Kea as compared to someone who may, for example, need to access their ancestral lands specifically at night for cultural practices, whom may also not have the proper insight and knowledge to apply for an unnecessary "special permit".

As a Kanaka Maoli (Native Hawaiian) student of the University myself, I oppose both of these items on top of the unlimited power the University of Hawaiʻi President would have which includes but is not limited to closing or restricting access to all or some of the UH managed areas up at Mauna Kea, to impose fines for permit violations and to appoint, or be a hearing officer in a contested case if someone would like to contest a citation they possibly recieved at the summit. While both of these proposed items tightly restrict the birthright Native Hawaiian's have to accessing their sacred places, more and more unwavering leeway would be offered to the University of Hawaiʻi's President. This highly contradicts the University's motto "Ma Luna Aʻe O Na Lāhui A Pau Ke Ola Ke Kanaka" or “Above All Nations is Humanity.” There is nothing humanitarian about these proposed rules.

The University has proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. I urge you to stop these rules from going into effect as they are blatantly immoral and can also be considered saccrelegous.

Sincerely,

Lexi Kameko Figueroa

Sincerely,
Lexi Figueroa
To whom it may concern,

I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University's responsibility.

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Sincerely,
Zoe Finn

Sincerely,
Zoe Finn
November 4, 2019

TO: UH – Board of Regents  
2444 Dole Street, Bachman Hall, Room 209  
Honolulu, HI, 96822  
bor.testimony@hawaii.edu  
bor@hawaii.edu

FR: E. Kalani Flores, representing the Flores-Case ‘Ohana  
P.O. Box 6918, Kamuela, HI 96743  
ekflores@hawaiiantel.net

RE: Testimony (Nov. 6, 2019) University of Hawai‘i Board of Regents Resolution to Act on Items Relating to Maunakea Management

General Comments:
The University of Hawai‘i (UH) - Board of Regents (BOR) are commended for affirming BOR’s responsibility for ensuring the proper management of UH leased public lands of Mauna a Wākea.

Specific Comments:
The following section should be amended to include the document, Implementing and Evaluating the Comprehensive Management Plan for UH Managed Lands on Mauna Kea (2010).

WHEREAS, the Board of Regents in response to past criticisms, has clarified its roles, duties, and responsibilities beginning with the adoption of the Mauna Kea Science Reserve Master Plan (2000), Mauna Kea Comprehensive Management Plan UH Management Areas (2009), A Cultural Resources Management Plan for the University of Hawai‘i Management Areas on Mauna Kea (2009), Natural Resources Management Plan for the UH Management Areas on Mauna Kea (2009), Public Access Plan for the UH Management areas on Mauna Kea (2010), and Decommissioning Plan for the Mauna Kea Observatories (2010) (collectively hereinafter referred to as “Management Plans”), and Implementing and Evaluating the Comprehensive Management Plan for UH Managed Lands on Mauna Kea (2010); and

All the identified “Management Plans” would be useless without a strategy for implementation along with a methodology for evaluation. As such, this document (see attached), also informally referred to as the “CMP Implementation and Evaluation Plan” is a significant part of the CMP and sub-plans and thus should be included in this section. The Introduction section of this document clearly articulates its significance as noted below:

Implementing the Mauna Kea Comprehensive Management Plan (CMP) requires careful planning, sufficient funding, adequate staffing, and ongoing review and evaluation of program successes and failures. This document provides a strategy for implementing the Mauna Kea CMP, with a focus on immediate and short-term needs. It also identifies a methodology for evaluating the success of the plan and for determining any needed changes in management strategies. (p. 1)
Aspects of this proposed resolution are examples of why UH has been criticized for its 50+ years of mismanagement of Mauna a Wākea. There’s an apparent failure to hear the years of testimony brought forth by the community regarding the overdevelopment of this environmentally sensitive, culturally significant and sacred landscape that has resulted in the cumulative impacts upon the natural and cultural resources being “substantial, significant, and adverse.”

Thus, we’re opposed to any further development and expansion of telescopes and associated facilities on the Mauna Wākea which would lead to further degradation, destruction, and desecration. The community since the 1970’s has consistently expressed their discontent for the overdevelopment of this significant mountain and has reiterated that the telescopes and associated astronomy facilities footprints should be reduced, not further increased. Therefore, we’re adamantly OPPOSED to action items 3 and 7 that are outlined in this resolution.

3. A new educational telescope facility for the University of Hawai‘i at Hilo shall be established on already developed land at Hale Pōhaku or elsewhere, as soon as can be permitted, with a target date no later than April 30, 2021, to ensure the prompt availability of a teaching telescope. The Board of Regents shall support the funding of the planning, design, and construction of the new educational facility.

7. Administration shall make a CIP request during the 2020 legislative session for monies to plan, design, and construct an educational center at Hale Pōhaku and/or another appropriate site on Maunakea that will educate visitors on cultural, environmental, and astronomy related topics relating to Maunakea.

Furthermore, the existing conditions and terms of the General Lease for the Hale Pōhaku Mid-Level Facilities does NOT allow for the construction of a telescope facility on this particular leased parcel. The proposed decommissioned UH telescope should be relocated to the UHH campus or somewhere else, not relocated in the Mauna Kea Science Reserve or at Hale Pōhaku. This action would be in contravention of UH’s legally binding commitment stated in UH David Lassner’s letter to Suzanne Case, Chairperson of the Board of Land and Natural Resources (BLNR) (dated November 17, 2015).

Likewise, another educational center is NOT needed to “educate visitors on cultural, environmental, and astronomy related topics relating to Maunakea”. Taxpayer’s funds were already used to build the ‘Imiloa Astronomy Center on the UH grounds for this purpose. In addition, there already exists the Onizuka Center for International Astronomy Visitor Information Station (VIS) at Hale Pōhaku. The VIS should be utilized for educating visitors. However, the present situation is that the emphasis upon educational and informational exhibits at the VIS have been primarily overshadowed by the commercial merchandise of souvenirs and snacks. In addition, UH should develop an online virtual educational center.

There should be a section in this resolution whereby the BOR affirms UH’s legally binding commitment that “clarifies and confirms that the Thirty Meter Telescope (TMT) project site is the last new area on the mountain where a telescope project will be contemplated or sought” as stated in UH President David Lassner’s letter to Suzanne Case, Chairperson of the BLNR (dated November 17, 2015).
IMPLEMENTING AND EVALUATING THE COMPREHENSIVE MANAGEMENT PLAN FOR UH MANAGED LANDS ON MAUNA KEA

February 2010

Office of Mauna Kea Management
640 N. Aohoku Place, Room 203
Hilo, Hawaii 96720
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**Acronymns**

BLNR  Board of Land and Natural Resources  
CMP   Comprehensive Management Plan  
CRC   Cultural Resource Coordinator  
CRMP  Cultural Resources Management Plan  
DLNR  Department of Land and Natural Resources  
DOCA RE Division of Conservation and Resources Enforcement (DLNR)  
DOFA W Division of Forestry and Wildlife (DLNR)  
GIS   Geographic Information System  
GPS   Global Positioning System  
MKMB  Mauna Kea Management Board  
OMKM  Office of Mauna Kea Management  
MKSS  Mauna Kea Observatories Support Services  
NAR   Natural Area Reserve  
NARS  Natural Area Reserve System  
NRC   Natural Resource Coordinator  
NRMP  Natural Resources Management Plan  
PAP   Public Access Plan  
SHPD  State Historic Preservation Division (DLNR)  
UH    University of Hawai‘i  
UHH   University of Hawai‘i at Hilo  
VIS   Visitor Information Station
1 Introduction
Implementing the Mauna Kea Comprehensive Management Plan (CMP) requires careful planning, sufficient funding, adequate staffing, and ongoing review and evaluation of program successes and failures. This document provides a strategy for implementing the Mauna Kea CMP, with a focus on immediate and short-term needs. It also identifies a methodology for evaluating the success of the plan and for determining any needed changes in management strategies.

1.1 Management Entities
UH Hilo, through its Office of Mauna Kea Management (OMKM), together with the Mauna Kea Management Board (MKMB) and the Kahu Kū Mauna Council, comprise the University of Hawai‘i’s management entity for its managed lands on Mauna Kea. The University of Hawai‘i at Hilo (UHH), through OMKM, is responsible for implementing the CMP for UH Management Areas on Mauna Kea. On management issues, OMKM consults with Kahu Kū Mauna Council and MKMB. The latter shall recommend a course of action. OMKM reports MKMB’s recommendations directly to the UHH Chancellor, who in turn forwards their recommendations to the University of Hawai‘i (UH) President for final decision. If required, the UH Board of Regents has final approval.

While policy-making authority ultimately rests with the UH Board of Regents, development of policy matters related to UH Management Areas on Mauna Kea originates with OMKM and UH Hilo, and as needed, in coordination with other UH divisions, State and Federal agencies, and appropriate community organizations. In the review and approval process for projects, including major projects, UH Hilo follows the guidelines established in the 2000 Master Plan, and protocols and policies established by the Board of Regents.

The roles of the various University entities involved in the management of UH Management Areas are outlined in Table 1.

<table>
<thead>
<tr>
<th>UH Division</th>
<th>Roles and Responsibilities</th>
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</thead>
</table>
| University of Hawai‘i Hilo Chancellor | • Oversight of OMKM  
• Authorized to sign commercial tour use permits¹ |
| Office of Mauna Kea Management     | • Oversees efforts to protect, preserve and enhance the natural, cultural, and recreational resources of Mauna Kea.  
• Day-to-day management of the cultural and natural resources of the UH Management Areas  
• Ensure compliance with and implementation of the 2000 Master Plan and the 2009 Mauna Kea CMP  
• Manages together with Mauna Kea Observatories Support Services (MKSS) the ranger program  
• Oversees commercial permits  
• Approves film permits  
• Coordinates with other stakeholders, both public and private, on issues related to Mauna Kea  
• Works with other agencies on issues that are related to the mountain but are outside their jurisdiction |

¹ The University is responsible for the regulation of commercial tour and film activities.
Roles and Responsibilities

<table>
<thead>
<tr>
<th>UH Division</th>
<th>Roles and Responsibilities</th>
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</table>
| Mauna Kea Management Board                      | • Volunteer board representing the community  
• Advises UHH Chancellor on activities, operations and land uses planned for Mauna Kea  
• Has advisory committees (MKMB Environment Committee, the Wēkiu Bug Scientific Committee, the MKMB Hawaiian Culture Committee, and the Public Safety Committee) |
| Kahu Kū Mauna                                   | • Volunteer council appointed by MKMB  
• Advises MKMB, OMKM, and the UHH Chancellor on Hawaiian cultural matters affecting the UH Management Areas                                                                                                      |
| Mauna Kea Observatories Support Services        | • Funded by and operates under the direction of the observatories through the Mauna Kea Observatories Oversight Committee  
• Oversees the general maintenance and logistical services to all Mauna Kea observatories and the facilities at Hale Pōhaku (including water hauling, operation of food services and lodging, and fuel supply)  
• Conducts Summit Access Road maintenance (including weekly grading of unpaved portion of road and snow removal)  
• Manages the Visitor Information Station (VIS)  
• Manages together with OMKM the ranger program |
| Mauna Kea Rangers                               | • On-site management of public health and safety  
- Distributes safety brochure  
- Advises visitors of weather conditions, potential hazards associated with ascending the mountain (e.g., altitude sickness, road conditions), and recommended approaches to safely visiting Mauna Kea  
- Manages road closures for safety reasons  
- Provides emergency assistance when necessary  
• On-site management of public access  
- Conducts summit patrols to observe and document activities  
- Provides information on the unique natural, cultural, and scientific resources; directs visitors to established hiking trails; and educates visitors on prohibited or destructive activities  
- Monitors commercial tours  
- Manages visitors on peak use days  
- Performs site maintenance activities including litter removal and trail maintenance to deter use of non-established trails  
- Supports other approved activities (e.g. filming, research) to ensure that impacts are minimal  
- Conducts twice yearly observatory Conservation District Use Permit compliance inspections |

1.2 Management Actions

The Mauna Kea CMP contains a set of management actions designed to address the identified needs in managing the UH Management Areas. Management actions are organized by topic into component plans (see Table 2 and Appendices A and B). Each component plan has a specific desired outcome goal and an associated statement of need. The component plans address the range of management challenges from protecting resources, to managing access and use, to managing the built environment, to managing operations.
Table 2. Mauna Kea CMP Component Plans

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<th>Section</th>
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<td>Monitoring, Evaluation, and Updates</td>
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<td>7.5</td>
<td>1995 Management Plan Controls</td>
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</table>

In addition to the management actions outlined in the Mauna Kea CMP, four sub-plans have been developed to provide specific recommendations and guidance. The sub-plans include:

- Natural Resources Management Plan for the UH Management Areas on Mauna Kea (NRMP) (September 2009)
- Cultural Resources Management Plan for the UH Management Areas on Mauna Kea (CRMP) (October 2009)
- Mauna Kea Public Access Plan (PAP) (January 2010)
- Decommissioning Plan for the Mauna Kea Observatories (January 2010)

Implementation of these plans will occur in conjunction with the Mauna Kea CMP. They will be referenced for detail and utilized to provide additional guidance as needed.

1.3 Programmatic Management Actions

Most of the desired outcomes, needs and management actions of the Mauna Kea CMP are presented in the component plans. However, there are several management actions at the programmatic level that apply to the overall OMKM management program and will be implemented as part of OMKM’s general management strategy. These programmatic management actions include:

1. Establish cultural and natural resources management programs within OMKM.
Obtain sufficient funding to support the programs (see Section 3). Hire staff members (see Section 2.2.1). Contract out high-priority, field-intensive projects such as baseline inventory studies, to ensure they are conducted quickly.

2. Continue to engage the MKMB committees in the review of proposals, projects, and management plans, and in making recommendations to the MKMB.

The establishment of the MKMB and its associated committees has enabled the broader community to become directly involved in advising on the management of Mauna Kea. The committees have been useful in involving a range of interests to ensure a collaborative and informed management planning process. Boards and committees will interact to achieve agreement on management goals, objectives, and activities.²

3. Continue to develop working relationships with Federal and State agencies.

Currently there is no mechanism for integrated or coordinated management of Mauna Kea’s resources (including lands outside of the UH Management Areas). No regular meetings are held between the governmental agencies with management responsibilities for Mauna Kea—in particular involving OMKM and the various divisions of the Department of Land and Natural Resources (DLNR). Significantly, because there is so little interaction between the various State and Federal agencies responsible for the management of Mauna Kea, applicable rules and regulations in the UH Management Areas are little enforced. Development of coordinated management between State and Federal agencies and OMKM is discussed in Section 2.3.

4. Conduct public outreach and education to increase awareness of Mauna Kea’s unique resources and their threats, increase community involvement in decision-making processes, and inform the public about progress regarding the protection of Mauna Kea’s resources.

An information/education effort will support public participation and build management capacity related to adopted management actions. OMKM shall encourage and seek out community participation, including Native Hawaiians, in educational and outreach efforts. Informing the public about OMKM’s management activities will help reassure the public that Mauna Kea’s resources are being protected. Education and outreach activities are discussed in Section 7.1.3 of the CMP, and also in the CRMP, NRMP and PAP.

5. Establish legal authority for OMKM to promulgate rules and enforce regulations on Mauna Kea properties leased by the University of Hawai‘i.

On June 18, 2009, the governor signed bill HB1174 HD3 SD2 CD1, into law as Act 132 (2009), giving UH the authority to develop, implement and enforce rules and regulations for public and commercial activities within the UH Management Areas. UH must now conduct a public process to develop public access-related administrative rules, which are subject to review and approval of the Board of Land and Natural Resources (BLNR). Principles and policies to guide UH in this process are provided in the PAP.

² As the advisory board for OMKM, MKMB has responsibility for making final recommendations, based on input from committees including Kahu Kū Mauna and the MKMB Environment Committee. Potential conflicts between interests must be considered as this is done.
6. Manage access to the summit to reduce impacts to cultural and natural resources.

Unrestricted access to the summit region can negatively impact resources. Strategies are provided in Sections 7.2 and 7.5 of the CMP, and also in the CRMP, NRMP, and PAP.

7. Follow the review process for new project proposals adopted by the MKMB.

This process is designed to ensure participation of relevant entities, compatibility with recommendations in approved management plans, and protection of cultural and natural resources when considering proposed future land uses.

2 Implementation Planning

OMKM and related entities provide day-to-day management of activities designed to protect the cultural, natural, recreational, and scientific resources of Mauna Kea. The Mauna Kea CMP and its related sub-plans provide a detailed framework for program development to shape management activities. Implementation of the Mauna Kea CMP involves prioritizing activities and conducting the management actions in a structured format in order to ensure adequate resources are available and desired outcomes are being met. Main components of an implementation plan include:

- A schedule for implementing priority management actions
- An estimate of the technical and financial resources and authorities needed to implement the plan
- Interim milestones to determine whether management actions are being implemented
- Criteria by which to measure progress toward achieving desired outcomes and goals
- A monitoring and evaluation framework to evaluate the effectiveness of implementation efforts

2.1 Schedule and Priorities

The implementation schedule for the Mauna Kea CMP identifies a timeframe for when each management action will be implemented and accomplished. The implementation schedule ranges from: Ongoing (currently being implemented), Immediate (1-3 years); Short-term (4-6 years); Mid-term (7-9 years); to Long-term (10+ years) (see Appendix B). In most cases OMKM is either directly responsible for implementing the action or for ensuring its implementation by others (see Appendix C). Current efforts are focused on maintaining ongoing activities, ensuring resources to implement immediate and short-term actions, and beginning the planning process for mid-term and long-term actions. Inherent in this initial schedule is a prioritization of actions that focuses on solidifying a foundation for management activities that builds on the existing capacity. Immediate and short-term goals focus on hiring personnel, filling data gaps, and conducting monitoring to better inform management needs. Longer-term actions involve ongoing implementation, maintenance of the expanded program activities and development and execution of new activities resulting from the implementation of earlier management actions.

The primary immediate needs are for conducting baseline inventories and establishing research and monitoring efforts to fill data gaps and provide an on-going process for data collection to inform management efforts. Until good information about the resources has been obtained, it is difficult to plan with certainty the best methods for protection. Since there are some significant data gaps, in particular for

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In cases where an action continues after it is initially developed or implemented, the shading continues to denote ongoing activity.
natural resources, a considerable portion of the management effort and funding in the immediate and short-term will be focused on filling these gaps.\textsuperscript{4} Inventories of cultural resources have been completed and the interpretation of the findings will be used to inform management actions. In addition, the development of policies and/or protocols for the range of cultural practices will be a time-consuming project in the first few years of CMP implementation. On-going activities in the immediate term, including monitoring, developing and implementing administrative rules, conducting public outreach and education, and training VIS personnel, staff, rangers, and observatory personnel will necessitate a substantial commitment of time and funding.

The adaptive management approach calls for continuous review and revision of activities based on the successes and failures of efforts. As described in Section 4.2.2, new, expanded, or amended management actions will be identified and incorporated into management strategies. However, in the immediate and short-term, more focus will be placed on filling basic information gaps, which is essential to informing management.

Table 3 summarizes the current number of management actions by component plan and implementation schedule. Appendix A contains a summary table of the Mauna Kea CMP management actions arranged by component plan, including implementation schedules and related sub-plan section references. Appendix B presents more detailed implementation schedules for each management action. Appendix C identifies entities responsible for implementation.

**Table 3. Number of Mauna Kea CMP Management Actions Planned for Implementation**

<table>
<thead>
<tr>
<th>Component Plan</th>
<th>Implementation Schedule (as of 2010)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ongoing</td>
</tr>
<tr>
<td>7.1.1: Native Hawaiian Cultural Resources (14)</td>
<td>1</td>
</tr>
<tr>
<td>7.1.2: Natural Resources (18)</td>
<td>2</td>
</tr>
<tr>
<td>7.1.3: Education and Outreach (8)</td>
<td>3</td>
</tr>
<tr>
<td>7.1.4: Astronomy Resources (2)</td>
<td>2</td>
</tr>
<tr>
<td>7.2.1: Activities and Uses (12)</td>
<td>7</td>
</tr>
<tr>
<td>7.2.2: Permitting and Enforcement (8)</td>
<td>4</td>
</tr>
<tr>
<td>7.3.1: Infrastructure and Maintenance (14)</td>
<td>1</td>
</tr>
<tr>
<td>7.3.2: Construction Guidelines (9)</td>
<td>9</td>
</tr>
<tr>
<td>7.3.3: Site Recycling, Decommissioning, Demolition &amp; Restoration (3)</td>
<td>3</td>
</tr>
</tbody>
</table>

\textsuperscript{4} As of the first draft of the CMP, no quantitative baseline inventories of the natural resources on UH Management Areas have been conducted except for the wēkiu bug, and therefore, the true state of the natural resources is currently unknown. Completion of the baseline inventories will necessitate a re-evaluation of the management actions recommended in CMP Section 7 and in the NRMP.
2.2 Personnel, Training, Equipment, and Facilities

OMKM has identified the initial staffing requirements and facilities needs for implementation of the CMP, including oversight of the cultural and natural resources management programs and expansion of the ranger program.

2.2.1 Personnel Requirements

Minimum personnel requirements for implementation of the CMP are presented in Table 4. Several of the positions listed below are existing funded OMKM positions or volunteer boards or committees. New positions requested include: Cultural Resource Coordinator (CRC); Natural Resource Coordinator (NRC); Education and Outreach Coordinator; GIS and Database Coordinator; Projects Administrator; Archaeologist; Chief Ranger; two additional rangers; fiscal support; and internal legal counsel.

The on-site ranger program has demonstrated effectiveness in protecting public health and safety, educating the public, and providing for resource protection. With a large spatial extent to cover, and the impending need to enforce administrative rules, there is a need to expand this program. There are currently no dedicated natural or cultural resources management personnel within OMKM—all resource management activities are currently conducted by other existing staff or contractors. A range of management actions could be conducted by contractors, including geographic information system (GIS) services, archaeological monitoring, natural resources baseline inventories, hydrological and climate studies, human activities studies, traffic and parking studies, and other research projects.

<table>
<thead>
<tr>
<th>Position</th>
<th>Role</th>
<th>Current Status</th>
<th>Location</th>
<th>Funding Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>OMKM Director</td>
<td>Oversight, guidance</td>
<td>Exists and filled (Interim director)</td>
<td>OMKM Hilo</td>
<td>Currently funded</td>
</tr>
<tr>
<td>OMKM Associate Director</td>
<td>Oversight, guidance</td>
<td>Exists and vacant</td>
<td>OMKM Hilo</td>
<td>Currently funded</td>
</tr>
<tr>
<td>Secretary</td>
<td>Clerical Support</td>
<td>Exists and filled</td>
<td>OMKM Hilo</td>
<td>Currently funded</td>
</tr>
<tr>
<td>Student help</td>
<td>General support</td>
<td>Exists and filled</td>
<td>OMKM Hilo</td>
<td>Currently funded</td>
</tr>
<tr>
<td>Projects Administrator</td>
<td>Administrative duties</td>
<td>Position does not yet exist</td>
<td>OMKM Hilo</td>
<td>Funding requested</td>
</tr>
<tr>
<td>Fiscal Support</td>
<td>Administrative duties</td>
<td>Position does not yet exist</td>
<td>OMKM Hilo</td>
<td>Funding requested</td>
</tr>
</tbody>
</table>
### Implementation and Evaluation

<table>
<thead>
<tr>
<th>Position</th>
<th>Role</th>
<th>Current Status</th>
<th>Location</th>
<th>Funding Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Position</strong></td>
<td><strong>Role</strong></td>
<td><strong>Current Status</strong></td>
<td><strong>Location</strong></td>
<td><strong>Funding Status</strong></td>
</tr>
<tr>
<td>Internal Legal Counsel</td>
<td>Legal support</td>
<td>Position does not yet exist</td>
<td>OMKM Hilo</td>
<td>Funding requested</td>
</tr>
<tr>
<td>Mauna Kea Management Board</td>
<td>Oversight, guidance</td>
<td>Exists and filled</td>
<td>Various (meets at OMKM Hilo)</td>
<td>Unfunded volunteers</td>
</tr>
<tr>
<td><strong>PROGRAMMATIC</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kahu Kū Mauna Council</td>
<td>Cultural guidance on management issues</td>
<td>Exists and filled</td>
<td>Various (meets at OMKM Hilo)</td>
<td>Unfunded volunteers</td>
</tr>
<tr>
<td>MKMB Environmental Committee</td>
<td>Oversight, guidance</td>
<td>Exists and filled</td>
<td>Various (meets at OMKM Hilo)</td>
<td>Unfunded volunteers</td>
</tr>
<tr>
<td>Cultural Resources Coordinator</td>
<td>Implementation of CMP / CRMP</td>
<td>Needed</td>
<td>OMKM Hilo, VIS</td>
<td>Funding requested</td>
</tr>
<tr>
<td>Natural Resources Coordinator</td>
<td>Implementation of CMP / NRMP</td>
<td>Needed</td>
<td>OMKM Hilo, VIS</td>
<td>Funding requested</td>
</tr>
<tr>
<td>Education and Outreach Coordinator</td>
<td>Outreach and education</td>
<td>Needed</td>
<td>OMKM Hilo, VIS</td>
<td>Funding requested</td>
</tr>
<tr>
<td>GIS and Database Coordinator</td>
<td>Implementation of CMP</td>
<td>Needed</td>
<td>OMKM Hilo</td>
<td>Funding requested</td>
</tr>
<tr>
<td>Volunteers</td>
<td>Implementation of CMP</td>
<td>As needed</td>
<td>Various</td>
<td>Unfunded volunteers, but requires oversight</td>
</tr>
<tr>
<td>Contractors</td>
<td>Implementation of CMP</td>
<td>As needed</td>
<td>Various</td>
<td>Requires funding (project specific)</td>
</tr>
<tr>
<td>Resource Librarians</td>
<td>Document retrieval and organization</td>
<td>Exists and filled</td>
<td>OMKM Hilo</td>
<td>Currently funded</td>
</tr>
<tr>
<td><strong>PUBLIC ACCESS, SAFETY, AND EDUCATION</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Ranger</td>
<td>Oversight guidance; visitor safety and outreach, and resource protection</td>
<td>Needed</td>
<td>VIS OMKM Hilo</td>
<td>Funding requested</td>
</tr>
<tr>
<td>Rangers</td>
<td>Visitor safety and outreach; resource protection</td>
<td>Exists and filled (5)</td>
<td>VIS</td>
<td>Currently funded</td>
</tr>
<tr>
<td>Rangers (additional)</td>
<td>Visitor safety and outreach; resource protection</td>
<td>Needed (2)</td>
<td>VIS</td>
<td>Funding requested</td>
</tr>
<tr>
<td>VIS Staff</td>
<td>Visitor outreach and education</td>
<td>Exists and filled through MKSS</td>
<td>VIS</td>
<td>Currently funded staff and unfunded volunteers</td>
</tr>
<tr>
<td>MKSS</td>
<td>Facility support</td>
<td>Exists and filled</td>
<td>Hale Pōhaku, VIS</td>
<td>Currently funded</td>
</tr>
</tbody>
</table>

#### 2.2.2 Training Requirements

A training plan for employees and volunteers will be developed. Training needs to be addressed in the plan include specialized ranger training, field-personnel training, volunteer training and general staff training. General training requirements include review of applicable laws and regulations, basic cultural and natural resources orientation, education and outreach methods appropriate to Hawai‘i, and standard procedures for documenting potential violations (for non-enforcement personnel). Training requirements for all OMKM personnel involved in field-based management activities include general safety training, 4-
wheel drive vehicle operation, orientation to working at high elevations, emergency response, CPR and first aid, Global Positioning System (GPS) operation, and recognition of culturally significant areas and items and protected flora and fauna. All staff who access the mountain should receive safety orientation and basic cultural and natural resources training. It is also advisable to provide basic emergency response training (including CPR and first aid) to all VIS staff. Education and training requirements for the CRC include gaining an intimate familiarity with the written literature on Mauna Kea’s cultural resources, including historic properties and cultural practices, and detailed knowledge of the location and status of historic properties in the UH Management Areas. Prior to hiring, the NRC should have extensive training in natural resources management issues, preferably in the form of a graduate degree and relevant work experience. On hiring, initial training would include training in project management and familiarization with the plant and animal species found on Mauna Kea, with emphasis on protected species.

2.2.3 Facilities and Equipment

Facilities and basic equipment needed to implement the CMP (not including administrative facilities and equipment already possessed by OMKM) include:

<table>
<thead>
<tr>
<th>Facilities</th>
<th>Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>OMKM Hilo</td>
<td>Computers for all new hires and general software; printers, database software, and GIS software</td>
</tr>
<tr>
<td></td>
<td>Digital cameras (one for each field person)</td>
</tr>
<tr>
<td></td>
<td>Walkie-talkies (one for each field person)</td>
</tr>
<tr>
<td></td>
<td>GPS units (one for each field person)</td>
</tr>
<tr>
<td></td>
<td>4-wheel-drive vehicle(s) (available for resource management fieldwork)</td>
</tr>
<tr>
<td></td>
<td>Field equipment (maps, backpacks, measuring tapes, metal stakes, flagging, compasses, field notebooks, binoculars, sample collection materials, vegetation maintenance tools)</td>
</tr>
<tr>
<td></td>
<td>Identification guides (plants, birds, arthropods)</td>
</tr>
<tr>
<td>Hale Pōhaku</td>
<td>Small office space and work area for Education and Outreach Coordinator, CRC, NRC, archeologist, and Chief Ranger</td>
</tr>
<tr>
<td></td>
<td>Equipment storage area</td>
</tr>
</tbody>
</table>

2.3 Coordination with Other Agencies

Coordination between State and Federal agencies regarding management of Mauna Kea’s resources is required. Some ideas for improving and coordinating multi-agency management activities on the mountain include developing interagency working groups, cooperative agreements/memorandums of understanding, and conducting interagency review.

*Interagency Working Group.* The principles of ecosystem management require that neighboring landowners and managers work together, guided by well-established management goals and visions. Overlapping and adjacent jurisdictions at the high elevations of Mauna Kea involve multiple agencies in management and decision-making. OMKM will serve as the focal point for coordinating actions related to the management of the UH Management Areas, including cross-boundary issues. An interagency working group can assist in streamlining management activities on the mountain and ensuring that management
occurs at an ecosystem level. OMKM will communicate issues and concerns that it receives to the appropriate agencies and will follow through in their resolution.

*Cooperative Agreements.* OMKM should formalize management objectives and cross jurisdictional activities with memorandums of agreement or understanding similar to the recently developed cooperative agreement between BLNR and the University with respect to the Mauna Kea Ice Age Natural Area Reserve (NAR). Cooperative arrangements shall be established with emergency-response agencies capable of providing services on Mauna Kea. Formal collaborative enforcement relationships shall be developed with the Hawai‘i County Police Department and DLNR Division of Conservation and Resources Enforcement (DOCare) for public access control through cooperative agreements or other means to strengthen the partnerships needed for effective response.

*CMP Interagency Review.* OMKM personnel will meet annually with relevant State and Federal agencies to review the status of the OMKM program. Before the meeting, the program coordinators will prepare an annual progress report describing the state of the resources, the status of the management program, progress towards meeting annual goals, and other pertinent information. The report will be reviewed and approved by MKMB, its committees, and OMKM and will then be submitted to the stakeholders and agencies participating in the review process, allowing ample time before the meeting for the agencies to review it. The annual meeting will provide a mechanism for various agencies to review the OMKM program, provide feedback on management activities, and suggest additional activities or changes to the management program. The annual progress report is discussed further in Section 4.2.1.

### 3 Financial Resources Required for Implementation

#### 3.1 Budget

OMKM has developed a proposed CMP implementation budget, based on known and estimated personnel, equipment, and program funding needs to continue Mauna Kea management operations and implement the Mauna Kea CMP. Future budgetary requirements will be identified as the management program is refined.

The proposed CMP implementation budget is in addition to the OMKM’s current funding for carrying out general management activities, including the current ranger program, administrative salaries, and daily operations. The proposed CMP implementation budget is summarized in Table 6; additional details are provided in Appendix D. There are three primary budget categories: salaries, operating expenses, and program expenses (see Box 1). Appendix D contains a summary budget, along with a summary table of the Mauna Kea CMP management actions, organized by budget categories.

OMKM foresees high costs over the first few years of CMP implementation, but anticipates these costs diminishing once additional programs are implemented. Over the long-term funds will primarily be required to maintain daily operations in support of program management. Although many of the management actions can be implemented by operational funds to support staff, program-specific funds may be required for one-time projects or projects that require large amounts of funding, such as baseline

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5 In 2008 OMKM developed a cooperative agreement with DLNR, DOFAW-NARS in order to work more closely on cross-boundary management issues between the UH Management Areas and the Mauna Kea Ice Age NAR. Under the agreement, OMKM provides visitor assistance using OMKM rangers, engages in joint research and educational efforts with NAR staff, and reports violations occurring in the NAR.
inventories, research studies, and mitigation projects. Most of this funding is being requested in the “immediate” timeframe to cover baseline inventory studies, research needs, cultural protocol development, and public awareness activities. The need for additional program funds may be identified in the future. Other funds, such as those to cover capital or infrastructure costs (i.e., paving the road, improving visitor facilities) would be budgeted separately and would likely be funded by seeking legislative funding.

Although implementation of some CMP management actions is already occurring, full implementation of the CMP depends on receiving funding. Implementation of the CMP per the schedule outlined in Section 2.1 will begin upon receipt of funding.
### Table 6. Proposed OMKM Budget for Implementing the CMP, Years 1-6

<table>
<thead>
<tr>
<th>Proposed OMKM Budget</th>
<th>Immediate</th>
<th>Short-term</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yr 1</td>
<td>Yr 2</td>
</tr>
<tr>
<td><strong>Salaries</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enforcement</td>
<td>175,100</td>
<td>175,100</td>
</tr>
<tr>
<td>Administrative and Professional</td>
<td>297,200</td>
<td>297,200</td>
</tr>
<tr>
<td>Other payroll</td>
<td>84,720</td>
<td>84,720</td>
</tr>
<tr>
<td><strong>Total Salaries</strong></td>
<td>507,020</td>
<td>507,020</td>
</tr>
<tr>
<td><strong>Operating Expenses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>UH Hilo Government and Community Relations</td>
<td>181,750</td>
<td>181,750</td>
</tr>
<tr>
<td>Legal Fees</td>
<td>300,000</td>
<td>350,000</td>
</tr>
<tr>
<td><strong>Total Operating Expenses</strong></td>
<td>481,750</td>
<td>481,750</td>
</tr>
<tr>
<td><strong>Program Expenses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research</td>
<td>556,200</td>
<td>526,500</td>
</tr>
<tr>
<td>Monitoring Programs</td>
<td>235,000</td>
<td>314,700</td>
</tr>
<tr>
<td>Management Programs</td>
<td>220,000</td>
<td>330,000</td>
</tr>
<tr>
<td>Public Awareness and Outreach</td>
<td>146,500</td>
<td>135,750</td>
</tr>
<tr>
<td>Equipment and Supplies</td>
<td>133,650</td>
<td>72,500</td>
</tr>
<tr>
<td><strong>Total Program Expenses</strong></td>
<td>1,291,350</td>
<td>1,379,450</td>
</tr>
<tr>
<td><strong>Total Salaries, Operating Expenses and Program Expenses</strong></td>
<td>2,280,120</td>
<td>2,418,220</td>
</tr>
<tr>
<td>Less Revenue from Fees</td>
<td>(100,000)</td>
<td>(100,000)</td>
</tr>
<tr>
<td><strong>Total Proposed Budget</strong></td>
<td>$2,180,120</td>
<td>$2,318,220</td>
</tr>
</tbody>
</table>
Box 1. OMKM Budget Categories

<table>
<thead>
<tr>
<th>Salaries</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rangers</td>
<td>Chief Ranger to manage the ranger program</td>
</tr>
<tr>
<td></td>
<td>Two additional rangers</td>
</tr>
<tr>
<td>Professional</td>
<td>GIS &amp; Database Coordinator</td>
</tr>
<tr>
<td>Administrative</td>
<td>Fiscal Support, Project Administrator, Internal Legal Counsel (Rules Administrator), and casual hire</td>
</tr>
<tr>
<td>Other payroll</td>
<td>Overtime, and seasonal requirements</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Operating Expenses</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>UH Hilo Government and</td>
<td>UH Hilo activities relating to government advocacy and community relations on behalf of OMKM and Mauna Kea</td>
</tr>
<tr>
<td>Community Relations</td>
<td></td>
</tr>
<tr>
<td>Legal Fees</td>
<td>Retain outside legal counsel to review policies and other actions that may necessitate legal review</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Program Expenses</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Research:</td>
<td>Baseline studies to fill in data gaps: Flora, arthropod, invasive species, mammals, birds, threatened and endangered species, erosion, hydrology, geology, erosion, human activity, climate, and air quality.</td>
</tr>
<tr>
<td></td>
<td>Other research needs: Continuing research on the wēkiu bug, public facilities, traffic and parking, energy audits</td>
</tr>
<tr>
<td>Monitoring:</td>
<td>Ongoing monitoring of cultural and natural resources (archaeological and historic properties, wēkiu bug). Initiate monitoring of new resource groups (flora, invasive species, arthropods, etc.)</td>
</tr>
<tr>
<td>Management Program Plans:</td>
<td>Develop cultural practices protocols/policies and management plans (burial treatment, historic property activities monitoring plan, invasive species prevention and control plans, and delineate areas of high biological diversity and unique communities and/or geological formation). Develop and implement administrative rules; review and update 1995 plan. Establish GIS program; map resources. Develop and implement education, training and outreach programs for the general public, staff, and stakeholders. Increase opportunities for public input and participate in stewardship activities.</td>
</tr>
<tr>
<td>Public Awareness:</td>
<td>Develop and print brochures, develop and implement signage program, and develop exhibits</td>
</tr>
<tr>
<td>Equipment and Supplies</td>
<td>Field equipment, computers, printers, software, vehicles, and furniture</td>
</tr>
</tbody>
</table>
3.2 Funding Sources

Primary operational funding for OMKM is received from the University as part of legislative appropriations based on internal program estimates. Funding is required to carry out the primary functions of the Mauna Kea CMP. Additional funds are obtained through the collection of fees from commercial tour operators. This money is deposited into an account that is used to cover expenses attributed to the commercial tour activities, including water, sewage fees, utilities, trash removal, road maintenance, and ranger and VIS staff time. Over time it may be possible for OMKM to identify and utilize other potential sources of funding and to develop a more diversified funding strategy. Other potential funding sources include:

**Existing astronomy entities.** Observatories currently contribute funding for VIS operations and road maintenance through MKSS, and also support a range of astronomy-related educational and outreach programs, both on-site and in the local communities. Mauna Kea observatories, through the Institute for Astronomy, contributed funding and logistical support for the recent archaeological inventory and wēkū bug research and surveys. Funding for other resource management needs would be voluntary or part of renegotiated subleases.

**Potential new astronomy development.** All future astronomy development projects shall commit funding toward the broader resource management and maintenance responsibilities of Mauna Kea.

**User fees and licenses.** In addition to fees charged to commercial tour companies, other types of user fees may be instituted (e.g., entrance, shuttle, film permit). These funds would be deposited into the same fund.

**Fines.** Revenue collected from enforcement of rules (administrative fines) shall be deposited into a Mauna Kea lands management special fund that is used assist UH in local management of Mauna Kea.

**Research and other grants.** In addition to soliciting funds for research projects conducted in-house, OMKM also could provide logistical and other support for researchers planning to conduct research that would be compatible and consistent with the needs identified in the CMP.

**Private and non-profit donations.** Donations could be solicited for specific program needs.

**Corporate donations.** Local and national businesses could provide funding for specific program needs (educational camps, restoration programs) in return for recognition of their donation.

**Department of Land and Natural Resources funding.** As the agency with management authority for Mauna Kea’s conservation district lands and the surrounding properties, support from DLNR could also be provided in the form of management activities such as fencing and hunting of feral ungulates and resource sharing.

**Cooperative arrangements.** Some of the costs of implementing the CMP may be defrayed by leveraging existing efforts and seeking in-kind services (e.g. data sharing, partnerships with State, county or Federal agencies to provide technical assistance, researchers or school programs).
4 Monitoring and Evaluation

An important part of the implementation of the Mauna Kea CMP is ensuring that management actions are achieving stated CMP desired outcomes and objectives. This section describes methods that can be used to monitor progress. It includes mandatory reporting procedures for the UH Board of Regents and BLNR on the progress of CMP implementation. Progress reports will document successes, failures, ongoing activities, the status of resources, and planned changes to improve management. The Mauna Kea CMP was designed using an adaptive management approach, which provides mechanisms by which to reevaluate implementation plans if substantial progress toward meeting desired outcomes is not being made.

4.1 Monitoring Implementation of the CMP

Regular monitoring of CMP implementation must occur in order to determine if progress is being made towards meeting the desired outcomes and objectives of the CMP. Monitoring is ongoing, with annual progress reports issued as described in Section 4.2.1. A major review and revision of the CMP will occur every five years, as described in Section 4.2.2.

Monitoring of a management program requires collection of concrete data that can be objectively analyzed and compared between years. This requires preparation at the beginning of each year, to determine the performance measures by which the year will be judged, followed by collection of data throughout the year on progress made toward meeting these measures. Preferably, the program coordinators will conduct brief monthly progress checks, to ensure that management activities are begun at appropriate times, that nothing is forgotten, and that projects are progressing as scheduled. Good notes taken throughout the year on the causes of delays or concerning unrealistic scheduling will support a more thoughtful analysis of the annual progress and help determine course-corrections for the following year.

The annual monitoring program should occur as follows:

1. At the beginning of each year, the program coordinators will establish a list of priority management actions to occur that year, along with a realistic schedule. These actions should be derived from the CMP and its sub-plans, along with any new pressing issues that may have come to light since the last update of the CMP. See Appendix A for a list of management actions and implementation schedule.
   a. The program coordinators should take care that the schedule is realistic and that there are not more tasks than can be completed in the number of man-hours available in the year. If it is consistently found that there are more tasks that must be completed than there are man-hours to complete them, staffing needs should be reviewed and new staff added, as needed. Management actions and projects that require a great deal of field labor or expertise that is not available in-house should be contracted out to ensure that they are conducted on schedule.

2. The priority management actions and the schedule should be placed into a progress-tracking datasheet in order to measure progress towards meeting the actions.
   a. Larger actions and ongoing projects can be broken up into smaller components that can be individually tracked and checked off when complete. This will give a sense of
progress for some of the items that may be complete only at the end of the year, or even after several years.

b. As each action is completed, the program coordinators should enter the date of completion into the datasheet. It is easy to forget when projects were completed if you are attempting to recall this information at the end of a busy year.

c. Notes on problems encountered during management actions, interesting outcomes, successes, and ideas for improving management actions in the future should be kept on a linked document, to allow for easy cross-reference. This will help when writing the annual progress report.

d. The progress-tracking datasheets and schedule should be referenced at the beginning of each month, and updated as appropriate.

3. At the end of each year, the program coordinators should review the progress of that year’s management program activities using the progress-tracking datasheet.

   a. The progress-tracking datasheet will provide information on the percentage of management actions completed during the year and can reveal patterns in the strengths and weaknesses in the management program. The notes will provide helpful information on how best to improve the management actions, if they are to be continued the next year. Comparison of the projected schedule with the actual schedule will enable the program coordinators to better estimate timelines for future projects and will help determine if the scale and scope of the actions slated for the following year(s) are appropriate for the staffing level.

4. After the progress-tracking datasheets are analyzed, the program coordinators should produce an annual report, as described in Section 4.2.1.

4.2 Review and Revision

The principles of adaptive management require regular review of the program and revision of management goals, objectives, actions, and techniques, to improve the performance of the program. There are two primary reasons to evaluate the implementation of the Mauna Kea CMP. The first is to demonstrate that by implementing the management actions, desired outcomes are being achieved. The second is to continually improve the management program in terms of efficiency and quality.

Two review processes, an annual progress report and a five-year management outcome assessment, are recommended to assess the success of the management program and to enable revision of the CMP.

4.2.1 Annual Progress Report

At the end of each year OMKM should produce an annual progress report describing in detail the management goals, objectives, and actions for the year and what progress was made towards meeting them. The report should also describe actions to be taken to improve the program for the next year(s). This report is not intended to be a status report on the resources in UH Management Areas, rather it is meant to inform management and stakeholders of the progress of the program and direction it is to take in the future. This progress report should be developed before the following year’s management priorities
and schedule are set. The annual progress report will be reviewed by MKMB, MKMB committees, DLNR, other agencies, and the public, and submitted to BLNR (see Section 2.3).

4.2.2 Five-Year Management Outcome Analysis and CMP Revision

The OMKM program should be subjected to a major review every five years, and the CMP should be revised, as necessary. This process should involve input from State and Federal agencies and the public.

4.2.2.1 Management Outcome Analysis

Determination of the outcome of management activities on the cultural and natural resources and of the success of the management program will be accomplished through a report summarizing (1) the state of cultural and natural resources on Mauna Kea and (2) the progress of the management program over the preceding five years.

The first section of the report will discuss the state of the cultural and natural resources in UH Management Areas. This section will summarize data collected during monitoring, research, restoration, and threat prevention and control activities conducted over the preceding five years. This portion of the report will analyze trends in cultural and natural resources, and the impacts (positive, negative, or neutral) that management actions have had on them. It will also summarize what future management actions are needed to protect, enhance, or restore Mauna Kea’s cultural and natural resources.

The second section of the Five-Year Management Outcome Analysis should include a summary of the progress of the management program towards meeting management goals, objectives, and actions, as outlined in the CMP and in the annual listing of priority management actions (see Section 4.1). The source of information for this section of the report will be the annual progress reports from the last five years (see Section 4.2.1). Additionally, the CMP should be reviewed to determine if any desired outcomes were not addressed during the preceding five years, and if so, why not. This section will discuss strengths and weaknesses of the CMP and the management program and ways to improve them.

The purpose of the Management Outcome Analysis is to provide analysis of both the condition of the resources in UH Management Areas and the status of the CMP and management program. This information will be used to update the CMP so that it better addresses the needs of the resources, and to improve management activities through adaptive management.

A draft of this report should be submitted for review and comment to OMKM, MKMB, MKMB committees, and State and Federal agencies, as deemed necessary or appropriate. This will provide a mechanism for the interested parties to provide input into the direction the management program and suggestions for changes to the CMP. A final version of the report can then be presented to the public for comments and suggestions to be used in revising the CMP.

4.2.2.2 Revising the CMP

Following the production of the Five-Year Management Outcome Analysis, and after input from appropriate stakeholders, the CMP should be revised and updated to incorporate current status descriptions, new or updated desired outcomes, and new management actions. This major review and revision process should occur on the sixth year (to allow for time to process the five-year review). If it is determined that the five-year cycle is too short to show real changes in resource conditions, then after two five-year review and revision cycles, the frequency of the process can be lengthened, as needed.
As described above (see Section 2.1), the current status of natural resources is unknown, and baseline inventories are required. Completion of the baseline inventories will necessitate a re-evaluation of the management actions recommended in CMP Section 7 and in the NRMP. It may be necessary to complete one or more in-house reviews and revisions of the natural resource management priorities during the first several years of the program, to determine impediments to successful management of natural resources, develop realistic timelines for projects, and make necessary changes to the structure of the program. This can be done on an as-needed basis, to be determined by the NRC, OMKM director, and MKMB Environment Committee.
Implementation and Evaluation

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Implementation and Evaluation

Appendix A. Mauna Kea CMP Management Actions: Cross-Reference to Subplans
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### COMPONENT PLAN: UNDERSTANDING AND PROTECTING MAUNA KEA'S RESOURCES

#### NATIVE HAWAIIAN CULTURAL RESOURCES

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<th>Implementation Schedule</th>
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<td>Immediate</td>
<td>NRMP 4.4.2, CRMP 4.3.3, PAP 4.2, 5.2, 6.1</td>
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<tr>
<td>CR-1</td>
<td>Immediate</td>
<td>NRMP 5.1.1, CRMP 4.2.1, PAP 2.3, 6.1, 6.3, 6.8</td>
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<tr>
<td>CR-2</td>
<td>Short-term</td>
<td>CRMP 2.4.2.1</td>
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#### Cultural Practices

| CR-4       | Short-term              | CRMP 4.2.1.1 |
| CR-5       | Immediate               | CRMP 4.2.1.3, PAP 6.3.6.8 |
| CR-7       | Immediate               | CRMP 4.2.1.6 |
| CR-8       | Immediate               | CRMP 4.2.1.7 |
| CR-9       | Immediate               | CRMP 4.2.1.8, PAP 6.8 |
| CR-6       | Immediate               | CRMP 4.2.1.5, PAP 2.7.2, 6.3 |

#### Historic Properties

| CR-14      | Ongoing                 | CRMP 4.3.1.6, PAP 2.5.1 |
| CR-10      | Immediate               | CRMP 4.3.1, PAP 5.2 |

Conduct educational efforts to generate public awareness about the importance of preserving the cultural landscape.

Kahu Kū Mauna shall work with families with lineal and historical connections to Mauna Kea, cultural practitioners, and other Native Hawaiian groups, including the Mauna Kea Management Board’s Hawaiian Culture Committee, toward the development of appropriate procedures and protocols regarding cultural issues.

Support application for designation of the summit region of Mauna Kea as a Traditional Cultural Property, per the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 et seq. in consultation with the larger community.

Establish a process for ongoing collection of information on traditional, contemporary, and customary cultural practices.

Develop and adopt guidelines for the culturally appropriate placement and removal of offerings.

Kahu Kū Mauna shall take the lead in determining the appropriateness of constructing new Hawaiian cultural features.

Develop and adopt a management policy for the UH Management Areas on the scattering of cremated human remains.

A management policy for the culturally appropriateness of building ahu or “stacking of rocks” will need to be developed by Kahu Kū Mauna who may consider similar policies adopted by Hawai’i Volcanoes National Park.

Develop and adopt a management policy for the UH Management Areas on the scattering of cremated human remains.

Immediately report any disturbance of a shrine or burial site to the rangers, DOCARE, Kahu Kū Mauna Council, and SHPD.

Develop and implement a historic property monitoring program to systematically monitor the condition of the historic district and all historic properties, including cultural sites and burials.
### Implementation Schedule

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<tr>
<th>CR</th>
<th>Task Description</th>
<th>Schedule</th>
<th>Subplans</th>
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<tr>
<td>CR-12</td>
<td>Consult with Kahu Kū Mauna about establishing buffers (preservation zones) around known historic sites in the Astronomy Precinct, to protect them from potential future development.</td>
<td>Immediate</td>
<td>CRMP 4.2.7</td>
</tr>
<tr>
<td>CR-13</td>
<td>Develop and implement a burial treatment plan for the UH Management Areas in consultation with Kahu Kū Mauna Council, MKMB’s Hawaiian Culture Committee, the Hawai‘i Island Burial Council, recognized lineal or cultural descendants, and SHPD.</td>
<td>Immediate</td>
<td>CRMP 4.3.2, 4.3.7</td>
</tr>
<tr>
<td>CR-11</td>
<td>Complete an archaeological survey of the portions of the Summit Access Road corridor that are under UH management.</td>
<td>Completed</td>
<td>CRMP 4.3.7</td>
</tr>
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## COMPONENT PLAN: UNDERSTANDING AND PROTECTING MAUNA KEA’S RESOURCES

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<th>Threat Prevention and Control</th>
<th>Implementation Schedule</th>
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<tr>
<td>NR-6 Reduce threats to natural resources by educating stakeholders and the public about Mauna Kea’s unique natural resources.</td>
<td>Immediate</td>
<td>NRMP 4.4, PAP 2.7.1, 4.2, 5.2, 6.1, 6.3, 6.6</td>
</tr>
<tr>
<td>NR-2 Limit damage caused by invasive species through creation of an invasive species prevention and control program.</td>
<td>Immediate</td>
<td>NRMP 4.2.3.7, 4.3, PAP 2.7.1, 6.3</td>
</tr>
<tr>
<td>NR-1 Limit threats to natural resources through management of permitted activities and uses.</td>
<td>Short-term</td>
<td>NRMP 4.2.3</td>
</tr>
<tr>
<td>NR-3 Maintain native plant and animal populations and biological diversity.</td>
<td>Mid and Long-term</td>
<td>NRMP 4.2.3.8</td>
</tr>
<tr>
<td>NR-4 Minimize barriers to species migration, to help maintain populations and protect ecosystem processes and development.</td>
<td>Mid and Long-term</td>
<td>NRMP 4.2.3.11</td>
</tr>
<tr>
<td>NR-5 Manage ecosystems to allow for response to climate change.</td>
<td>Long-term</td>
<td>NRMP 4.2.3.11</td>
</tr>
</tbody>
</table>

### Ecosystem Protection, Enhancement & Restoration

| NR-7 Delineate areas of high native diversity, unique communities, or unique geological features within the Astronomy Precinct and at Hale Pōhaku and consider protection from development. | Short and Mid-term | NRMP 4.1, 4.2.3.1 |
| NR-8 Consider fencing areas of high native biodiversity or populations of endangered species to keep out feral ungulates (applies to areas below 12,800 ft elevation). | Mid-term | NRMP 4.2.3.7, 4.3 |
| NR-9 Increase native plant density and diversity through an outplanting program. | Long-term | NRMP 4.3, 4.4 |
| NR-10 Incorporate mitigation plans into project planning and conduct mitigation following new development. | As needed | NRMP 4.3 |
| NR-11 Conduct habitat rehabilitation projects following unplanned disturbances. | As needed | NRMP 4.3 |
| NR-12 Create restoration plans and conduct habitat restoration activities, as needed. | As needed | NRMP 4.3 |

### Program Management

<p>| NR-13 Increase communication, networking, and collaborative opportunities, to support management and protection of natural resources. | Immediate | NRMP 4.1.3.3, 4.3, 5.1.3, PAP 4.2, 4.5 |
| NR-14 Use the principles of adaptive management when developing programs and methodologies. Review programs annually and revise any component plans every five years, based on the results of the program review. | Short-term / As needed | NRMP 5.2, PAP 5.1, 5.2, 6.4, 6.7, 7 |</p>
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<tbody>
<tr>
<td>NR-16 Conduct regular long-term monitoring, as outlined in an inventory, monitoring, and research plan.</td>
<td>Ongoing</td>
<td>NRMP 4.1 PAP 6.4</td>
</tr>
<tr>
<td>NR-18 Develop geo-spatial database of all known natural resources and their locations in the UH Management Areas that can serve as baseline documentation against change and provide information essential for decision-making.</td>
<td>Ongoing</td>
<td>NRMP 4.1, 4.5</td>
</tr>
<tr>
<td>NR-15 Conduct baseline inventories of high-priority resources, as outlined in an inventory, monitoring, and research plan.</td>
<td>Immediate</td>
<td>NRMP 4.1</td>
</tr>
<tr>
<td>NR-17 Conduct research to fill knowledge gaps that cannot be addressed through inventory and monitoring.</td>
<td>Immediate</td>
<td>NRMP 4.1.2.3</td>
</tr>
<tr>
<td>Program Development</td>
<td>Education</td>
<td>Outreach</td>
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<tr>
<td><strong>EO-1</strong> School</td>
<td>Education</td>
<td>Outreach</td>
</tr>
<tr>
<td>Develop and implement education and outreach program</td>
<td>Continue to develop, update, and distribute materials explaining important aspects of Mauna Kea.</td>
<td>Require orientation of users, with periodic updates and a certificate of completion, including but not limited to visitors, employees, observatory staff, contractors, and commercial and recreational users.</td>
</tr>
<tr>
<td>Immediate and Short-term</td>
<td>Ongoing</td>
<td>Ongoing</td>
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<tr>
<td><em>NRMP 4.1, CRMP 4.3.3, PAP 2.7.1, 4.2, 5.2, 6.1, 6.3, 6.6</em></td>
<td><em>NRMP 4.4, CRMP 4.3.3, PAP 6.1</em></td>
<td><em>NRMP 4.4.2, CRMP 5.3, PAP 5.2, 6.3, 6.8</em></td>
</tr>
<tr>
<td><strong>EO-2</strong> School</td>
<td>Outreach</td>
<td>Outreach</td>
</tr>
<tr>
<td>Require orientation of users, with periodic updates and a certificate of completion, including but not limited to visitors, employees, observatory staff, contractors, and commercial and recreational users.</td>
<td>Continue and increase opportunities for community members to provide input to cultural and natural resources management activities on Mauna Kea, to ensure systematic input regarding planning, management, and operational decisions that affect natural resources, sacred materials or places, or other ethnographic resources with which they are associated.</td>
<td>Provide opportunities for community members to participate in stewardship activities.</td>
</tr>
<tr>
<td>Long-term</td>
<td>Ongoing</td>
<td>Ongoing</td>
</tr>
<tr>
<td><em>NRMP 4.4.2, PAP 6.1, 6.6</em></td>
<td><em>NRMP 4.4.2, CRMP 4.3.3, PAP 5.2, 6.2</em></td>
<td><em>NRMP 4.4.2</em></td>
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## COMPONENT PLAN: MANAGING ACCESS AND USE

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<tr>
<td>ACT-2</td>
<td>Immediate</td>
<td>NRMP 3.1.1.2, PAP 5.2, 6.4, 6.6, 6.7</td>
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<td>ACT-3</td>
<td>Ongoing</td>
<td>NRMP 5.1.2, CRMP 4.1.1, PAP 4.2, 4.4, 4.5, 4.6, 5.2, 6.1, 6.2, 6.5, 6.6, 6.7</td>
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<tr>
<td>ACT-4</td>
<td>Ongoing</td>
<td>NRMP 4.2.3.1, CRMP 4.1.2, PAP 2.5.1, 2.5.2, 2.6.3, 5.2, 6.3, 6.5</td>
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<tr>
<td><strong>Recreational</strong></td>
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<td>ACT-5</td>
<td>Short-term</td>
<td>NRMP 4.2.3.1, CRMP 4.2.3.4, PAP 3.3.7, 5.2, 6.2, 6.3</td>
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<td>ACT-6</td>
<td>Ongoing</td>
<td>NRMP 4.2.3.1, CRMP 4.2.3.2, PAP 3.3.5, 5.2, 6.1, 6.3, 6.4</td>
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<td>ACT-7</td>
<td>Ongoing</td>
<td>NRMP 6.2.3, CRMP 4.2.3.1, PAP 2.5.3, 2.6.2, 3.3.3, 5.2</td>
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<tr>
<td>ACT-8</td>
<td>Immediate</td>
<td>NRMP 3.1.3.5, 3.2.12, CRMP 4.2.3.3, PAP 2.5.1, 3.3.6, 5.2</td>
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<td><strong>Commercial</strong></td>
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<td>ACT-9</td>
<td>Ongoing</td>
<td>NRMP 3.1.4, PAP 2.5.3, 2.5.4, 3.3.3, 4.3, 5.2, 6.1, 6.7</td>
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### Implementation and Evaluation

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<tr>
<th>ACT-10</th>
<th>Ensure OMKM input on permits for filming activities</th>
<th>Ongoing</th>
<th>NRMP 3.1.4.2, PAP 2.5.3, 3.3.3, 4.3, 6.1, 6.7</th>
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<tbody>
<tr>
<td>ACT-11</td>
<td>Seek statutory authority for the University to regulate commercial activities in the UH Management Areas.</td>
<td>Completed</td>
<td>NRMP 1.4.2.3</td>
</tr>
<tr>
<td><strong>Scientific Research</strong></td>
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<tr>
<td>ACT-12</td>
<td>Ensure input by OMKM, MKMB, and Kahu Kū Mauna on all scientific research permits and establish system of reporting results of research to OMKM.</td>
<td>Ongoing</td>
<td>NRMP 4.2.3.1, 4.2.3.7, 4.2.3.9, CRMP 4.2.6</td>
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<td><strong>Laws and Regulations</strong></td>
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<tr>
<td>P-1</td>
<td>Comply with all applicable federal, state, and local laws, regulations, and permit conditions related to activities in the UH Management Areas.</td>
<td>Ongoing</td>
<td>NRMP 1.4.3, PAP 2.4, 2.5, 2.5.1, 2.5.2, 2.5.3, 5.1</td>
</tr>
<tr>
<td>P-2</td>
<td>Strengthen CMP implementation by recommending to the BLNR that the CMP conditions be included in any Conservation District Use Permit or other permit.</td>
<td>As needed</td>
<td>NRMP 1.4.3.2</td>
</tr>
<tr>
<td>P-3</td>
<td>Obtain statutory rule-making authority from the legislature, authorizing the University of Hawai‘i to adopt administrative rules pursuant to Chapter 91 to implement and enforce the management actions.</td>
<td>Completed</td>
<td>NRMP 1.4.3.2</td>
</tr>
<tr>
<td>P-4</td>
<td>Educate management staff and users of the mountain about all applicable rules and permit requirements.</td>
<td>Immediate</td>
<td>NRMP 4.4, PAP 4.2, 5.2, 6.1, 6.2, 6.5</td>
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<tr>
<td><strong>Enforcement</strong></td>
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<tr>
<td>P-5</td>
<td>Continue coordinating with other agencies on enforcement needs.</td>
<td>Ongoing</td>
<td>NRMP 5.1, PAP 4, 6.5</td>
</tr>
<tr>
<td>P-6</td>
<td>Obtain legal authority for establishing, and then establish, a law enforcement presence on the mountain that can enforce rules for the UH Management Areas on Mauna Kea.</td>
<td>Completed / As needed</td>
<td>NRMP 1.4.2.3, 3.1.3.2, 5.1, PAP 4.4, 4.5, 4.6, 5.2, 6.5, 6.6</td>
</tr>
<tr>
<td>P-7</td>
<td>Develop and implement protocol for oversight and compliance with Conservation District Use Permits.</td>
<td>Ongoing</td>
<td>NRMP 1.4.2.3</td>
</tr>
<tr>
<td>P-8</td>
<td>Enforce conditions contained in commercial and Special Use permits.</td>
<td>Ongoing</td>
<td>NRMP 3.1.4, PAP 2.5.3, 3.3.3, 4.3, 4.5, 4.6, 6.5</td>
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</tr>
<tr>
<td><strong>Routine Maintenance</strong></td>
<td></td>
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</tr>
<tr>
<td>IM-1 Develop and implement an OMMP.</td>
<td>Ongoing</td>
<td></td>
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</tr>
<tr>
<td>IM-2 Reduce impacts from operations and maintenance activities by educating personnel about Mauna Kea’s unique resources.</td>
<td>Immediate</td>
<td>NRMP 4.4</td>
<td></td>
</tr>
<tr>
<td>IM-3 Conduct historic preservation review for maintenance activities that will have an adverse effect on historic properties.</td>
<td>Short-term</td>
<td>CRMP 4.1.3</td>
<td></td>
</tr>
<tr>
<td>IM-4 Evaluate need for and feasibility of a vehicle wash station near Hale Pōhaku, and requiring that vehicles be cleaned.</td>
<td>Short-term</td>
<td>NRMP 4.2.3.7</td>
<td></td>
</tr>
<tr>
<td>IM-5 Develop and implement a Debris Removal, Monitoring and Prevention Plan.</td>
<td>Immediate</td>
<td>NRMP 4.2.3.5, CRMP 4.1.4, 4.3.4</td>
<td></td>
</tr>
<tr>
<td>IM-6 Develop and implement an erosion inventory and assessment plan.</td>
<td>Long-term</td>
<td>NRMP 3.2.4, 4.1.4.2, 4.2.3.4, PAP 2.6.3, 6.3, 6.4</td>
<td></td>
</tr>
<tr>
<td>IM-7 Prepare a plan, in collaboration with the Department of Defense, to remove military wreckage from a remote area of the UH Management Areas, while ensuring protection of natural and cultural resources.</td>
<td>Mid-term</td>
<td>CRMP 4.3.4.1</td>
<td></td>
</tr>
<tr>
<td><strong>Infrastructure</strong></td>
<td></td>
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</tr>
<tr>
<td>IM-8 Assess feasibility of paving the Summit Access Road.</td>
<td>Long-term</td>
<td>NRMP 4.2.3</td>
<td></td>
</tr>
<tr>
<td>IM-9 Evaluate need for additional parking lots and vehicle pullouts and install if necessary.</td>
<td>Mid-term</td>
<td>NRMP 3.1.1.2.3, PAP 5.2, 5.4, 6.7</td>
<td></td>
</tr>
<tr>
<td>IM-10 Evaluate need for additional public restroom facilities in the summit region and at Hale Pōhaku, and install close-contained zero waste systems if necessary.</td>
<td>Immediate</td>
<td>NRMP 3.1.3.1, 3.2.3, 4.2.3.3, PAP 5.2, 6.4, 6.6, 6.7, 6.8</td>
<td></td>
</tr>
<tr>
<td><strong>Sustainable Technologies</strong></td>
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</tr>
<tr>
<td>IM-11 Encourage existing facilities and new development to incorporate sustainable technologies, energy efficient technologies, and LEED standards, whenever possible, into facility design and operations.</td>
<td>As needed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IM-12 Conduct energy audits to identify energy use and system inefficiencies, and develop solutions to reduce energy usage.</td>
<td>Immediate</td>
<td>NRMP 4.2.3.3</td>
<td></td>
</tr>
<tr>
<td>IM-13 Conduct feasibility assessment, in consultation with Hawaii Electric Light Company, on developing locally-based alternative energy sources.</td>
<td>Mid-term</td>
<td>NRMP 3.1.1.2.3</td>
<td></td>
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<tr>
<td>Implementation and Evaluation</td>
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</tr>
<tr>
<td><strong>IM-14</strong></td>
<td>Encourage observatories to investigate options to reduce the use of hazardous materials in telescope operations.</td>
<td>Short-term</td>
<td></td>
</tr>
<tr>
<td><strong>CONSTRUCTION GUIDELINES</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>General Requirements</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>C-1</strong></td>
<td>Require an independent construction monitor who has oversight and authority to insure that all aspects of ground based work comply with protocols and permit requirements.</td>
<td>As needed</td>
<td>NRMP 3.2, 4.2</td>
</tr>
<tr>
<td><strong>Best Management Practices</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>C-2</strong></td>
<td>Require use of Best Management Practices Plan for Construction Practices.</td>
<td>As needed</td>
<td>NRMP 4.2.3</td>
</tr>
<tr>
<td><strong>C-3</strong></td>
<td>Develop, prior to construction, a rock movement plan.</td>
<td>As needed</td>
<td>NRMP 4.2.3.1</td>
</tr>
<tr>
<td><strong>C-4</strong></td>
<td>Require contractors to provide information from construction activities to OMKM for input into OMKM information databases.</td>
<td>As needed</td>
<td></td>
</tr>
<tr>
<td><strong>C-5</strong></td>
<td>Require on-site monitors (e.g., archaeologist, cultural resources specialist, entomologist) during construction, as determined by the appropriate agency.</td>
<td>As needed</td>
<td>CRMP 4.2.7</td>
</tr>
<tr>
<td><strong>C-6</strong></td>
<td>Conduct required archaeological monitoring during construction projects per SHPD approved plan.</td>
<td>As needed</td>
<td>CRMP 4.2.7</td>
</tr>
<tr>
<td><strong>C-7</strong></td>
<td>Education regarding historical and cultural significance</td>
<td>As needed</td>
<td>NRMP 4.4</td>
</tr>
<tr>
<td><strong>C-8</strong></td>
<td>Education regarding environment, ecology and natural resources</td>
<td>As needed</td>
<td>NRMP 4.4</td>
</tr>
<tr>
<td><strong>C-9</strong></td>
<td>Inspection of construction materials</td>
<td>As needed</td>
<td>NRMP 4.2.3.7</td>
</tr>
<tr>
<td><strong>SITE RECYCLING, DECOMMISSIONING DEMOLITION AND RESTORATION</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Site Recycling, Decommissioning, Demolition, and Restoration</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SR-1</strong></td>
<td>Require observatories to develop plans to recycle or demolish facilities once their useful life has ended, in accordance with their sublease requirements, identifying all proposed actions.</td>
<td>As needed</td>
<td>NRMP 4.3.3.4.1</td>
</tr>
<tr>
<td><strong>SR-2</strong></td>
<td>Require observatories to develop a restoration plan in association with decommissioning, to include an environmental cost-benefit analysis and a cultural assessment.</td>
<td>As needed</td>
<td>NRMP 4.3.3.4.1</td>
</tr>
<tr>
<td><strong>SR-3</strong></td>
<td>Require any future observatories to consider site restoration during project planning and include provisions in subleases for funding of full restoration.</td>
<td>As needed</td>
<td>NRMP 4.3.3.4.1</td>
</tr>
</tbody>
</table>
### CONSIDERATION OF FUTURE LAND USE

<table>
<thead>
<tr>
<th>Facility Planning Guidelines</th>
<th>Implementation Schedule</th>
<th>Subplans</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FLU-1</strong> Follow design guidelines presented in the 2000 Master Plan.</td>
<td>As needed</td>
<td>NRMP 5.1.1</td>
</tr>
<tr>
<td><strong>FLU-2</strong> Develop a map with land-use zones in the Astronomy Precinct based on updated inventories of cultural and natural resources, to delineate areas where future land use will not be allowed and areas where future land use will be allowed but will require compliance with prerequisite studies or analysis prior to approval of Conservation District Use Permit.</td>
<td>Immediate</td>
<td>NRMP 4.3.3.1</td>
</tr>
<tr>
<td><strong>FLU-3</strong> Require cataloguing of initial site conditions for use when conducting site restoration.</td>
<td>As needed</td>
<td></td>
</tr>
<tr>
<td><strong>FLU-4</strong> Require project specific visual rendering of both pre- and post-project settings to facilitate analysis of potential impacts to view planes.</td>
<td>As needed</td>
<td>NRMP 4.1.4.11</td>
</tr>
<tr>
<td><strong>FLU-5</strong> Require an airflow analysis on the design of proposed structures to assess potential impacts to aeolian ecosystems.</td>
<td>As needed</td>
<td>NRMP 4.1.4.4</td>
</tr>
<tr>
<td><strong>FLU-6</strong> Incorporate habitat mitigation plans into project planning process.</td>
<td>As needed</td>
<td>NRMP 4.3.3.3</td>
</tr>
<tr>
<td><strong>FLU-7</strong> Require use of close-contained zero-discharge waste systems for any future development in the summit region, from portable toilets to observatory restrooms, if feasible.</td>
<td>As needed</td>
<td>NRMP 3.1.1.2.6</td>
</tr>
</tbody>
</table>
## COMPONENT PLAN: MANAGING OPERATIONS

### OPERATION AND IMPLEMENTATION OF THE CMP

<table>
<thead>
<tr>
<th>Management</th>
<th>Implementation Schedule</th>
<th>Subplans</th>
</tr>
</thead>
<tbody>
<tr>
<td>OI-1</td>
<td>Maintain OMKM, MKMB, and Kahu Kū Mauna in current roles, with OMKM providing local management of the UH Management Areas, and MKSS providing operational and maintenance services.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>OI-2</td>
<td>Develop training plan for staff and volunteers.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>OI-3</td>
<td>Maintain and expand regular interaction and dialogue with stakeholders, community members, surrounding landowners, and overseeing agencies to provide a coordinated approach to resource management.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>OI-4</td>
<td>Establish grievance procedures for OMKM, to address issues as they arise.</td>
<td>Short-term</td>
</tr>
<tr>
<td>OI-5</td>
<td>Update and implement emergency response plan.</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>

### CMP MONITORING, EVALUATION AND UPDATES

<table>
<thead>
<tr>
<th>Management</th>
<th>Implementation Schedule</th>
<th>Subplans</th>
</tr>
</thead>
<tbody>
<tr>
<td>MEU-1</td>
<td>Establish a reporting system to ensure that the MKMB, DLNR, and the public are informed of results of management activities in a timely manner.</td>
<td>Immediate</td>
</tr>
<tr>
<td>MEU-2</td>
<td>Conduct regular updates of the CMP that reflect outcomes of the evaluation process, and that incorporate new information about resources.</td>
<td>Short-term / As needed</td>
</tr>
<tr>
<td>MEU-3</td>
<td>Revise and update planning documents, including the master plan, leases, and subleases, so that they will clearly assign roles and responsibilities for managing Mauna Kea and reflect stewardship matters resolved with DLNR.</td>
<td>As needed</td>
</tr>
</tbody>
</table>
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Appendix B. Mauna Kea CMP Management Actions: Implementation Schedule

Note: In cases where an action continues after it is initially developed or implemented, the shading continues to denote ongoing activity.
Implementation and Evaluation

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## Implementation and Evaluation

### COMPONENT PLAN: UNDERSTANDING AND PROTECTING MAUNA KEA’S RESOURCES

### NATIVE HAWAIIAN CULTURAL RESOURCES

<table>
<thead>
<tr>
<th>Management Action</th>
<th>Initiation of Action</th>
<th>Duration of Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NATIVE HAWAIIAN CULTURAL RESOURCES</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Management**

| CR-3 | Conduct educational efforts to generate public awareness about the importance of preserving the cultural landscape. | Immediate |
| CR-1 | Kahu Kū Mauna shall work with families with lineal and historical connections to Mauna Kea, cultural practitioners, and other Native Hawaiian groups, including the Mauna Kea Management Board’s Hawaiian Culture Committee, toward the development of appropriate procedures and protocols regarding cultural issues. | Immediate |
| CR-2 | Support application for designation of the summit region of Mauna Kea as a Traditional Cultural Property, per the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 et seq. in consultation with the larger community. | Short-term |

**Cultural Practices**

| CR-4 | Establish a process for ongoing collection of information on traditional, contemporary, and customary cultural practices. | Short-term |
| CR-5 | Develop and adopt guidelines for the culturally appropriate placement and removal of offerings | Immediate |
| CR-7 | Kahu Kū Mauna shall take the lead in determining the appropriateness of constructing new Hawaiian cultural features. | Immediate |
| CR-8 | Develop and adopt a management policy for the UH Management Areas on the scattering of cremated human remains. | Immediate |
| CR-9 | A management policy for the culturally appropriateness of building ahu or “stacking of rocks” will need to be developed by Kahu Kū Mauna who may consider similar policies adopted by Hawai’i Volcanoes National Park. | Immediate |
| CR-6 | Develop and adopt guidelines for the visitation and use of ancient shrines. | Immediate |

**Historic Properties**
### Implementation and Evaluation

#### Management Action

<table>
<thead>
<tr>
<th>Management Action</th>
<th>Initiation of Action</th>
<th>Duration of Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CR-14</strong> Immediately report any disturbance of a shrine or burial site to the rangers, DOCARE, Kahu Kū Mauna Council, and SHPD.</td>
<td>Ongoing</td>
<td></td>
</tr>
<tr>
<td><strong>CR-10</strong> Develop and implement a historic property monitoring program to systematically monitor the condition of the historic district and all historic properties, including cultural sites and burials.</td>
<td>Immediate</td>
<td></td>
</tr>
<tr>
<td><strong>CR-12</strong> Consult with Kahu Kū Mauna about establishing buffers (preservation zones) around known historic sites in the Astronomy Precinct, to protect them from potential future development.</td>
<td>Immediate</td>
<td></td>
</tr>
<tr>
<td><strong>CR-13</strong> Develop and implement a burial treatment plan for the UH Management Areas in consultation with Kahu Kū Mauna Council, MKMB’s Hawaiian Culture Committee, the Hawai‘i Island Burial Council, recognized lineal or cultural descendants, and SHPD.</td>
<td>Immediate</td>
<td></td>
</tr>
<tr>
<td><strong>CR-11</strong> Complete an archaeological survey of the portions of the Summit Access Road corridor that are under UH management.</td>
<td>Completed</td>
<td>--</td>
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</tbody>
</table>

#### NATURAL RESOURCES

<table>
<thead>
<tr>
<th>Threat Prevention and Control</th>
<th>Initiation of Action</th>
<th>Duration of Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NR-6</strong> Reduce threats to natural resources by educating stakeholders and the public about Mauna Kea’s unique natural resources.</td>
<td>Immediate</td>
<td></td>
</tr>
<tr>
<td><strong>NR-2</strong> Limit damage caused by invasive species through creation of an invasive species prevention and control program.</td>
<td>Immediate</td>
<td></td>
</tr>
<tr>
<td><strong>NR-1</strong> Limit threats to natural resources through management of permitted activities and uses.</td>
<td>Short-term</td>
<td></td>
</tr>
<tr>
<td><strong>NR-3</strong> Maintain native plant and animal populations and biological diversity.</td>
<td>Mid and Long-term</td>
<td></td>
</tr>
<tr>
<td><strong>NR-4</strong> Minimize barriers to species migration, to help maintain populations and protect ecosystem processes and development.</td>
<td>Mid and Long-term</td>
<td></td>
</tr>
<tr>
<td><strong>NR-5</strong> Manage ecosystems to allow for response to climate change.</td>
<td>Long-term</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Ecosystem Protection, Enhancement &amp; Restoration</th>
<th>Initiation of Action</th>
<th>Duration of Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NR-7</strong> Delineate areas of high native diversity, unique communities, or unique geological features within the Astronomy Precinct and at Hale Pōhaku and consider protection from development.</td>
<td>Short and Mid-term</td>
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</tbody>
</table>
### Implementation and Evaluation

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<thead>
<tr>
<th>Management Action</th>
<th>Initiation of Action</th>
<th>Duration of Implementation</th>
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<tr>
<td><strong>NR-8</strong> Consider fencing areas of high native biodiversity or populations of endangered species to keep out feral ungulates (applies to areas below 12,800 ft elevation).</td>
<td>Mid-term</td>
<td></td>
</tr>
<tr>
<td><strong>NR-9</strong> Increase native plant density and diversity through an outplanting program.</td>
<td>Long-term</td>
<td></td>
</tr>
<tr>
<td><strong>NR-10</strong> Incorporate mitigation plans into project planning and conduct mitigation following new development.</td>
<td>As needed</td>
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<tr>
<td><strong>NR-11</strong> Conduct habitat rehabilitation projects following unplanned disturbances.</td>
<td>As needed</td>
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<tr>
<td><strong>NR-12</strong> Create restoration plans and conduct habitat restoration activities, as needed.</td>
<td>As needed</td>
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<tr>
<td><strong>Program Management</strong></td>
<td></td>
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<tr>
<td><strong>NR-13</strong> Increase communication, networking, and collaborative opportunities, to support management and protection of natural resources.</td>
<td>Immediate</td>
<td></td>
</tr>
<tr>
<td><strong>NR-14</strong> Use the principles of adaptive management when developing programs and methodologies. Review programs annually and revise any component plans every five years, based on the results of the program review.</td>
<td>Short-term / As needed</td>
<td></td>
</tr>
<tr>
<td><strong>Inventory, Monitoring and Research</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>NR-16</strong> Conduct regular long-term monitoring, as outlined in an inventory, monitoring, and research plan.</td>
<td>Ongoing</td>
<td></td>
</tr>
<tr>
<td><strong>NR-18</strong> Develop geo-spatial database of all known natural resources and their locations in the UH Management Areas that can serve as baseline documentation against change and provide information essential for decision-making.</td>
<td>Ongoing</td>
<td></td>
</tr>
<tr>
<td><strong>NR-15</strong> Conduct baseline inventories of high-priority resources, as outlined in an inventory, monitoring, and research plan.</td>
<td>Immediate</td>
<td></td>
</tr>
<tr>
<td><strong>NR-17</strong> Conduct research to fill knowledge gaps that cannot be addressed through inventory and monitoring.</td>
<td>Immediate</td>
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</tbody>
</table>
## Implementation and Evaluation

### EDUCATION AND OUTREACH

<table>
<thead>
<tr>
<th>Management Action</th>
<th>Initiation of Action</th>
<th>Duration of Implementation</th>
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<tbody>
<tr>
<td><strong>Program Development</strong></td>
<td></td>
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<tr>
<td>EO-1</td>
<td>Develop and implement education and outreach program</td>
<td>Immediate and Short-term</td>
</tr>
<tr>
<td><strong>Education</strong></td>
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<tr>
<td>EO-3</td>
<td>Continue to develop, update, and distribute materials explaining important aspects of Mauna Kea.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>EO-4</td>
<td>Develop and implement a signage plan to improve signage throughout the UH Management Areas (interpretive, safety, rules and regulations).</td>
<td>Immediate</td>
</tr>
<tr>
<td>EO-5</td>
<td>Develop interpretive features such as self-guided cultural walks and volunteer-maintained native plant gardens.</td>
<td>Mid-term</td>
</tr>
<tr>
<td>EO-6</td>
<td>Engage in outreach and partnerships with schools, by collaborating with local experts, teachers, and university researchers, and by working with the 'Imiloa Astronomy Center of Hawai‘i.</td>
<td>Mid-term</td>
</tr>
<tr>
<td>EO-2</td>
<td>Require orientation of users, with periodic updates and a certificate of completion, including but not limited to visitors, employees, observatory staff, contractors, and commercial and recreational users.</td>
<td>Long-term</td>
</tr>
<tr>
<td><strong>Outreach</strong></td>
<td></td>
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<tr>
<td>EO-7</td>
<td>Continue and increase opportunities for community members to provide input to cultural and natural resources management activities on Mauna Kea, to ensure systematic input regarding planning, management, and operational decisions that affect natural resources, sacred materials or places, or other ethnographic resources with which they are associated.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>EO-8</td>
<td>Provide opportunities for community members to participate in stewardship activities.</td>
<td>Ongoing</td>
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</table>

### ASTRONOMICAL RESOURCES

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<thead>
<tr>
<th>Management Action</th>
<th>Initiation of Action</th>
<th>Duration of Implementation</th>
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</thead>
<tbody>
<tr>
<td><strong>Protection of Astronomical Resources</strong></td>
<td></td>
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<tr>
<td>AR-1</td>
<td>Operate the UH Management Areas to prohibit activities resulting in negative impacts to astronomical resources.</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
### COMPONENT PLAN: MANAGING ACCESS AND USE

#### ACTIVITIES AND USES

<table>
<thead>
<tr>
<th>Management Action</th>
<th>Initiation of Action</th>
<th>Duration of Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Management</strong></td>
<td></td>
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</tr>
<tr>
<td>ACT-1</td>
<td>Continue and update managed access policy of 1995 Management Plan.</td>
<td>Short-term</td>
</tr>
<tr>
<td>ACT-2</td>
<td>Develop parking and visitor traffic plan.</td>
<td>Immediate</td>
</tr>
<tr>
<td>ACT-3</td>
<td>Maintain a presence of interpretive and enforcement personnel on the mountain at all times to educate users, deter violations, and encourage adherence to restrictions.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>ACT-4</td>
<td>Develop and enforce a policy that maintains current prohibitions on off-road vehicle use in the UH Management Areas and that strengthens measures to prevent or deter vehicles from leaving established roads and designated parking areas.</td>
<td>Ongoing</td>
</tr>
<tr>
<td><strong>Recreational</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ACT-5</td>
<td>Implement policies to reduce impacts of recreational hiking</td>
<td>Short-term</td>
</tr>
<tr>
<td>ACT-6</td>
<td>Define and maintain areas where snow-related activities can occur and confine activities to slopes that have a protective layer of snow.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>ACT-7</td>
<td>Confine University or other sponsored tours and star-gazing activities to previously disturbed ground surfaces and established parking areas.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>ACT-8</td>
<td>Coordinate with DLNR in the development of a policy regarding hunting in the UH Management Areas.</td>
<td>Immediate</td>
</tr>
<tr>
<td><strong>Commercial</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ACT-9</td>
<td>Maintain commercial tour permitting process; evaluate and issue permits annually.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>ACT-10</td>
<td>Ensure OMKM input on permits for filming activities</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
## Implementation and Evaluation

<table>
<thead>
<tr>
<th>Management Action</th>
<th>Initiation of Action</th>
<th>Duration of Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ACT-11</strong> Seek statutory authority for the University to regulate commercial activities in the UH Management Areas.</td>
<td>Completed</td>
<td>- - - - - -</td>
</tr>
</tbody>
</table>

### Scientific Research

<table>
<thead>
<tr>
<th>Management Action</th>
<th>Initiation of Action</th>
<th>Duration of Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ACT-12</strong> Ensure input by OMKM, MKMB, and Kahu Kū Mauna on all scientific research permits and establish system of reporting results of research to OMKM.</td>
<td>Ongoing</td>
<td>- - - - - -</td>
</tr>
</tbody>
</table>

### Laws and Regulations

<table>
<thead>
<tr>
<th>Management Action</th>
<th>Initiation of Action</th>
<th>Duration of Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P-1</strong> Comply with all applicable federal, state, and local laws, regulations, and permit conditions related to activities in the UH Management Areas.</td>
<td>Ongoing</td>
<td>- - - - - -</td>
</tr>
<tr>
<td><strong>P-2</strong> Strengthen CMP implementation by recommending to the BLNR that the CMP conditions be included in any Conservation District Use Permit or other permit.</td>
<td>As needed</td>
<td>- - - - - -</td>
</tr>
<tr>
<td><strong>P-3</strong> Obtain statutory rule-making authority from the legislature, authorizing the University of Hawai‘i to adopt administrative rules pursuant to Chapter 91 to implement and enforce the management actions.</td>
<td>Completed</td>
<td>- - - - - -</td>
</tr>
<tr>
<td><strong>P-4</strong> Educate management staff and users of the mountain about all applicable rules and permit requirements.</td>
<td>Immediate</td>
<td>- - - - - -</td>
</tr>
</tbody>
</table>

### Enforcement

<table>
<thead>
<tr>
<th>Management Action</th>
<th>Initiation of Action</th>
<th>Duration of Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P-5</strong> Continue coordinating with other agencies on enforcement needs.</td>
<td>Ongoing</td>
<td>- - - - - -</td>
</tr>
<tr>
<td><strong>P-6</strong> Obtain legal authority for establishing, and then establish, a law enforcement presence on the mountain that can enforce rules for the UH Management Areas on Mauna Kea.</td>
<td>Completed - As needed</td>
<td>- - - - - -</td>
</tr>
</tbody>
</table>
### Implementation and Evaluation

<table>
<thead>
<tr>
<th>Management Action</th>
<th>Initiation of Action</th>
<th>Yr 1</th>
<th>Yr 2</th>
<th>Yr 3</th>
<th>Yrs 4-6</th>
<th>Yrs 7-9</th>
<th>Yrs 10+</th>
</tr>
</thead>
<tbody>
<tr>
<td>P-7 Develop and implement protocol for oversight and compliance with Conservation District Use Permits.</td>
<td>Ongoing</td>
<td></td>
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<tr>
<td>P-8 Enforce conditions contained in commercial and Special Use permits.</td>
<td>Ongoing</td>
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</table>
## Implementation and Evaluation

### COMPONENT PLAN: MANAGING THE BUILT ENVIRONMENT

#### INFRASTRUCTURE AND MAINTENANCE

<table>
<thead>
<tr>
<th>Management Action</th>
<th>Initiation of Action</th>
<th>Duration of Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Routine Maintenance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IM-1</td>
<td>Develop and implement an OMMP.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>IM-2</td>
<td>Reduce impacts from operations and maintenance activities by educating personnel about Mauna Kea’s unique resources.</td>
<td>Immediate</td>
</tr>
<tr>
<td>IM-3</td>
<td>Conduct historic preservation review for maintenance activities that will have an adverse effect on historic properties.</td>
<td>Short-term</td>
</tr>
<tr>
<td>IM-4</td>
<td>Evaluate need for and feasibility of a vehicle wash station near Hale Pōhaku, and requiring that vehicles be cleaned.</td>
<td>Short-term</td>
</tr>
<tr>
<td>IM-5</td>
<td>Develop and implement a Debris Removal, Monitoring and Prevention Plan.</td>
<td>Immediate</td>
</tr>
<tr>
<td>IM-6</td>
<td>Develop and implement an erosion inventory and assessment plan.</td>
<td>Long-term</td>
</tr>
<tr>
<td>IM-7</td>
<td>Prepare a plan, in collaboration with the Department of Defense, to remove military wreckage from a remote area of the UH Management Areas, while ensuring protection of natural and cultural resources.</td>
<td>Mid-term</td>
</tr>
<tr>
<td><strong>Infrastructure</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IM-8</td>
<td>Assess feasibility of paving the Summit Access Road.</td>
<td>Long-term</td>
</tr>
<tr>
<td>IM-9</td>
<td>Evaluate need for additional parking lots and vehicle pullouts and install if necessary.</td>
<td>Mid-term</td>
</tr>
<tr>
<td>IM-10</td>
<td>Evaluate need for additional public restroom facilities in the summit region and at Hale Pōhaku, and install close-contained zero waste systems if necessary.</td>
<td>Immediate</td>
</tr>
<tr>
<td><strong>Sustainable Technologies</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IM-11</td>
<td>Encourage existing facilities and new development to incorporate sustainable technologies, energy efficient technologies, and LEED standards, whenever possible, into facility design and operations.</td>
<td>As needed</td>
</tr>
</tbody>
</table>
## Implementation and Evaluation

### Management Action

<table>
<thead>
<tr>
<th>Management Action</th>
<th>Initiation of Action</th>
<th>Yr 1</th>
<th>Yr 2</th>
<th>Yr 3</th>
<th>Yrs 4-6</th>
<th>Yrs 7-9</th>
<th>Yrs 10+</th>
</tr>
</thead>
<tbody>
<tr>
<td>IM-12 Conduct energy audits to identify energy use and system inefficiencies, and develop solutions to reduce energy usage.</td>
<td>Immediate</td>
<td></td>
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<tr>
<td>IM-13 Conduct feasibility assessment, in consultation with Hawaii Electric Light Company, on developing locally-based alternative energy sources.</td>
<td>Mid-term</td>
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<tr>
<td>IM-14 Encourage observatories to investigate options to reduce the use of hazardous materials in telescope operations.</td>
<td>Short-term</td>
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</tbody>
</table>

### CONSTRUCTION GUIDELINES

#### General Requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-1 Require an independent construction monitor who has oversight and authority to insure that all aspects of ground based work comply with protocols and permit requirements.</td>
<td>As needed</td>
</tr>
</tbody>
</table>

#### Best Management Practices

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-2 Require use of Best Management Practices Plan for Construction Practices.</td>
<td>As needed</td>
</tr>
<tr>
<td>C-3 Develop, prior to construction, a rock movement plan.</td>
<td>As needed</td>
</tr>
<tr>
<td>C-4 Require contractors to provide information from construction activities to OMKM for input into OMKM information databases.</td>
<td>As needed</td>
</tr>
<tr>
<td>C-5 Require on-site monitors (e.g., archaeologist, cultural resources specialist, entomologist) during construction, as determined by the appropriate agency.</td>
<td>As needed</td>
</tr>
<tr>
<td>C-6 Conduct required archaeological monitoring during construction projects per SHPD approved plan.</td>
<td>As needed</td>
</tr>
<tr>
<td>C-7 Education regarding historical and cultural significance</td>
<td>As needed</td>
</tr>
<tr>
<td>C-8 Education regarding environment, ecology and natural resources</td>
<td>As needed</td>
</tr>
<tr>
<td>C-9 Inspection of construction materials</td>
<td>As needed</td>
</tr>
</tbody>
</table>

## SITE RECYCLING, DECOMMISSIONING DEMOLITION AND RESTORATION

### Site Recycling, Decommissioning, Demolition, and Restoration
## Implementation and Evaluation

### Duration of Implementation

<table>
<thead>
<tr>
<th>Management Action</th>
<th>Initiation of Action</th>
<th>Yr 1</th>
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<th>Yrs 4-6</th>
<th>Yrs 7-9</th>
<th>Yrs 10+</th>
</tr>
</thead>
<tbody>
<tr>
<td>SR-1 Require observatories to develop plans to recycle or demolish facilities once their useful life has ended, in accordance with their sublease requirements, identifying all proposed actions.</td>
<td>As needed</td>
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<tr>
<td>SR-2 Require observatories to develop a restoration plan in association with decommissioning, to include an environmental cost-benefit analysis and a cultural assessment.</td>
<td>As needed</td>
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<tr>
<td>SR-3 Require any future observatories to consider site restoration during project planning and include provisions in subleases for funding of full restoration.</td>
<td>As needed</td>
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</table>

### CONSIDERATION OF FUTURE LAND USE

<table>
<thead>
<tr>
<th>Facility Planning Guidelines</th>
<th>Initiation of Action</th>
<th>Yr 1</th>
<th>Yr 2</th>
<th>Yr 3</th>
<th>Yrs 4-6</th>
<th>Yrs 7-9</th>
<th>Yrs 10+</th>
</tr>
</thead>
<tbody>
<tr>
<td>FLU-1 Follow design guidelines presented in the 2000 Master Plan.</td>
<td>As needed</td>
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</tr>
<tr>
<td>FLU-2 Develop a map with land-use zones in the Astronomy Precinct based on updated inventories of cultural and natural resources, to delineate areas where future land use will not be allowed and areas where future land use will be allowed but will require compliance with prerequisite studies or analysis prior to approval of Conservation District Use Permit.</td>
<td>Immediate</td>
<td></td>
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<tr>
<td>FLU-3 Require cataloguing of initial site conditions for use when conducting site restoration.</td>
<td>As needed</td>
<td></td>
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<tr>
<td>FLU-4 Require project specific visual rendering of both pre- and post-project settings to facilitate analysis of potential impacts to view planes.</td>
<td>As needed</td>
<td></td>
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<tr>
<td>FLU-5 Require an airflow analysis on the design of proposed structures to assess potential impacts to aeolian ecosystems.</td>
<td>As needed</td>
<td></td>
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<tr>
<td>FLU-6 Incorporate habitat mitigation plans into project planning process.</td>
<td>As needed</td>
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</tr>
<tr>
<td>FLU-7 Require use of close-contained zero-discharge waste systems for any future development in the summit region, from portable toilets to observatory restrooms, if feasible.</td>
<td>As needed</td>
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</tbody>
</table>
### COMPONENT PLAN: MANAGING OPERATIONS

#### OPERATION AND IMPLEMENTATION OF THE CMP

<table>
<thead>
<tr>
<th>Management Action</th>
<th>Initiation of Action</th>
<th>Duration of Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Management</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>OI-1</strong></td>
<td>Maintain OMKM, MKMB, and Kahu Kū Mauna in current roles, with OMKM providing local management of the UH Management Areas, and MKSS providing operational and maintenance services.</td>
<td>Ongoing</td>
</tr>
<tr>
<td><strong>OI-2</strong></td>
<td>Develop training plan for staff and volunteers.</td>
<td>Ongoing</td>
</tr>
<tr>
<td><strong>OI-3</strong></td>
<td>Maintain and expand regular interaction and dialogue with stakeholders, community members, surrounding landowners, and overseeing agencies to provide a coordinated approach to resource management.</td>
<td>Ongoing</td>
</tr>
<tr>
<td><strong>OI-4</strong></td>
<td>Establish grievance procedures for OMKM, to address issues as they arise.</td>
<td>Short-term</td>
</tr>
<tr>
<td><strong>OI-5</strong></td>
<td>Update and implement emergency response plan.</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>

#### CMP MONITORING, EVALUATION AND UPDATES

<table>
<thead>
<tr>
<th>Management</th>
<th>Initiation of Action</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Management</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>MEU-1</strong></td>
<td>Establish a reporting system to ensure that the MKMB, DLNR, and the public are informed of results of management activities in a timely manner.</td>
<td>Immediate</td>
</tr>
<tr>
<td><strong>MEU-2</strong></td>
<td>Conduct regular updates of the CMP that reflect outcomes of the evaluation process, and that incorporate new information about resources.</td>
<td>Short-term / As needed</td>
</tr>
<tr>
<td><strong>MEU-3</strong></td>
<td>Revise and update planning documents, including the master plan, leases, and subleases, so that they will clearly assign roles and responsibilities for managing Mauna Kea and reflect stewardship matters resolved with DLNR.</td>
<td>As needed</td>
</tr>
</tbody>
</table>
Appendix C. Mauna Kea CMP Management Actions: Entities Responsible for Implementation
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## Implementation and Evaluation

<table>
<thead>
<tr>
<th>Responsible Entity</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMPONENT PLAN: UNDERSTANDING AND PROTECTING MAUNA KEA’S RESOURCES</td>
</tr>
<tr>
<td>NATIVE HAWAIIAN CULTURAL RESOURCES</td>
</tr>
</tbody>
</table>

### Management

| CR-1 | Kahu Kū Mauna shall work with families with lineal and historical connections to Mauna Kea, cultural practitioners, and other Native Hawaiian groups, including the Mauna Kea Management Board’s Hawaiian Culture Committee, toward the development of appropriate procedures and protocols regarding cultural issues. | To be developed by Kahu Kū Mauna, Mauna Kea Management Board (MKMB), and Hawaiian Cultural Committee, in consultation with families with historic connections Mauna Kea, cultural practitioners, and other Native Hawaiians. |
| CR-2 | Support application for designation of the summit region of Mauna Kea as a Traditional Cultural Property, per the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 et seq. in consultation with the larger community. | OMKM |
| CR-3 | Conduct educational efforts to generate public awareness about the importance of preserving the cultural landscape. | OMKM |

### Cultural Practices

| CR-4 | Establish a process for ongoing collection of information on traditional, contemporary, and customary cultural practices. | OMKM, in partnership with UH-Hilo and Hilo Community College to establish an oral history program. |
| CR-5 | Develop and adopt guidelines for the culturally appropriate placement and removal of offerings | Kahu Kū Mauna, and/or the Hawaiian Cultural Committee, in consultation with families of lineal connections, kūpuna, cultural practitioners, or Native Hawaiian organizations. |
| CR-6 | Develop and adopt guidelines for the visitation and use of ancient shrines. | Kahu Kū Mauna, and/or the Hawaiian Cultural Committee, in consultation with families of lineal connections, kūpuna, cultural practitioners, or Native Hawaiian organizations. |
| CR-7 | Kahu Kū Mauna shall take the lead in determining the appropriateness of constructing new Hawaiian cultural features. | Kahu Kū Mauna, and/or the Hawaiian Cultural Committee, in consultation with families of lineal connections, kūpuna, cultural practitioners, or Native Hawaiian organizations. |
## Implementation and Evaluation

### Responsible Entity

| CR-8 | Develop and adopt a management policy for the UH Management Areas on the scattering of cremated human remains. | Kahu Kū Mauna, and/or the Hawaiian Cultural Committee, in consultation with families of lineal connections, kūpuna, cultural practitioners, or Native Hawaiian organizations. |
| CR-9 | A management policy for the culturally appropriateness of building ahu or “stacking of rocks” will need to be developed by Kahu Kū Mauna who may consider similar policies adopted by Hawai‘i Volcanoes National Park. | Kahu Kū Mauna, and/or the Hawaiian Cultural Committee, in consultation with families of lineal connections, kūpuna, cultural practitioners, or Native Hawaiian organizations. |

### Historic Properties

| CR-10 | Develop and implement a historic property monitoring program to systematically monitor the condition of the historic district and all historic properties, including cultural sites and burials. | OMKM |
| CR-11 | Complete an archaeological survey of the portions of the Summit Access Road corridor that are under UH management. | OMKM – completed by consultants |
| CR-12 | Consult with Kahu Kū Mauna about establishing buffers (preservation zones) around known historic sites in the Astronomy Precinct, to protect them from potential future development. | OMKM, Kahu Kū Mauna, DLNR (SHPD) |
| CR-13 | Develop and implement a burial treatment plan for the UH Management Areas in consultation with Kahu Kū Mauna Council, MKMB’s Hawaiian Culture Committee, the Hawai‘i Island Burial Council, recognized lineal or cultural descendants, and SHPD. | OMKM, with approval as indicated. |
| CR-14 | Immediately report any disturbance of a shrine or burial site to the rangers, DOCARE, Kahu Kū Mauna Council, and SHPD. | OMKM, rangers, DOCARE, Kahu Kū Mauna Council, and SHPD. |

## NATURAL RESOURCES

### Threat Prevention and Control

| NR-1 | Limit threats to natural resources through management of permitted activities and uses. | OMKM |
| NR-2 | Limit damage caused by invasive species through creation of an invasive species prevention and control program. | OMKM |
| NR-3 | Maintain native plant and animal populations and biological diversity. | OMKM |
| NR-4 | Minimize barriers to species migration, to help maintain populations and protect ecosystem processes and development. | OMKM |
| NR-5 | Manage ecosystems to allow for response to climate change. | OMKM |
### Implementation and Evaluation

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Responsible Entity</th>
</tr>
</thead>
<tbody>
<tr>
<td>NR-6</td>
<td>Reduce threats to natural resources by educating stakeholders and the public about Mauna Kea’s unique natural resources.</td>
<td>OMKM</td>
</tr>
<tr>
<td></td>
<td><strong>Ecosystem Protection, Enhancement &amp; Restoration</strong></td>
<td></td>
</tr>
<tr>
<td>NR-7</td>
<td>Delineate areas of high native diversity, unique communities, or unique geological features within the Astronomy Precinct and at Hale Pōhaku and consider protection from development.</td>
<td>OMKM</td>
</tr>
<tr>
<td>NR-8</td>
<td>Consider fencing areas of high native biodiversity or populations of endangered species to keep out feral ungulates (applies to areas below 12,800 ft elevation).</td>
<td>OMKM</td>
</tr>
<tr>
<td>NR-9</td>
<td>Increase native plant density and diversity through an outplanting program.</td>
<td>OMKM</td>
</tr>
<tr>
<td>NR-10</td>
<td>Incorporate mitigation plans into project planning and conduct mitigation following new development.</td>
<td>Prepared by project applicants; approved by UH and DLNR.</td>
</tr>
<tr>
<td>NR-11</td>
<td>Conduct habitat rehabilitation projects following unplanned disturbances.</td>
<td>As determined</td>
</tr>
<tr>
<td>NR-12</td>
<td>Create restoration plans and conduct habitat restoration activities, as needed.</td>
<td>OMKM</td>
</tr>
<tr>
<td></td>
<td><strong>Program Management</strong></td>
<td></td>
</tr>
<tr>
<td>NR-13</td>
<td>Increase communication, networking, and collaborative opportunities, to support management and protection of natural resources.</td>
<td>OMKM; working group</td>
</tr>
<tr>
<td>NR-14</td>
<td>Use the principles of adaptive management when developing programs and methodologies. Review programs annually and revise any component plans every five years, based on the results of the program review.</td>
<td>OMKM</td>
</tr>
<tr>
<td></td>
<td><strong>Inventory, Monitoring and Research</strong></td>
<td></td>
</tr>
<tr>
<td>NR-15</td>
<td>Conduct baseline inventories of high-priority resources, as outlined in an inventory, monitoring, and research plan.</td>
<td>OMKM</td>
</tr>
<tr>
<td>NR-16</td>
<td>Conduct regular long-term monitoring, as outlined in an inventory, monitoring, and research plan.</td>
<td>OMKM</td>
</tr>
<tr>
<td>NR-17</td>
<td>Conduct research to fill knowledge gaps that cannot be addressed through inventory and monitoring.</td>
<td>OMKM</td>
</tr>
<tr>
<td>NR-18</td>
<td>Develop geo-spatial database of all known natural resources and their locations in the UH Management Areas that can serve as baseline documentation against change and provide information essential for decision-making.</td>
<td>OMKM</td>
</tr>
</tbody>
</table>
## Implementation and Evaluation

### EDUCATION AND OUTREACH

<table>
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<th>Responsible Entity</th>
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<tbody>
<tr>
<td><strong>Program Development</strong></td>
</tr>
<tr>
<td><strong>EO-1</strong></td>
</tr>
<tr>
<td><strong>Education</strong></td>
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<tr>
<td><strong>EO-2</strong></td>
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<tr>
<td><strong>EO-3</strong></td>
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<tr>
<td><strong>EO-4</strong></td>
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<td><strong>EO-5</strong></td>
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<tr>
<td><strong>EO-6</strong></td>
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<tr>
<td><strong>Outreach</strong></td>
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<tr>
<td><strong>EO-7</strong></td>
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<tr>
<td><strong>EO-8</strong></td>
</tr>
<tr>
<td><strong>ASTRONOMICAL RESOURCES</strong></td>
</tr>
<tr>
<td><strong>Protection of Astronomical Resources</strong></td>
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<tr>
<td><strong>AR-1</strong></td>
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<tr>
<td><strong>AR-2</strong></td>
</tr>
</tbody>
</table>
### Implementation and Evaluation

**COMPONENT PLAN: MANAGING ACCESS AND USE**

| ACT-1 | Continue and update managed access policy of 1995 Management Plan. | OMKM and DLNR |
| ACT-2 | Develop parking and visitor traffic plan. | OMKM |
| ACT-3 | Maintain a presence of interpretive and enforcement personnel on the mountain at all times to educate users, deter violations, and encourage adherence to restrictions. | OMKM |
| ACT-4 | Develop and enforce a policy that maintains current prohibitions on off-road vehicle use in the UH Management Areas and that strengthens measures to prevent or deter vehicles from leaving established roads and designated parking areas. | OMKM/DLNR working group |
| ACT-5 | Implement policies to reduce impacts of recreational hiking | OMKM |
| ACT-6 | Define and maintain areas where snow-related activities can occur and confine activities to slopes that have a protective layer of snow. | OMKM |
| ACT-7 | Confine University or other sponsored tours and stargazing activities to previously disturbed ground surfaces and established parking areas. | OMKM |
| ACT-8 | Coordinate with DLNR in the development of a policy regarding hunting in the UH Management Areas. | OMKM and DLNR with hunting associations. |
| ACT-9 | Maintain commercial tour permitting process; evaluate and issue permits annually. | OMKM |
| ACT-10 | Ensure OMKM input on permits for filming activities | OMKM |
| ACT-11 | Seek statutory authority for the University to regulate commercial activities in the UH Management Areas. | UH/OMKM – completed |
| ACT-12 | Ensure input by OMKM, MKMB, and Kahu Kū Mauna on all scientific research permits and establish system of reporting results of research to OMKM. | OMKM, MKMB, and Kahu Kū Mauna |
### Laws and Regulations

| P-1 | Comply with all applicable federal, state, and local laws, regulations, and permit conditions related to activities in the UH Management Areas. | UH / OMKM |
| P-2 | Strengthen CMP implementation by recommending to the BLNR that the CMP conditions be included in any Conservation District Use Permit or other permit. | OMKM / BLNR |
| P-3 | Obtain statutory rule-making authority from the legislature, authorizing the University of Hawai‘i to adopt administrative rules pursuant to Chapter 91 to implement and enforce the management actions. | UH/OMKM – completed |
| P-4 | Educate management staff and users of the mountain about all applicable rules and permit requirements. | OMKM |

### Enforcement

| P-5 | Continue coordinating with other agencies on enforcement needs. | OMKM |
| P-6 | Obtain legal authority for establishing, and then establish, a law enforcement presence on the mountain that can enforce rules for the UH Management Areas on Mauna Kea. | UH with rule-making authority, or DLNR (DOCARE) |
| P-7 | Develop and implement protocol for oversight and compliance with Conservation District Use Permits. | DLNR (OCCL) with assistance from OMKM |
| P-8 | Enforce conditions contained in commercial and Special Use permits. | OMKM, MKMB, and Kahu Kū Mauna |
# Implementation and Evaluation

## COMPONENT PLAN: MANAGING THE BUILT ENVIRONMENT

### INFRASTRUCTURE AND MAINTENANCE

<table>
<thead>
<tr>
<th>Responsible Entity</th>
</tr>
</thead>
<tbody>
<tr>
<td>OMKM</td>
</tr>
<tr>
<td>OMKM and DLNR.</td>
</tr>
<tr>
<td>OMKM and DLNR (SHPD)</td>
</tr>
<tr>
<td>OMKM</td>
</tr>
<tr>
<td>OMKM</td>
</tr>
<tr>
<td>OMKM</td>
</tr>
<tr>
<td>OMKM / Department of Defense</td>
</tr>
</tbody>
</table>

#### Routine Maintenance

| IM-1 | Develop and implement an OMMP. |
| IM-2 | Reduce impacts from operations and maintenance activities by educating personnel about Mauna Kea’s unique resources. |
| IM-3 | Conduct historic preservation review for maintenance activities that will have an adverse effect on historic properties. |
| IM-4 | Evaluate need for and feasibility of a vehicle wash station near Hale Pōhaku, and requiring that vehicles be cleaned. |
| IM-5 | Develop and implement a Debris Removal, Monitoring and Prevention Plan. |
| IM-6 | Develop and implement an erosion inventory and assessment plan. |
| IM-7 | Prepare a plan, in collaboration with the Department of Defense, to remove military wreckage from a remote area of the UH Management Areas, while ensuring protection of natural and cultural resources. |

#### Infrastructure

| IM-8 | Assess feasibility of paving the Summit Access Road. |
| IM-9 | Evaluate need for additional parking lots and vehicle pullouts and install if necessary. |
| IM-10| Evaluate need for additional public restroom facilities in the summit region and at Hale Pōhaku, and install close-contained zero waste systems if necessary. |

#### Sustainable Technologies

| IM-11 | Encourage existing facilities and new development to incorporate sustainable technologies, energy efficient technologies, and LEED standards, whenever possible, into facility design and operations. |
| IM-12 | Conduct energy audits to identify energy use and system inefficiencies, and develop solutions to reduce energy usage. |
| IM-13 | Conduct feasibility assessment, in consultation with Hawaii Electric Light Company, on developing locally-based alternative energy sources. |
## Implementation and Evaluation

<table>
<thead>
<tr>
<th>Responsible Entity</th>
</tr>
</thead>
<tbody>
<tr>
<td>IM-14</td>
</tr>
</tbody>
</table>

## CONSTRUCTION GUIDELINES

### General Requirements

| C-1 | Require an independent construction monitor who has oversight and authority to insure that all aspects of ground based work comply with protocols and permit requirements. | DLNR (OCCL) and OMKM |

### Best Management Practices

| C-2 | Require use of Best Management Practices Plan for Construction Practices. | Project proposer, DLNR (OCCL) and OMKM |
| C-3 | Develop, prior to construction, a rock movement plan. | Project proposer |
| C-4 | Require contractors to provide information from construction activities to OMKM for input into OMKM information databases. | OMKM |
| C-5 | Require on-site monitors (e.g., archaeologist, cultural resources specialist, entomologist) during construction, as determined by the appropriate agency. | Project proposer |
| C-6 | Conduct required archaeological monitoring during construction projects per SHPD approved plan. | Project proposer with DLNR (SHPD) approval |
| C-7 | Education regarding historical and cultural significance | OMKM in consultation with Kahu Kū Mauna or other Native Hawaiian groups, and approval by DLNR (SHPD). |
| C-8 | Education regarding environment, ecology and natural resources | OMKM |
| C-9 | Inspection of construction materials | OMKM under review by DLNR. |

## SITE RECYCLING, DECOMMISSIONING DEMOLITION AND RESTORATION

### Site Recycling, Decommissioning, Demolition, and Restoration

| SR-1 | Require observatories to develop plans to recycle or demolish facilities once their useful life has ended, in accordance with their sublease requirements, identifying all proposed actions. | Project proposer |
| SR-2 | Require observatories to develop a restoration plan in association with decommissioning, to include an environmental cost-benefit analysis and a cultural assessment. | Project proposer |
| SR-3 | Require any future observatories to consider site restoration during project planning and include provisions in subleases for funding of full restoration. | Project proposer |
Implementation and Evaluation
## CONSIDERATION OF FUTURE LAND USE

<table>
<thead>
<tr>
<th>Facility Planning Guidelines</th>
<th>Responsible Entity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FLU-1</strong> Follow design guidelines presented in the 2000 Master Plan.</td>
<td>OMKM and DLNR (OCCL)</td>
</tr>
<tr>
<td><strong>FLU-2</strong> Develop a map with land-use zones in the Astronomy Precinct based on updated inventories of cultural and natural resources, to delineate areas where future land use will not be allowed and areas where future land use will be allowed but will require compliance with prerequisite studies or analysis prior to approval of Conservation District Use Permit.</td>
<td>OMKM</td>
</tr>
<tr>
<td><strong>FLU-3</strong> Require cataloguing of initial site conditions for use when conducting site restoration.</td>
<td>OMKM, project proposer</td>
</tr>
<tr>
<td><strong>FLU-4</strong> Require project specific visual rendering of both pre- and post-project settings to facilitate analysis of potential impacts to view planes.</td>
<td>Project proposer</td>
</tr>
<tr>
<td><strong>FLU-5</strong> Require an airflow analysis on the design of proposed structures to assess potential impacts to aeolian ecosystems.</td>
<td>Project proposer</td>
</tr>
<tr>
<td><strong>FLU-6</strong> Incorporate habitat mitigation plans into project planning process.</td>
<td>Project proposer</td>
</tr>
<tr>
<td><strong>FLU-7</strong> Require use of close-contained zero-discharge waste systems for any future development in the summit region, from portable toilets to observatory restrooms, if feasible.</td>
<td>Project proposer</td>
</tr>
</tbody>
</table>
### COMPONENT PLAN: MANAGING OPERATIONS

#### OPERATION AND IMPLEMENTATION OF THE CMP

<table>
<thead>
<tr>
<th>Management</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>OI-1</strong> Maintain OMKM, MKMB, and Kahu Kū Mauna in current roles, with OMKM providing local management of the UH Management Areas, and MKSS providing operational and maintenance services.</td>
</tr>
<tr>
<td><strong>OI-2</strong> Develop training plan for staff and volunteers.</td>
</tr>
<tr>
<td><strong>OI-3</strong> Maintain and expand regular interaction and dialogue with stakeholders, community members, surrounding landowners, and overseeing agencies to provide a coordinated approach to resource management.</td>
</tr>
<tr>
<td><strong>OI-4</strong> Establish grievance procedures for OMKM, to address issues as they arise.</td>
</tr>
<tr>
<td><strong>OI-5</strong> Update and implement emergency response plan.</td>
</tr>
</tbody>
</table>

#### CMP MONITORING, EVALUATION AND UPDATES

<table>
<thead>
<tr>
<th>Management</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MEU-1</strong> Establish a reporting system to ensure that the MKMB, DLNR, and the public are informed of results of management activities in a timely manner.</td>
</tr>
<tr>
<td><strong>MEU-2</strong> Conduct regular updates of the CMP that reflect outcomes of the evaluation process, and that incorporate new information about resources.</td>
</tr>
<tr>
<td><strong>MEU-3</strong> Revise and update planning documents, including the master plan, leases, and subleases, so that they will clearly assign roles and responsibilities for managing Mauna Kea and reflect stewardship matters resolved with DLNR.</td>
</tr>
</tbody>
</table>
Appendix D. Mauna Kea CMP Management Actions: Budget Requirements

Includes:
- Budget for Implementing the Mauna Kea CMP: Summary
- CMP Management Actions Arranged by Budget Category
## Budget for Implementing the Mauna Kea CMP: Summary

<table>
<thead>
<tr>
<th>Salaries</th>
<th>Year 1</th>
<th>Immediate Term</th>
<th>3 Year Total</th>
<th>Short-term&lt;sup&gt;a&lt;/sup&gt; Yrs 4 - 6</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Enforcement</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Ranger</td>
<td>72,100</td>
<td>72,100</td>
<td>72,100</td>
<td>216,300</td>
</tr>
<tr>
<td>Ranger</td>
<td>51,500</td>
<td>51,500</td>
<td>51,500</td>
<td>154,500</td>
</tr>
<tr>
<td>Ranger</td>
<td>51,500</td>
<td>51,500</td>
<td>51,500</td>
<td>154,500</td>
</tr>
<tr>
<td><strong>Subtotal Enforcement Salaries</strong></td>
<td>175,100</td>
<td>175,100</td>
<td>175,100</td>
<td>525,300</td>
</tr>
<tr>
<td><strong>Administrative and Professional</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Projects Administrator</td>
<td>51,500</td>
<td>51,500</td>
<td>51,500</td>
<td>154,500</td>
</tr>
<tr>
<td>GIS and Database Coordinator</td>
<td>51,500</td>
<td>51,500</td>
<td>51,500</td>
<td>154,500</td>
</tr>
<tr>
<td>Fiscal Support</td>
<td>41,200</td>
<td>41,200</td>
<td>41,200</td>
<td>123,600</td>
</tr>
<tr>
<td>Internal Legal Counsel (Rules Administrator)</td>
<td>103,000</td>
<td>103,000</td>
<td>103,000</td>
<td>309,000</td>
</tr>
<tr>
<td><strong>Subtotal Administrative &amp; Professional Salaries</strong></td>
<td>247,200</td>
<td>$247,200</td>
<td>$247,200</td>
<td>741,600</td>
</tr>
<tr>
<td><strong>Other Payroll Costs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Overtime &amp; seasonal requirements</td>
<td>34,720</td>
<td>34,720</td>
<td>34,720</td>
<td>104,160</td>
</tr>
<tr>
<td>Casual Hire</td>
<td>50,000</td>
<td>50,000</td>
<td>50,000</td>
<td>150,000</td>
</tr>
<tr>
<td><strong>Subtotal Other Payroll Costs</strong></td>
<td>84,720</td>
<td>84,720</td>
<td>84,720</td>
<td>254,160</td>
</tr>
<tr>
<td><strong>Subtotal Salaries</strong></td>
<td>507,020</td>
<td>507,020</td>
<td>507,020</td>
<td>1,521,060</td>
</tr>
<tr>
<td><strong>Operating Expenses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>UH Hilo Government/Community Relations and Administrative Support</td>
<td>181,750</td>
<td>181,750</td>
<td>181,750</td>
<td>545,250</td>
</tr>
<tr>
<td>Legal Fees</td>
<td>300,000</td>
<td>350,000</td>
<td>300,000</td>
<td>950,000</td>
</tr>
<tr>
<td><strong>Subtotal Operating Expenses</strong></td>
<td>481,750</td>
<td>531,750</td>
<td>481,750</td>
<td>1,495,250</td>
</tr>
<tr>
<td><strong>Subtotal Salaries &amp; Operating Expenses</strong></td>
<td>988,770</td>
<td>1,038,770</td>
<td>988,770</td>
<td>3,016,310</td>
</tr>
<tr>
<td><strong>Program Expenses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Base line inventories</td>
<td>225,200</td>
<td>262,500</td>
<td>157,500</td>
<td>645,200</td>
</tr>
<tr>
<td>Other Research</td>
<td>331,000</td>
<td>264,000</td>
<td>160,000</td>
<td>755,000</td>
</tr>
<tr>
<td>Monitoring Programs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cultural Resources&lt;sup&gt;b&lt;/sup&gt;</td>
<td>128,000</td>
<td>128,200</td>
<td>128,200</td>
<td>384,400</td>
</tr>
<tr>
<td>Natural Resources &amp; Environmental Monitoring&lt;sup&gt;c&lt;/sup&gt;</td>
<td>107,000</td>
<td>186,500</td>
<td>186,500</td>
<td>480,000</td>
</tr>
<tr>
<td>Management Programs and Plans</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resources Management Programs</td>
<td>90,000</td>
<td>160,000</td>
<td>90,000</td>
<td>340,000</td>
</tr>
<tr>
<td>Compliance, Education, Training, Outreach</td>
<td>130,000</td>
<td>170,000</td>
<td>150,000</td>
<td>450,000</td>
</tr>
<tr>
<td>Public Awareness</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brochures, Newsletters, Exhibits, Signage</td>
<td>75,750</td>
<td>65,000</td>
<td>85,000</td>
<td>225,750</td>
</tr>
<tr>
<td>Public Meetings&lt;sup&gt;d&lt;/sup&gt;</td>
<td>70,750</td>
<td>70,750</td>
<td>70,750</td>
<td>212,250</td>
</tr>
<tr>
<td>Equipment and Supplies</td>
<td>133,650</td>
<td>72,500</td>
<td>50,500</td>
<td>256,650</td>
</tr>
<tr>
<td><strong>Subtotal Program Expenses</strong></td>
<td>1,291,350</td>
<td>1,379,450</td>
<td>1,078,450</td>
<td>3,749,250</td>
</tr>
<tr>
<td><strong>TOTAL SALARIES, OPERATING AND PROGRAM EXPENSES</strong></td>
<td>2,280,120</td>
<td>2,418,220</td>
<td>2,067,220</td>
<td>6,765,560</td>
</tr>
<tr>
<td>Less Revenues from Fees</td>
<td>(100,000)</td>
<td>(100,000)</td>
<td>(100,000)</td>
<td>(300,000)</td>
</tr>
<tr>
<td><strong>TOTAL SALARIES, OPERATING AND PROGRAM EXPENSES Less REVENUE</strong></td>
<td>$2,180,120</td>
<td>$2,318,220</td>
<td>$1,967,220</td>
<td>$6,465,560</td>
</tr>
</tbody>
</table>

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<sup>a</sup> Total estimated budget for the three year period; <sup>b</sup> Includes a Cultural Resources Coordinator; <sup>c</sup> Includes a Natural Resources Coordinator; <sup>d</sup> Includes an Outreach Coordinator
### CMP Management Actions Arranged by Budget Category

<table>
<thead>
<tr>
<th>Management Action</th>
<th>Implementation Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Baseline Inventories</strong></td>
<td></td>
</tr>
<tr>
<td><strong>RESEARCH</strong></td>
<td></td>
</tr>
<tr>
<td>NR-15 Conduct baseline inventories of high-priority resources, as outlined in an inventory, monitoring, and research plan.</td>
<td>Immediate</td>
</tr>
<tr>
<td>FLU-2 Develop a map with land-use zones in the Astronomy Precinct based on updated inventories of cultural and natural resources, to delineate areas where future land use will not be allowed and areas where future land use will be allowed but will require compliance with prerequisite studies or analysis prior to approval of Conservation District Use Permit.</td>
<td>Immediate</td>
</tr>
<tr>
<td><strong>Other Research</strong></td>
<td></td>
</tr>
<tr>
<td>NR-17 Conduct research to fill knowledge gaps that cannot be addressed through inventory and monitoring.</td>
<td>Immediate</td>
</tr>
<tr>
<td>ACT-2 Develop parking and visitor traffic plan.</td>
<td>Immediate</td>
</tr>
<tr>
<td>IM-10 Evaluate need for additional public restroom facilities in the summit region and at Hale Pōhaku, and install close-contained zero waste systems if necessary.</td>
<td>Immediate</td>
</tr>
<tr>
<td>IM-12 Conduct energy audits to identify energy use and system inefficiencies, and develop solutions to reduce energy usage.</td>
<td>Immediate</td>
</tr>
<tr>
<td>IM-9 Evaluate need for additional parking lots and vehicle pullouts and install if necessary.</td>
<td>Mid-term</td>
</tr>
<tr>
<td>IM-13 Conduct feasibility assessment, in consultation with Hawaii Electric Light Company, on developing locally-based alternative energy sources.</td>
<td>Mid-term</td>
</tr>
<tr>
<td>IM-8 Assess feasibility of paving the Summit Access Road.</td>
<td>Long-term</td>
</tr>
<tr>
<td><strong>MONITORING PROGRAMS</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Cultural Resources Monitoring</strong></td>
<td></td>
</tr>
<tr>
<td>CR-10 Develop and implement a historic property monitoring program to systematically monitor the condition of the historic district and all historic properties, including cultural sites and burials.</td>
<td>Immediate</td>
</tr>
<tr>
<td><strong>Natural Resources and Environmental Monitoring</strong></td>
<td></td>
</tr>
<tr>
<td>NR-16 Conduct regular long-term monitoring, as outlined in an inventory, monitoring, and research plan.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>ACT-7 Confine University or other sponsored tours and star-gazing activities to previously disturbed ground surfaces and established parking areas.</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
## Implementation and Evaluation

<table>
<thead>
<tr>
<th>Management Action</th>
<th>Implementation Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MANAGEMENT PROGRAMS AND PLANS</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Resources Management Program: Cultural Resources</strong></td>
<td></td>
</tr>
<tr>
<td>CR-1 Kahu Kū Mauna shall work with families with lineal and historical connections</td>
<td>Immediate</td>
</tr>
<tr>
<td>to Mauna Kea, cultural practitioners, and other Native Hawaiian groups, including</td>
<td></td>
</tr>
<tr>
<td>the Mauna Kea Management Board’s Hawaiian Culture Committee, toward the development</td>
<td></td>
</tr>
<tr>
<td>of appropriate procedures and protocols regarding cultural issues.</td>
<td></td>
</tr>
<tr>
<td>CR-4 Establish a process for ongoing collection of information on traditional,</td>
<td>Short-term</td>
</tr>
<tr>
<td>contemporary, and customary cultural practices.</td>
<td></td>
</tr>
<tr>
<td>CR-5 Develop and adopt guidelines for the culturally appropriate placement and</td>
<td>Immediate</td>
</tr>
<tr>
<td>removal of offerings.</td>
<td></td>
</tr>
<tr>
<td>CR-6 Develop and adopt guidelines for the visitation and use of ancient shrines.</td>
<td>Immediate</td>
</tr>
<tr>
<td>CR-7 Kahu Kū Mauna shall take the lead in determining the appropriateness of</td>
<td>Immediate</td>
</tr>
<tr>
<td>constructing new Hawaiian cultural features.</td>
<td></td>
</tr>
<tr>
<td>CR-8 Develop and adopt a management policy for the UH Management Areas on the</td>
<td>Immediate</td>
</tr>
<tr>
<td>scattering of cremated human remains.</td>
<td></td>
</tr>
<tr>
<td>CR-9 A management policy for the culturally appropriateness of building ahu or</td>
<td>Immediate</td>
</tr>
<tr>
<td>“stacking of rocks” will need to be developed by Kahu Kū Mauna who may consider</td>
<td></td>
</tr>
<tr>
<td>similar policies adopted by Hawai‘i Volcanoes National Park.</td>
<td></td>
</tr>
<tr>
<td>CR-13 Develop and implement a burial treatment plan for the UH Management Areas in</td>
<td>Immediate</td>
</tr>
<tr>
<td>consultation with Kahu Kū Mauna Council, MKMB’s Hawaiian Culture Committee, the</td>
<td></td>
</tr>
<tr>
<td>Hawai‘i Island Burial Council, recognized lineal or cultural descendants, and</td>
<td></td>
</tr>
<tr>
<td>SHPD.</td>
<td></td>
</tr>
<tr>
<td>IM-3 Conduct historic preservation review for maintenance activities that will have</td>
<td>Immediate</td>
</tr>
<tr>
<td>an adverse effect on historic properties.</td>
<td></td>
</tr>
<tr>
<td>CR-12 Consult with Kahu Kū Mauna about establishing buffers (preservation zones)</td>
<td>Immediate</td>
</tr>
<tr>
<td>around known historic sites in the Astronomy Precinct, to protect them from</td>
<td></td>
</tr>
<tr>
<td>potential future development.</td>
<td></td>
</tr>
<tr>
<td>CR-11 Complete an archaeological survey of the portions of the Summit Access Road</td>
<td>Completed</td>
</tr>
<tr>
<td>corridor that are under UH management.</td>
<td></td>
</tr>
<tr>
<td><strong>Resources Management Program: Natural Resources</strong></td>
<td></td>
</tr>
<tr>
<td>NR-2 Limit damage caused by invasive species through creation of an invasive</td>
<td>Short-term</td>
</tr>
<tr>
<td>species prevention and control program.</td>
<td></td>
</tr>
<tr>
<td>NR-7 Delineate areas of high native diversity, unique communities, or unique</td>
<td>Short and Mid-term</td>
</tr>
<tr>
<td>geological features within the Astronomy Precinct and at Hale Pōhaku and consider</td>
<td></td>
</tr>
<tr>
<td>protection from development.</td>
<td></td>
</tr>
<tr>
<td>Management Action</td>
<td>Implementation Schedule</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>NR-8 Consider fencing areas of high native biodiversity or populations of endangered species to keep out feral ungulates (applies to areas below 12,800 ft elevation).</td>
<td>Mid -Term</td>
</tr>
<tr>
<td>NR-3 Maintain native plant and animal populations and biological diversity.</td>
<td>Mid and Long-term</td>
</tr>
<tr>
<td>NR-4 Minimize barriers to species migration, to help maintain populations and protect ecosystem processes and development.</td>
<td>Mid and Long-term</td>
</tr>
<tr>
<td>NR-5 Manage ecosystems to allow for response to climate change.</td>
<td>Long-term</td>
</tr>
<tr>
<td>NR-9 Increase native plant density and diversity through an outplanting program.</td>
<td>Long-term</td>
</tr>
<tr>
<td>IM-6 Develop and implement an erosion inventory and assessment plan.</td>
<td>Long-term</td>
</tr>
<tr>
<td>NR-11 Conduct habitat rehabilitation projects following unplanned disturbances.</td>
<td>As needed</td>
</tr>
<tr>
<td>NR-12 Create restoration plans and conduct habitat restoration activities, as needed.</td>
<td>As needed</td>
</tr>
<tr>
<td>Compliance, Education, Training, Outreach</td>
<td></td>
</tr>
<tr>
<td>CR-14 Immediately report any disturbance of a shrine or burial site to the rangers, DOCARE, Kahu Kū Mauna Council, and SHPD.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>NR-18 Develop geo-spatial database of all known natural resources and their locations in the UH Management Areas that can serve as baseline documentation against change and provide information essential for decision-making.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>AR-2 Prevent light pollution, radio frequency interference (RFI) and dust.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>P-8 Enforce conditions contained in commercial and Special Use permits.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>AR-1 Operate the UH Management Areas to prohibit activities resulting in negative impacts to astronomical resources.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>ACT-4 Develop and enforce a policy that maintains current prohibitions on off-road vehicle use in the UH Management Areas and that strengthens measures to prevent or deter vehicles from leaving established roads and designated parking areas.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>ACT-3 Maintain a presence of interpretive and enforcement personnel on the mountain at all times to educate users, deter violations, and encourage adherence to restrictions.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>ACT-9 Maintain commercial tour permitting process; evaluate and issue permits annually.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>ACT-10 Ensure OMKM input on permits for filming activities</td>
<td>Ongoing</td>
</tr>
<tr>
<td>ACT-12 Ensure input by OMKM, MKMB, and Kahu Kū Mauna on all scientific research permits and establish system of reporting results of research to OMKM.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Management Action</td>
<td>Implementation Schedule</td>
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<td>----------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>ACT-6 Define and maintain areas where snow-related activities can occur and</td>
<td>Ongoing</td>
</tr>
<tr>
<td>confine activities to slopes that have a protective layer of snow.</td>
<td></td>
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<tr>
<td>ACT-8 Coordinate with DLNR in the development of a policy regarding hunting in</td>
<td>Immediate</td>
</tr>
<tr>
<td>the UH Management Areas.</td>
<td></td>
</tr>
<tr>
<td>P-1 Comply with all applicable federal, state, and local laws, regulations, and</td>
<td>Ongoing</td>
</tr>
<tr>
<td>permit conditions related to activities in the UH Management Areas.</td>
<td></td>
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<tr>
<td>P-7 Develop and implement protocol for oversight and compliance with Conservation</td>
<td>Ongoing</td>
</tr>
<tr>
<td>District Use Permits.</td>
<td></td>
</tr>
<tr>
<td>P-5 Continue coordinating with other agencies on enforcement needs.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>OI-5 Update and implement emergency response plan.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>IM-1 Develop and implement an OMMP.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>IM-5 Develop and implement a Debris Removal, Monitoring and Prevention Plan.</td>
<td>Immediate</td>
</tr>
<tr>
<td>OI-1 Maintain OMKM, MKMB, and Kahu Kū Mauna in current roles, with OMKM providing</td>
<td>Ongoing</td>
</tr>
<tr>
<td>local management of the UH Management Areas, and MKSS providing operational and</td>
<td></td>
</tr>
<tr>
<td>maintenance services.</td>
<td></td>
</tr>
<tr>
<td>OI-3 Maintain and expand regular interaction and dialogue with stakeholders,</td>
<td>Ongoing</td>
</tr>
<tr>
<td>community members, surrounding landowners, and overseeing agencies to provide a</td>
<td></td>
</tr>
<tr>
<td>coordinated approach to resource management.</td>
<td></td>
</tr>
<tr>
<td>OI-2 Develop training plan for staff and volunteers.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>CR-3 Conduct educational efforts to generate public awareness about the</td>
<td>Immediate</td>
</tr>
<tr>
<td>importance of preserving the cultural landscape.</td>
<td></td>
</tr>
<tr>
<td>NR-6 Reduce threats to natural resources by educating stakeholders and the public</td>
<td>Immediate</td>
</tr>
<tr>
<td>about Mauna Kea’s unique natural resources.</td>
<td></td>
</tr>
<tr>
<td>EO-1 Develop and implement education and outreach program</td>
<td>Immediate and</td>
</tr>
<tr>
<td>Short-term</td>
<td></td>
</tr>
<tr>
<td>P-4 Educate management staff and users of the mountain about all applicable rules</td>
<td>Immediate</td>
</tr>
<tr>
<td>and permit requirements.</td>
<td></td>
</tr>
<tr>
<td>IM-2 Reduce impacts from operations and maintenance activities by educating</td>
<td>Immediate</td>
</tr>
<tr>
<td>personnel about Mauna Kea’s unique resources.</td>
<td></td>
</tr>
<tr>
<td>NR-1 Limit threats to natural resources through management of permitted activities</td>
<td>Short-term</td>
</tr>
<tr>
<td>and uses.</td>
<td></td>
</tr>
<tr>
<td>ACT-5 Implement policies to reduce impacts of recreational hiking</td>
<td>Short-term</td>
</tr>
<tr>
<td>CR-2 Support application for designation of the summit region of Mauna Kea as a</td>
<td>Short-term</td>
</tr>
<tr>
<td>Traditional Cultural Property, per the National Historic Preservation Act of 1966,</td>
<td></td>
</tr>
<tr>
<td>as amended, 16 U.S.C. 470 et seq. in consultation with the larger community.</td>
<td></td>
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</tbody>
</table>
### Implementation and Evaluation

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>IM-14 Encourage observatories to investigate options to reduce the use of hazardous materials in telescope operations.</td>
<td>Short-term</td>
</tr>
<tr>
<td>IM-4 Evaluate need for and feasibility of a vehicle wash station near Hale Pōhaku, and requiring that vehicles be cleaned.</td>
<td>Short-term</td>
</tr>
<tr>
<td>OI-4 Establish grievance procedures for OMKM, to address issues as they arise.</td>
<td>Short-term</td>
</tr>
<tr>
<td>ACT-1 Continue and update managed access policy of 1995 Management Plan.</td>
<td>Short-term</td>
</tr>
<tr>
<td>NR-14 Use the principles of adaptive management when developing programs and methodologies. Review programs annually and revise any component plans every five years, based on the results of the program review.</td>
<td>Short-term / As needed</td>
</tr>
<tr>
<td>MEU-2 Conduct regular updates of the CMP that reflect outcomes of the evaluation process, and that incorporate new information about resources.</td>
<td>Short-term / As needed</td>
</tr>
<tr>
<td>MEU-1 Establish a reporting system to ensure that the MKMB, DLNR, and the public are informed of results of management activities in a timely manner.</td>
<td>Immediate</td>
</tr>
<tr>
<td>EO-6 Engage in outreach and partnerships with schools, by collaborating with local experts, teachers, and university researchers, and by working with the 'Imiloa Astronomy Center of Hawai‘i.</td>
<td>Mid-term</td>
</tr>
<tr>
<td>IM-7 Prepare a plan, in collaboration with the Department of Defense, to remove military wreckage from a remote area of the UH Management Areas, while ensuring protection of natural and cultural resources.</td>
<td>Mid-term</td>
</tr>
<tr>
<td>ACT-11 Seek statutory authority for the University to regulate commercial activities in the UH Management Areas.</td>
<td>Completed</td>
</tr>
<tr>
<td>P-3 Obtain statutory rule-making authority from the legislature, authorizing the University of Hawai‘i to adopt administrative rules pursuant to Chapter 91 to implement and enforce the management actions.</td>
<td>Completed</td>
</tr>
<tr>
<td>P-6 Obtain legal authority for establishing, and then establish, a law enforcement presence on the mountain that can enforce rules for the UH Management Areas on Mauna Kea.</td>
<td>Completed / As needed</td>
</tr>
<tr>
<td>EO-2 Require orientation of users, with periodic updates and a certificate of completion, including but not limited to visitors, employees, observatory staff, contractors, and commercial and recreational users.</td>
<td>Long-term</td>
</tr>
<tr>
<td>IM-11 Encourage existing facilities and new development to incorporate sustainable technologies, energy efficient technologies, and LEED standards, whenever possible, into facility design and operations.</td>
<td>As needed</td>
</tr>
<tr>
<td>MEU-3 Revise and update planning documents, including the master plan, leases, and subleases, so that they will clearly assign roles and responsibilities for managing Mauna Kea and reflect stewardship matters resolved with DLNR.</td>
<td>As needed</td>
</tr>
</tbody>
</table>

### Project Development and Review

<table>
<thead>
<tr>
<th>Project Development and Review</th>
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</tr>
</thead>
<tbody>
<tr>
<td>NR-10 Incorporate mitigation plans into project planning and conduct mitigation following new development.</td>
<td>As needed</td>
</tr>
<tr>
<td>Management Action</td>
<td>Implementation Schedule</td>
</tr>
<tr>
<td>------------------</td>
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</tr>
<tr>
<td>P-2 Strengthen CMP implementation by recommending to the BLNR that the CMP conditions be included in any Conservation District Use Permit or other permit.</td>
<td>As needed</td>
</tr>
<tr>
<td>C-1 Require an independent construction monitor who has oversight and authority to insure that all aspects of ground based work comply with protocols and permit requirements.</td>
<td>As needed</td>
</tr>
<tr>
<td>C-2 Require use of Best Management Practices Plan for Construction Practices.</td>
<td>As needed</td>
</tr>
<tr>
<td>C-3 Develop, prior to construction, a rock movement plan.</td>
<td>As needed</td>
</tr>
<tr>
<td>C-4 Require contractors to provide information from construction activities to OMKM for input into OMKM information databases.</td>
<td>As needed</td>
</tr>
<tr>
<td>C-5 Require on-site monitors (e.g., archaeologist, cultural resources specialist, entomologist) during construction, as determined by the appropriate agency.</td>
<td>As needed</td>
</tr>
<tr>
<td>C-6 Conduct required archaeological monitoring during construction projects per SHPD approved plan.</td>
<td>As needed</td>
</tr>
<tr>
<td>C-7 Education regarding historical and cultural significance</td>
<td>As needed</td>
</tr>
<tr>
<td>C-8 Education regarding environment, ecology and natural resources</td>
<td>As needed</td>
</tr>
<tr>
<td>C-9 Inspection of construction materials</td>
<td>As needed</td>
</tr>
<tr>
<td>SR-1 Require observatories to develop plans to recycle or demolish facilities once their useful life has ended, in accordance with their sublease requirements, identifying all proposed actions.</td>
<td>As needed</td>
</tr>
<tr>
<td>SR-2 Require observatories to develop a restoration plan in association with decommissioning, to include an environmental cost-benefit analysis and a cultural assessment.</td>
<td>As needed</td>
</tr>
<tr>
<td>SR-3 Require any future observatories to consider site restoration during project planning and include provisions in subleases for funding of full restoration.</td>
<td>As needed</td>
</tr>
<tr>
<td>FLU-1 Follow design guidelines presented in the 2000 Master Plan.</td>
<td>As needed</td>
</tr>
<tr>
<td>FLU-3 Require cataloguing of initial site conditions for use when conducting site restoration.</td>
<td>As needed</td>
</tr>
<tr>
<td>FLU-4 Require project specific visual rendering of both pre- and post-project settings to facilitate analysis of potential impacts to view planes.</td>
<td>As needed</td>
</tr>
<tr>
<td>FLU-5 Require an airflow analysis on the design of proposed structures to assess potential impacts to aeolian ecosystems.</td>
<td>As needed</td>
</tr>
<tr>
<td>FLU-6 Incorporate habitat mitigation plans into project planning process.</td>
<td>As needed</td>
</tr>
<tr>
<td>FLU-7 Require use of close-contained zero-discharge waste systems for any future development in the summit region, from portable toilets to observatory restrooms, if feasible.</td>
<td>As needed</td>
</tr>
</tbody>
</table>
## Implementation and Evaluation

<table>
<thead>
<tr>
<th>Management Action</th>
<th>Implementation Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PUBLIC AWARENESS AND OUTREACH</strong></td>
<td></td>
</tr>
<tr>
<td>Brochures, Newsletters, Exhibits, Signage</td>
<td></td>
</tr>
<tr>
<td>EO-3 Continue to develop, update, and distribute materials explaining important aspects of Mauna Kea.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>EO-4 Develop and implement a signage plan to improve signage throughout the UH Management Areas (interpretive, safety, rules and regulations).</td>
<td>Immediate</td>
</tr>
<tr>
<td>EO-5 Develop interpretive features such as self-guided cultural walks and volunteer-maintained native plant gardens.</td>
<td>Mid-term</td>
</tr>
<tr>
<td><strong>Public Meetings</strong></td>
<td></td>
</tr>
</tbody>
</table>
November 5, 2019

TO:   UH – Board of Regents
      2444 Dole Street, Bachman Hall, Room 209
      Honolulu, HI, 96822
      bor.testimony@hawaii.edu
      bor@hawaii.edu

FR:    E. Kalani Flores, representing the Flores-Case ‘Ohana
       P.O. Box 6918, Kamuela, HI 96743
       ekflores@hawaiiantel.net

RE:    Comments (Nov. 6, 2019) Chapter 20-26, Hawai‘i Administrative Rules, entitled "Public and Commercial Activities on Mauna Kea Lands"

Comments:
We would like to reference and reiterate our comments and concerns previously submitted as written comments and orally presented at the informational meeting and hearing held regarding these proposed administrative rules.

Furthermore, if the University of Hawai‘i – Board of Regents takes action to adopt any particular rule(s), we’re requesting that they issue a concise statement of the principal reasons for and against its determination to adopt each specific rule(s) at this hearing as required by HRS §91-3.
March 15, 2019

TO: UH Government Relations Office  
2442 Campus Road  
Administrative Services Building 1-101  
Honolulu, HI, 96822  
MKRules@hawaii.edu

FR: E. Kalani Flores, representing the Flores-Case ‘Ohana  
P.O. Box 6918, Kamuela, HI 96743  
ekflores@hawaiiantel.net

RE: Informal Consultation Draft of Chapter 20-26: Hawai‘i Administrative Rules

**General Comments:**

1. In order to protect Native Hawaiian customary and traditional rights exercised for subsistence, cultural, and religious purposes associated with the Mauna Kea lands, the Board of Land and Natural Resources/Department of Land and Natural Resources (Lessor) needs to conduct an independent Ka Pa‘akai analysis to assess the impacts of the proposed rules would have on customary and traditional practices as stipulated in the State Supreme Court decision rendered in *Ka Pa‘akai O Ka ‘Āina v. Land Use Commission*, 94 Hawai‘i 31, 47, 7 P.3d 1068, 1084 (2000). Once these rights and practices are appropriately identified, the University needs to consult with the Office of Hawaiian Affairs (as required by Act 132) as well as Hawaiian cultural practitioners in order to appropriately protect these rights and practices (as required by the 2009 Mauna Kea Comprehensive Management Plan). The exercise of native Hawaiian rights and cultural practices and associated activities pursuant to article XII, section 7 of the Hawaii State Constitution are distinct from the general public activities. As written, some of the proposed rules would conflict and adversely impact these rights and practices.

State agencies have an affirmative duty to preserve and protect traditional and customary native Hawaiian rights, and the power to protect these rights and to prevent any interference with the exercise of these rights. In order to fulfill its duty to preserve and protect customary and traditional native Hawaiian rights, DLNR and BLNR must independently investigate:

(1) the identity and scope of “valued cultural, historical, or natural resources” in the... area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;
(2) the extent to which those resources --including traditional and customary native Hawaiian rights -- will be affected or impaired by the proposed action; and
(3) the feasible action, if any, to be taken . . . to reasonably protect native Hawaiian rights if they are found to exist.

*Ka Pa‘akai O Ka ‘Āina v. Land Use Comm’n*, 94 Hawai‘i 31, 47, 7 P.3d 1068, 1084 (2000). Under *Ka Pa‘akai*, an agency’s analysis must be “independent,” 94 Hawai‘i at 45, 7 P.3d at 1083, and the duty of the agency to analyze the *Ka Pa‘akai* framework cannot be delegated. Id. at 60, 7 P.3d 1087.
There has been no investigation by DLNR/BLNR into the traditional and customary practices that will be affected by the proposed action. **Adopting these proposed rules before DLNR/BLNR has completed an independent Ka Pa’akai analysis would be in clear violation of Ka Pa’akai and the Hawai‘i Constitution.**

2. How does the UH intend to protect Native Hawaiians exercising their customary and traditional rights? Likewise, how would the UH distinguish between a Native Hawaiian exercising their customary and traditional rights vs. someone from the general public who might appear to be in violation of such rules? **The following section should be reinserted:**

   §20-26-21 Traditional and customary rights. *This chapter is subject to the right of native Hawaiians to exercise protected customary and traditional rights as provided for in Article XII, section 7 of the Hawai‘i Constitution, consistent with the laws of the State of Hawai‘i.*¹

3. The proposed fines are overly excessive in nature. What are the examples of enforcement, appeals, and penalties applied on existing UH campuses? **These proposed fines need further research and comparison with other UH policies.**

4. If the proposed violations are considered civil in nature, why aren’t they being handled through the existing district or circuit court system instead of a contested case proceeding? Contested case proceedings were never intended for handling these types of civil violations because they are inappropriate, time consuming, and not cost effective. Just calculate how much it would cost for the UH to conduct one contested case proceeding? Now, times that by the number of anticipated violations per year that might contest these rules. **Other options (i.e. DLNR’s Civil Resource Violation System) for handling certain violations should be implemented that are just, speedy, and cost-effective.** For example, the CRVS allows the issuance of citations for minor violations – either a fine, retribution for fees and costs, or non-monetary sanctions like restoration – that would not have to go through a hearing process or court system.

5. Several of these proposed rules and the procedures for adoption are not in compliance with the CMP, Mauna Kea Master Plan (2000), Act 132 as well as other statutory laws.

6. **Several of these proposed rules are invalid for being overbroad and thus infringing on the constitutional rights of individuals. Hoffman Estates v. Flipside, Hoffman Estates, 455 U.S. 489, 491 (U.S. 1982).**

7. **There should also be a section of rules and associated enforcement that pertains to astronomy personnel, UH employees, contractors, researchers, etc. who are within the Mauna Kea Science Reserve and other UH managed lands in other to protect the cultural and natural resources.** As written, such individuals are exempt from such rules.

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¹ The strong opposition to this section during the hearings for Draft 1 were primarily pertaining to the proposed sections (b), (c), and (d). Thus, just section (a) as noted above should be included.
Specific Comments:
§20-26-3 Application. [Some of these rules are applicable to astronomy personnel, UH employees, researchers, contractors, etc.. Thus, they shouldn’t be exempt from all of these rules unless another section of rules is being applied to specific to them.]

§20-26-6 Fees. [This section doesn’t specify any provisions for waiver of fees for Native Hawaiian cultural practitioners.]

§20-26-22 Preservation of resources. [Many on these specific rules are unnecessarily restrictive in nature. In addition, many of them would be in conflict with Native Hawaiian traditional and customary rights and practices.]

§20-26-23 Preservation of scientific and educational resources.
[It’s unnecessary to ban all of these devices in all parts of Mauna Kea. These areas should be more specific. Also, as written, these sections would make it unlawful to even use an iphone or smart phone to take photos or even a flashlight. Some of the items being proposed to be banned are simply ridiculous.]

§20-26-28 Vehicles and transportation.
(4) Parking any motorized or non-motorized vehicle or trailer except in designated areas; [This section should be revised or deleted. What would be considered designated parking areas on Mauna Kea?]
(7) Failing to comply with any posted sign or any posted equipment requirement based on roadway conditions, such as a requirement to use or carry tire chains when snow or ice is present or anticipated. [It’s not always necessary to have tire chains when snow is present which this section implies. The ending part of this sentence should be eliminated as such: such as a requirement to use or carry tire chains when snow or ice is present or anticipated.]

§20-26-37 Camping. [This section doesn’t specify any provisions for activities by Native Hawaiian cultural practitioners that might conflict with the proposed rule and definition of “camping”.]

§20-26-38 Access. [This section doesn’t specify any provisions for access by Native Hawaiian cultural practitioners that might conflict with the proposed rules.]

§20-26-40 Scattering of cremated remains. [There should be designated areas for scattering of cremated remains for the general public and visitors.]

§20-26-62 Group use registration. [There should be a distinction when such group use registrations are necessary or practical especially if requiring 15 days prior notice to the President. For example, why would it be necessary for a group of ten or more visitors to register with the President if only coming to the VIS? Instead, there should be an easier process to notify the VIS if a large group was coming to the VIS; similar to the process for groups planning a trip to the ‘Imiloa Center.]

§20-26-73 Violations, penalties, costs, administrative fines... [see General Comments 3 & 4]
§20-26-75 Appeals process,... [see General Comments 3 & 4] [Also, seven days to submit an appeal is inadequate. It should be at least 21 days or more similar to what other State agencies allow in the appeals to their citations.]

Note: We were only able to comment on the few specifics of these proposed rules. As such, we reserve the right to provide additional comments. Also, the majority of comments previously submitted during the hearing in 2018 for the proposed draft rules were systematically ignored and not addressed in the *Summary of Revisions to Draft 1*. 
June 7, 2019

TO: UH System Government Relations Office
    2442 Campus Road
    Administrative Services Building 1-101
    Honolulu, HI, 96822
    UHHAR@hawaii.edu

FR: E. Kalani Flores, representing the Flores-Case ‘Ohana
    P.O. Box 6918, Kamuela, HI 96743
    ekflores@hawaiiantel.net

RE: Chapter 20-26: Hawai‘i Administrative Rules - Draft 2

Preface:

Mauna a Wākea (Mountain of Wākea) is the name given breath to by the ancestors because the summit region of this mountain stands majestically above the cloud stratum into the heavenly realms of Wākea (Sky Father) who is personified in the atmosphere that envelops Papahānaumoku (Earth Mother). It is a sacred landscape, also known as Mauna a Kea or Mauna Kea, that provides a genealogical, physical, and spiritual connection between Ke Akua (The Creator), ancestral realms, and kanaka (humans). It is a piko (portal) for life forces and energies to flow into these islands that requires a pristine environment free of any physical and spiritual obstructions. An area also considered a wao akua.

Mauna a Wākea has long been regarded as an extremely sacred place in Ka Pae ‘Aina o Hawai‘i (the Hawaiian Islands) by Kanaka Maoli of the past and still remembered and cherished by those today, and it has been, and continues to be used as a place to conduct traditional and customary practices. This wahi kapu remains a place of significant worship for Hawaiians, as well as non-Hawaiians.

These administrative rules are proposed for the lands of Ka‘ohe that were designated as Government Lands of the Kingdom of Hawai‘i as the result of the Mahele Act of 1848. As such, these lands are subject to the rights of the native tenants – “koe nae ke kuleana o na kanaka”.

Also, Kanaka Maoli never relinquished their claims, title, and jurisdiction of these national lands to the United States, or any other entity, either through their monarchy or through a plebiscite or referendum.

Several of these proposed rules have the potential to sever the intimate connection with our beloved Mauna a Wākea and to adversely impact the traditional and customary practices of Kanaka Maoli (aka Native Hawaiians).

Somehow it’s implied in the justification for these rules that the environmentally and culturally-sensitive environment and resources of Mauna a Wākea need to be protected from the general public. However, within these past 50 years, it’s actually been the University of Hawai‘i’s overdevelopment of astronomy facilities along with the lack of oversight by the State Board of Land and Natural Resources that have resulted in the substantial, significant, and adverse cumulative impacts upon the cultural, archaeological, historic, and geologic resources on Mauna a Wākea.
Despite participating and providing input, the majority of comments previously submitted during the consultation process and hearings in 2018 and 2019 for the proposed rules were systematically ignored and not addressed in this process. In fact, there have been very insignificant changes since the last draft. Thus, the following comments are resubmitted and elaborated upon once again. We reserve the right to provide additional comments.

The UH Board of Regents should request a compilation and summary of all the comments submitted by the public as part of this process.

General Comments:

1. The proposed rules are in contravention to Hawai‘i Papa O Ke Ao – the University of Hawai‘i System’s initiative to embrace its unique responsibility to the indigenous people of Hawai‘i and to Hawai‘i’s language and culture. Many of the rules as written are an affront to the indigenous people of Hawai‘i and their cultural practices and rights.

2. In order to protect Native Hawaiian customary and traditional rights exercised for subsistence, cultural, and religious purposes associated with the Mauna Kea lands, the Board of Land and Natural Resources/Department of Land and Natural Resources (Lessor) needs to conduct an independent Ka Pa‘akai analysis to assess any potential impacts the proposed rules would have on customary and traditional practices as stipulated in the State Supreme Court decision rendered in Ka Pa‘akai O Ka ‘Āina v. Land Use Commission, 94 Hawai‘i 31, 47, 7 P.3d 1068, 1084 (2000). Once these rights and practices are appropriately identified, the University needs to consult with the Office of Hawaiian Affairs (as required by Act 132) as well as Hawaiian cultural practitioners in order to appropriately protect these rights and practices (as required by the 2009 Mauna Kea Comprehensive Management Plan). The exercise of native Hawaiian rights and cultural practices and associated activities pursuant to article XII, section 7 of the Hawaii State Constitution are distinct from the general public activities. As written, some of the proposed rules would conflict and adversely impact these rights and practices.

State agencies have an affirmative duty to preserve and protect traditional and customary native Hawaiian rights, and the power to protect these rights and to prevent any interference with the exercise of these rights. In order to fulfill its duty to preserve and protect customary and traditional native Hawaiian rights, DLNR and BLNR must independently investigate:

(1) the identity and scope of “valued cultural, historical, or natural resources” in the... area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;
(2) the extent to which those resources --including traditional and customary native Hawaiian rights -- will be affected or impaired by the proposed action; and
(3) the feasible action, if any, to be taken ... to reasonably protect native Hawaiian rights if they are found to exist.

Under Ka Pa‘akai, an agency’s analysis must be “independent,” 94 Hawai‘i at
45, 7 P.3d at 1083, and the duty of the agency to analyze the *Ka Pa‘akai* framework cannot be delegated. Id. at 60, 7 P.3d 1087.

There has been no investigation by DLNR/BLNR into the traditional and customary practices that will be affected by the proposed action. **Adopting these proposed rules before DLNR/BLNR has completed an independent *Ka Pa‘akai* analysis would be in clear violation of *Ka Pa‘akai* and the Hawai‘i Constitution.**

3. How does the UH intend to protect Native Hawaiians exercising their customary and traditional rights? Likewise, how would the UH distinguish between a Native Hawaiian exercising their customary and traditional rights vs. someone from the general public who might appear to be in violation of such rules?

4. The proposed fines are overly excessive in nature. Likewise, the period of five years for repeat violations appears excessive in nature. In addition, some of the civil infractions should be separated out from the other violations associated with permits. What are the examples of enforcement, appeals, and penalties applied on existing UH campuses (i.e. UH Parking Policy 20-12-2)? **These proposed fines need further research and comparison with other UH policies.**

5. Contested case proceedings were never intended for handling all types of civil violations because in many cases they are inappropriate, time consuming, and not cost effective. Just calculate how much it would cost for the UH to conduct one contested case proceeding? Now, times that by the number of anticipated violations per year that might contest these rules. Other options (i.e. DLNR’s Civil Resource Violation System) for handling certain violations should be considered that are just, speedy, and cost-effective. ¹ For example, the CRVS allows the issuance of citations for minor violations — either a fine, retribution for fees and costs, or non-monetary sanctions like restoration — that would not have to go through a hearing process or court system.

6. Several of these proposed rules and the procedures for adoption are not in compliance with the Mauna Kea Comprehensive Management Plan (CMP), 2000 Mauna Kea Science Reserve Master Plan (2000 Master Plan), Act 132 as well as other statutory laws.

7. Several of these proposed rules are invalid for being overbroad and thus infringing on the constitutional rights of individuals. *Hoffman Estates v. Flipside,* Hoffman Estates, 455 U.S. 489, 491 (U.S. 1982).

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¹ Civil Resource Violations System: The goal is to provide an administrative law proceeding to process civil resource violations in a just, speedy, and cost-effective manner, much like the traffic violation system where a small fine is enough to help change people’s behavior in the long run. It will allow violators to understand their infraction, comply with the law and avoid a tedious and costly criminal process. This system will not supersede the criminal process, but will complement it and focus on cases of less severity. Many of the cases that fall into this category have traditionally been ignored in resource enforcement.
8. There should also be a section of rules and associated enforcement that pertains to astronomy personnel, UH employees, contractors, researchers, etc. who are within the Mauna Kea Science Reserve and other UH managed lands in order to protect the cultural and natural resources. As written, such individuals are exempt from such rules.

9. If the University is incapable of drafting pono and adequate administrative rules pertaining to Public Activities (Subchapter 2), perhaps this subchapter should be set aside until the matters of concern can be resolved with the public. Instead, the University should just move ahead with rules pertaining to Commercial Activities (Subchapter 3) at this time.

Specific Comments:

§20-26-3 Applicability and implementation, generally. [This section should be revised. Some of these rules are applicable to astronomy personnel, UH employees, researchers, contractors, etc. Thus, they shouldn’t be exempt from all of these rules unless another section of rules is being applied to specific to them.]

(f) [This section should be revised as originally written.] This chapter is subject to the right of native Hawaiians to exercise protected customary and traditional rights as provided for in Article XII, section 7 of the Hawai‘i Constitution, consistent with the laws of the State of Hawai‘i.

§20-26-6 Fees. [This section should be revised or deleted. This section doesn’t specify any provisions for waiver of fees for Native Hawaiian cultural practitioners and Hawai‘i residents.]

§20-26-21 Preservation of resources. [This section should be revised or deleted. Many of these specific rules are unnecessarily restrictive in nature. In addition, many of them would be in conflict with Native Hawaiian traditional and customary rights and practices.]

§20-26-23 Preservation of scientific and educational resources. [This section should be revised or deleted. It’s unnecessary to ban all of these devices in all parts of Mauna Kea. These areas should be more specific. Also, as written, these sections would make it unlawful to use an iphone/smart phone for live-streaming or even a flashlight.]

§20-26-28 Vehicles and transportation.

(4) Parking any motorized or non-motorized vehicle or trailer except in designated areas; [This section should be revised or deleted. What would be considered designated parking areas on Mauna Kea?]

(5) Operating any motorized or non-motorized vehicle in violation of existing state or county traffic regulations, including but not limited to having a valid vehicle license plate, registration and safety check as required; [This section should be deleted. Why would UH be policing vehicles for registration, safety check, etc.? Are citations issued to vehicles with invalid license plates, registration, and safety check that are on the UH campuses?]
(7) Failing to comply with any posted sign or any posted equipment requirement based on roadway conditions, such as a requirement to use or carry tire chains when snow or ice is present or anticipated. [This section should be revised. It’s not always necessary to have tire chains when snow is present which this section implies. The ending part of this sentence should be eliminated as such: such as a requirement to use or carry tire chains when snow or ice is present or anticipated.]

§20-26-32 Animals. [This section should be revised. The use of horses or mules to access Mauna Kea should be allowed as outlined in the 2000 Master Plan.]

§20-26-37 Camping. [This section should be revised or deleted. This section doesn’t specify any provisions for activities by Native Hawaiian cultural practitioners that might conflict with the proposed rule and definition of “camping”.]

§20-26-38 Access. [This section should be revised or deleted. This section doesn’t specify any provisions for access by Native Hawaiian cultural practitioners that might conflict with the proposed rules. The CMP states, “Access shall not be denied or unduly restricted for Native Hawaiians wanting to visit sites such as burials or shrines or exercise their religious and spiritual practices within the UH Management Areas.” (p. 7-8) In addition, some of these rules contradict policies in the 2000 Master Plan.]

(c) Closed areas, public access hours. Public access hours for the UH management areas shall be adopted as set forth in the comprehensive management plan, provided that hunting shall be allowed pursuant to department of land and natural resources hunting rules. All persons shall abide by the officially posted signs designating public access hours. [This section should be revised or deleted. If there’s a reference to the comprehensive management plan (CMP), then this plan needs to be updated in order to be in compliance with this requirement.2] We are opposed to the public access hours being restricted to only daylight hours (30 min. before sunrise and 30 min. after sunset) as proposed in the CMP based upon the outdated policies of the 1995 Revised Management Plan for the UH Management Areas on Mauna Kea (1995 Management Plan).]

§20-26-39 Snow play.

(c) Formally or informally organized contests, meets, or competitions, snow play tours, or other similar events for skiing, snowboarding, sledding or other forms of snow recreation or snow activities are prohibited. [This section should be revised or deleted. This section contradicts policies in 1995 Management Plan and 2000 Master Plan.]

§20-26-40 Scattering of cremated remains. [This section should be revised or deleted. Why is this section even referenced? Whereas, all the other sections in Subchapter 2 stipulate actions that are prohibited or restricted. If this section remains, there should be a reference about the scattering of cremated remains in designated areas for the general public and visitors.]

2 Outdated CMP – see Other Notes
§20-26-62 Group use registration. [This section should be revised or deleted. As written, this section would be a violation of civil rights to peacefully assemble. Likewise, there should be a distinction when such group use registrations are necessary or practical especially if requiring 15 days prior notice to the President. For example, why would it be necessary for a group of ten or more visitors to register with the President if only coming to the VIS? Instead, there should be an easier process to notify the VIS if a large group was coming to the VIS; similar to the process for groups planning a trip to the ‘Imiloa Center.]

§20-26-73 Violations, penalties, costs, administrative fines... [also see General Comments 3 & 4]

(1) Immediate expulsion from the UH management areas; [This section should be deleted. Immediate expulsion would assume that someone is guilty for an alleged violation without due process.]

(2) Exclusion from the UH management areas for a specific period or until the violation has been corrected; [This section should be deleted. Exclusion without any guidance or predesignating an associated violation and specific period have the potential to lead to arbitrary decisions and a violation of rights.]

(d) The costs of any enforcement proceedings, including the costs of contested case proceedings, may be assessed against a party found to be in violation. [This section should be deleted. We’re opposed to such costs being assessed for contesting or appealing an alleged violation.]

§20-26-75 Appeals process.... [see General Comments 3 & 4] [This section should be revised. Seven days to submit an appeal is inadequate for most of the proposed violations. It should be at least 21 days or more similar to what other State agencies allow in the appeals to their citations.]

Other Notes:

There is an inherent problem in referencing an outdated Comprehensive Management Plan (CMP) in these proposed rules. The University is required to provide a process through which it can be regularly update the CMP as part of an adaptive management strategy. That process will allow the BLNR and the University to evaluate and modify management approaches over time based on new information that may become available. Section 7.4.2 of the CMP outlines the requirements and process for monitoring, evaluating, and updating the CMP. Regular monitoring and evaluation of the CMP is needed to determine if management actions are effective over time and are meeting management needs, and to ensure that the best possible protection is afforded Mauna Kea’s resources. Likewise, the CMP needs to be reviewed and revised as new, pertinent information becomes available about the resources being managed.

It’s stipulated that monitoring and evaluation of the effectiveness of the CMP should occur annually, and an annual progress report should be prepared. A major review and revision of the CMP should occur every five years, using information contained in the annual reports. The five-year evaluation and revision should include consultation with federal and state agencies and the local community, to inform stakeholders on program progress, and to
gather input on changes or additions to management activities. (emphasis added) The requirement for the University to complete a “major review every five years” of the CMP is further stipulated in the CMP Implementation Plan (2010) as outlined below:

4.2.2 Five-Year Management Outcome Analysis and CMP Revision

The OMKM program should be subjected to a major review every five years, and the CMP should be revised, as necessary. This process should involve input from State and Federal agencies and the public.

The Office of Mauna Kea Management (OMKM) was tasked with overseeing and implementing the management actions identified in the CMP Implementation Plan. The CMP was submitted to and approved by the BLNR on April 9, 2009, thus, the required five-year major review and revision of the CMP was previously due April 2014. As noted, the University has still failed to update and complete the five-year major review and revision of the CMP as required and stipulated in this plan. The most recent 2018 Annual Report submitted by UHH to BLNR further reaffirms that the required CMP five-year major review and revision is overdue and hasn’t been completed yet for this management action MEU-2.
To whom it may concern,

I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University’s responsibility.

1.) (Agenda item no. III.A) Adopting rules restricting access and use of Mauna Kea summit lands and implementing a vague permitting system for the access that it does allow. The rules apply to the public, but not University or observatory personnel, or government entities.

2.) (Agenda item no. III.B) Passing a resolution on twelve Mauna Kea management steps with a supporting budget.

I oppose both of these items on the grounds that they will undermine the rights of Native Hawaiian cultural practitioners and ultimately defeat the purpose of having rules to manage the summit area of Mauna Kea. Rules for Mauna Kea are primarily intended to regulate the University, observatories, and commercial tours and are not intended to prevent Native Hawaiian practitioners from their customs and traditions.

The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,

Sincerely,
Kapeka Forges
November 5, 2019

TO:   UH – Board of Regents  
2444 Dole Street, Bachman Hall, Room 209  
Honolulu, HI, 96822  
bor.testimony@hawaii.edu  
bor@hawaii.edu

FR:   E. Kalani Flores, representing the Flores-Case ‘Ohana  
P.O. Box 6918, Kamuela, HI 96743  
ekflores@hawaiiantel.net

RE:   Comments (Nov. 6, 2019) Chapter 20-26, Hawai‘i Administrative Rules, entitled "Public and Commercial Activities on Mauna Kea Lands"

Comments:
We would like to reference and reiterate our comments and concerns previously submitted as written comments and orally presented at the informational meeting and hearing held regarding these proposed administrative rules.

Furthermore, if the University of Hawai‘i – Board of Regents takes action to adopt any particular rule(s), we’re requesting that they issue a concise statement of the principal reasons for and against its determination to adopt each specific rule(s) at this hearing as required by HRS §91-3.
March 15, 2019

TO:  UH Government Relations Office  
     2442 Campus Road  
     Administrative Services Building 1-101  
     Honolulu, HI, 96822  
     MKRules@hawaii.edu

FR:  E. Kalani Flores, representing the Flores-Case ‘Ohana  
     P.O. Box 6918, Kamuela, HI 96743  
     ekflores@hawaiiantel.net

RE:  Informal Consultation Draft of Chapter 20-26: Hawai‘i Administrative Rules

General Comments:

1. In order to protect Native Hawaiian customary and traditional rights exercised for subsistence, cultural, and religious purposes associated with the Mauna Kea lands, the Board of Land and Natural Resources/Department of Land and Natural Resources (Lessor) needs to conduct an independent Ka Pa‘akai analysis to assess the impacts of the proposed rules would have on customary and traditional practices as stipulated in the State Supreme Court decision rendered in Ka Pa‘akai O Ka ‘Āina v. Land Use Commission, 94 Hawai‘i 31, 47, 7 P.3d 1068, 1084 (2000). Once these rights and practices are appropriately identified, the University needs to consult with the Office of Hawaiian Affairs (as required by Act 132) as well as Hawaiian cultural practitioners in order to appropriately protect these rights and practices (as required by the 2009 Mauna Kea Comprehensive Management Plan). The exercise of native Hawaiian rights and cultural practices and associated activities pursuant to article XII, section 7 of the Hawaii State Constitution are distinct from the general public activities. As written, some of the proposed rules would conflict and adversely impact these rights and practices.

State agencies have an affirmative duty to preserve and protect traditional and customary native Hawaiian rights, and the power to protect these rights and to prevent any interference with the exercise of these rights. In order to fulfill its duty to preserve and protect customary and traditional native Hawaiian rights, DLNR and BLNR must independently investigate:

(1) the identity and scope of “valued cultural, historical, or natural resources” in the... area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;  
(2) the extent to which those resources --including traditional and customary native Hawaiian rights -- will be affected or impaired by the proposed action; and  
(3) the feasible action, if any, to be taken... to reasonably protect native Hawaiian rights if they are found to exist.

Ka Pa‘akai O Ka ‘Āina v. Land Use Comm’n, 94 Hawai‘i 31, 47, 7 P.3d 1068, 1084 (2000). Under Ka Pa‘akai, an agency’s analysis must be “independent,” 94 Hawai‘i at 45, 7 P.3d at 1083, and the duty of the agency to analyze the Ka Pa‘akai framework cannot be delegated. Id. at 60, 7 P.3d 1087.
There has been no investigation by DLNR/BLNR into the traditional and customary practices that will be affected by the proposed action. **Adopting these proposed rules before DLNR/BLNR has completed an independent Ka Pa‘akai analysis would be in clear violation of Ka Pa‘akai and the Hawai‘i Constitution.**

2. How does the UH intend to protect Native Hawaiians exercising their customary and traditional rights? Likewise, how would the UH distinguish between a Native Hawaiian exercising their customary and traditional rights vs. someone from the general public who might appear to be in violation of such rules? **The following section should be reinserted:**

§20-26-21 Traditional and customary rights. *This chapter is subject to the right of native Hawaiians to exercise protected customary and traditional rights as provided for in Article XII, section 7 of the Hawai‘i Constitution, consistent with the laws of the State of Hawai‘i.¹*

3. The proposed fines are overly excessive in nature. What are the examples of enforcement, appeals, and penalties applied on existing UH campuses? **These proposed fines need further research and comparison with other UH policies.**

4. If the proposed violations are considered civil in nature, why aren’t they being handled through the existing district or circuit court system instead of a contested case proceeding? Contested case proceedings were never intended for handling these types of civil violations because they are inappropriate, time consuming, and not cost effective. Just calculate how much it would cost for the UH to conduct one contested case proceeding? Now, times that by the number of anticipated violations per year that might contest these rules. **Other options (i.e. DLNR’s Civil Resource Violation System) for handling certain violations should be implemented that are just, speedy, and cost-effective.** For example, the CRVS allows the issuance of citations for minor violations – either a fine, retribution for fees and costs, or non-monetary sanctions like restoration – that would not have to go through a hearing process or court system.

5. Several of these proposed rules and the procedures for adoption are not in compliance with the CMP, Mauna Kea Master Plan (2000), Act 132 as well as other statutory laws.


7. There should also be a section of rules and associated enforcement that pertains to astronomy personnel, UH employees, contractors, researchers, etc. who are within the Mauna Kea Science Reserve and other UH managed lands in order to protect the cultural and natural resources. As written, such individuals are exempt from such rules.

¹ The strong opposition to this section during the hearings for Draft 1 were primarily pertaining to the proposed sections (b), (c), and (d). Thus, just section (a) as noted above should be included.
Specific Comments:

§20-26-3 Application. [Some of these rules are applicable to astronomy personnel, UH employees, researchers, contractors, etc. Thus, they shouldn’t be exempt from all of these rules unless another section of rules is being applied to specific to them.]

§20-26-6 Fees. [This section doesn’t specify any provisions for waiver of fees for Native Hawaiian cultural practitioners.]

§20-26-22 Preservation of resources. [Many on these specific rules are unnecessarily restrictive in nature. In addition, many of them would be in conflict with Native Hawaiian traditional and customary rights and practices.]

§20-26-23 Preservation of scientific and educational resources. [It’s unnecessary to ban all of these devices in all parts of Mauna Kea. These areas should be more specific. Also, as written, these sections would make it unlawful to even use an iphone or smart phone to take photos or even a flashlight. Some of the items being proposed to be banned are simply ridiculous.]

§20-26-28 Vehicles and transportation. (4) Parking any motorized or non-motorized vehicle or trailer except in designated areas; [This section should be revised or deleted. What would be considered designated parking areas on Mauna Kea?]

(7) Failing to comply with any posted sign or any posted equipment requirement based on roadway conditions, such as a requirement to use or carry tire chains when snow or ice is present or anticipated. [It’s not always necessary to have tire chains when snow is present which this section implies. The ending part of this sentence should be eliminated as such: such as a requirement to use or carry tire chains when snow or ice is present or anticipated.]

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§20-26-38 Access. [This section doesn’t specify any provisions for access by Native Hawaiian cultural practitioners that might conflict with the proposed rules.]

§20-26-40 Scattering of cremated remains. [There should be designated areas for scattering of cremated remains for the general public and visitors.]

§20-26-62 Group use registration. [There should be a distinction when such group use registrations are necessary or practical especially if requiring 15 days prior notice to the President. For example, why would it be necessary for a group of ten or more visitors to register with the President if only coming to the VIS? Instead, there should be an easier process to notify the VIS if a large group was coming to the VIS; similar to the process for groups planning a trip to the ‘Imiloa Center.]

§20-26-73 Violations, penalties, costs, administrative fines. [see General Comments 3 & 4]
Appeals process,... [see General Comments 3 & 4] [Also, seven days to submit an appeal is inadequate. It should be at least 21 days or more similar to what other State agencies allow in the appeals to their citations.]

Note: We were only able to comment on the few specifics of these proposed rules. As such, we reserve the right to provide additional comments. Also, the majority of comments previously submitted during the hearing in 2018 for the proposed draft rules were systematically ignored and not addressed in the *Summary of Revisions to Draft 1*. 
Preface:

Mauna a Wākea (Mountain of Wākea) is the name given breath to by the ancestors because the summit region of this mountain stands majestically above the cloud stratum into the heavenly realms of Wākea (Sky Father) who is personified in the atmosphere that envelops Papahānaumoku (Earth Mother). It is a sacred landscape, also known as Mauna a Kea or Mauna Kea, that provides a genealogical, physical, and spiritual connection between Ke Akua (The Creator), ancestral realms, and kanaka (humans). It is a piko (portal) for life forces and energies to flow into these islands that requires a pristine environment free of any physical and spiritual obstructions. An area also considered a wao akua.

Mauna a Wākea has long been regarded as an extremely sacred place in Ka PaeʻAina o Hawaiʻi (the Hawaiian Islands) by Kanaka Maoli of the past and still remembered and cherished by those today, and it has been, and continues to be used as a place to conduct traditional and customary practices. This wahi kapu remains a place of significant worship for Hawaiians, as well as non-Hawaiians.

These administrative rules are proposed for the lands of Kaʻohe that were designated as Government Lands of the Kingdom of Hawaiʻi as the result of the Mahele Act of 1848. As such, these lands are subject to the rights of the native tenants – “koe nae ke kuleana o na kanaka”. Also, Kanaka Maoli never relinquished their claims, title, and jurisdiction of these national lands to the United States, or any other entity, either through their monarchy or through a plebiscite or referendum.

Several of these proposed rules have the potential to sever the intimate connection with our beloved Mauna a Wākea and to adversely impact the traditional and customary practices of Kanaka Maoli (aka Native Hawaiians).

Somehow it’s implied in the justification for these rules that the environmentally and culturally-sensitive environment and resources of Mauna a Wākea need to be protected from the general public. However, within these past 50 years, it’s actually been the University of Hawaiʻi’s overdevelopment of astronomy facilities along with the lack of oversight by the State Board of Land and Natural Resources that have resulted in the substantial, significant, and adverse cumulative impacts upon the cultural, archaeological, historic, and geologic resources on Mauna a Wākea.
Despite participating and providing input, the majority of comments previously submitted during the consultation process and hearings in 2018 and 2019 for the proposed rules were systematically ignored and not addressed in this process. In fact, there have been very insignificant changes since the last draft. Thus, the following comments are resubmitted and elaborated upon once again. We reserve the right to provide additional comments.

The UH Board of Regents should request a compilation and summary of all the comments submitted by the public as part of this process.

General Comments:

1. The proposed rules are in contraction to Hawai‘i Papa O Ke Ao – the University of Hawai‘i System’s initiative to embrace its unique responsibility to the indigenous people of Hawai‘i and to Hawai‘i’s language and culture. Many of the rules as written are an affront to the indigenous people of Hawai‘i and their cultural practices and rights.

2. In order to protect Native Hawaiian customary and traditional rights exercised for subsistence, cultural, and religious purposes associated with the Mauna Kea lands, the Board of Land and Natural Resources/Department of Land and Natural Resources (Lessor) needs to conduct an independent Ka Pa’akai analysis to assess any potential impacts the proposed rules would have on customary and traditional practices as stipulated in the State Supreme Court decision rendered in Ka Pa’akai O Ka ‘Āina v. Land Use Commission, 94 Hawai‘i 31, 47, 7 P.3d 1068, 1084 (2000). Once these rights and practices are appropriately identified, the University needs to consult with the Office of Hawaiian Affairs (as required by Act 132) as well as Hawaiian cultural practitioners in order to appropriately protect these rights and practices (as required by the 2009 Mauna Kea Comprehensive Management Plan). The exercise of native Hawaiian rights and cultural practices and associated activities pursuant to article XII, section 7 of the Hawaii State Constitution are distinct from the general public activities. As written, some of the proposed rules would conflict and adversely impact these rights and practices.

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(f) [*This section should be revised as originally written.*] This chapter is subject to the right of native Hawaiians to exercise protected customary and traditional rights as provided for in Article XII, section 7 of the Hawai‘i Constitution, consistent with the laws of the State of Hawai‘i.

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§20-26-23 Preservation of scientific and educational resources. [*This section should be revised or deleted.* It’s unnecessary to ban all of these devices in all parts of Mauna Kea. These areas should be more specific. Also, as written, these sections would make it unlawful to use an iphone/smart phone for live-streaming or even a flashlight.]

§20-26-28 Vehicles and transportation.

(4) Parking any motorized or non-motorized vehicle or trailer except in designated areas; [*This section should be revised or deleted.* What would be considered designated parking areas on Mauna Kea?]

(5) Operating any motorized or non-motorized vehicle in violation of existing state or county traffic regulations, including but not limited to having a valid vehicle license plate, registration and safety check as required; [*This section should be deleted.* Why would UH be policing vehicles for registration, safety check, etc.? Are citations issued to vehicles with invalid license plates, registration, and safety check that are on the UH campuses?]
(7) Failing to comply with any posted sign or any posted equipment requirement based on roadway conditions, such as a requirement to use or carry tire chains when snow or ice is present or anticipated. [This section should be revised. It’s not always necessary to have tire chains when snow is present which this section implies. The ending part of this sentence should be eliminated as such: such as a requirement to use or carry tire chains when snow or ice is present or anticipated.]

§20-26-32 Animals. [This section should be revised. The use of horses or mules to access Mauna Kea should be allowed as outlined in the 2000 Master Plan.]

§20-26-37 Camping. [This section should be revised or deleted. This section doesn’t specify any provisions for activities by Native Hawaiian cultural practitioners that might conflict with the proposed rule and definition of “camping”.]

§20-26-38 Access. [This section should be revised or deleted. This section doesn’t specify any provisions for access by Native Hawaiian cultural practitioners that might conflict with the proposed rules. The CMP states, “Access shall not be denied or unduly restricted for Native Hawaiians wanting to visit sites such as burials or shrines or exercise their religious and spiritual practices within the UH Management Areas.” (p. 7-8) In addition, some of these rules contradict policies in the 2000 Master Plan.]

(c) Closed areas, public access hours. Public access hours for the UH management areas shall be adopted as set forth in the comprehensive management plan, provided that hunting shall be allowed pursuant to department of land and natural resources hunting rules. All persons shall abide by the officially posted signs designating public access hours. [This section should be revised or deleted. If there’s a reference to the comprehensive management plan (CMP), then this plan needs to be updated in order to be in compliance with this requirement. We are opposed to the public access hours being restricted to only daylight hours (30 min. before sunrise and 30 min. after sunset) as proposed in the CMP based upon the outdated policies of the 1995 Revised Management Plan for the UH Management Areas on Mauna Kea (1995 Management Plan).]

§20-26-39 Snow play.

(c) Formally or informally organized contests, meets, or competitions, snow play tours, or other similar events for skiing, snowboarding, sledding or other forms of snow recreation or snow activities are prohibited. [This section should be revised or deleted. This section contradicts policies in 1995 Management Plan and 2000 Master Plan.]

§20-26-40 Scattering of cremated remains. [This section should be revised or deleted. Why is this section even referenced? Whereas, all the other sections in Subchapter 2 stipulate actions that are prohibited or restricted. If this section remains, there should be a reference about the scattering of cremated remains in designated areas for the general public and visitors.]
§20-26-62 Group use registration. [This section should be revised or deleted. As written, this section would be a violation of civil rights to peacefully assemble. Likewise, there should be a distinction when such group use registrations are necessary or practical especially if requiring 15 days prior notice to the President. For example, why would it be necessary for a group of ten or more visitors to register with the President if only coming to the VIS? Instead, there should be an easier process to notify the VIS if a large group was coming to the VIS; similar to the process for groups planning a trip to the ‘Imiloa Center.]

§20-26-73 Violations, penalties, costs, administrative fines. [also see General Comments 3 & 4]

(1) Immediate expulsion from the UH management areas; [This section should be deleted. Immediate expulsion would assume that someone is guilty for an alleged violation without due process.]

(2) Exclusion from the UH management areas for a specific period or until the violation has been corrected; [This section should be deleted. Exclusion without any guidance or predesignating an associated violation and specific period have the potential to lead to arbitrary decisions and a violation of rights.]

(d) The costs of any enforcement proceedings, including the costs of contested case proceedings, may be assessed against a party found to be in violation. [This section should be deleted. We’re opposed to such costs being assessed for contesting or appealing an alleged violation.]

§20-26-75 Appeals process. [see General Comments 3 & 4] [This section should be revised. Seven days to submit an appeal is inadequate for most of the proposed violations. It should be at least 21 days or more similar to what other State agencies allow in the appeals to their citations.]

Other Notes:

There is an inherent problem in referencing an outdated Comprehensive Management Plan (CMP) in these proposed rules. The University is required to provide a process through which it can be regularly update the CMP as part of an adaptive management strategy. That process will allow the BLNR and the University to evaluate and modify management approaches over time based on new information that may become available. Section 7.4.2 of the CMP outlines the requirements and process for monitoring, evaluating, and updating the CMP. Regular monitoring and evaluation of the CMP is needed to determine if management actions are effective over time and are meeting management needs, and to ensure that the best possible protection is afforded Mauna Kea’s resources. Likewise, the CMP needs to be reviewed and revised as new, pertinent information becomes available about the resources being managed.

It’s stipulated that monitoring and evaluation of the effectiveness of the CMP should occur annually, and an annual progress report should be prepared. A major review and revision of the CMP should occur every five years, using information contained in the annual reports. The five-year evaluation and revision should include consultation with federal and state agencies and the local community, to inform stakeholders on program progress, and to
gather input on changes or additions to management activities. (emphasis added) The requirement for the University to complete a “major review every five years” of the CMP is further stipulated in the CMP Implementation Plan (2010) as outlined below:

4.2.2 Five-Year Management Outcome Analysis and CMP Revision

The OMKM program should be subjected to a major review every five years, and the CMP should be revised, as necessary. This process should involve input from State and Federal agencies and the public.

The Office of Mauna Kea Management (OMKM) was tasked with overseeing and implementing the management actions identified in the CMP Implementation Plan. The CMP was submitted to and approved by the BLNR on April 9, 2009, thus, the required five-year major review and revision of the CMP was previously due April 2014. As noted, the University has still failed to update and complete the five-year major review and revision of the CMP as required and stipulated in this plan. The most recent 2018 Annual Report submitted by UHH to BLNR further reaffirms that the required CMP five-year major review and revision is overdue and hasn’t been completed yet for this management action MEU-2.
To whom it may concern,

I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University’s responsibility.

1.) (Agenda item no. III.A) Adopting rules restricting access and use of Mauna Kea summit lands and implementing a vague permitting system for the access that it does allow. The rules apply to the public, but not University or observatory personnel, or government entities.

2.) (Agenda item no. III.B) Passing a resolution on twelve Mauna Kea management steps with a supporting budget.

I oppose both of these items on the grounds that they will undermine the rights of Native Hawaiian cultural practitioners and ultimately defeat the purpose of having rules to manage the summit area of Mauna Kea. Rules for Mauna Kea are primarily intended to regulate the University, observatories, and commercial tours and are not intended to prevent Native Hawaiian practitioners from their customs and traditions.

The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,

Kapeka Forges
To whom it may concern,

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Sincerely,

Sincerely,

Sharon Forsythe
November 4, 2019

UH
Board of Regents
2444 Dole Street
Hon. HI 96822
bor.testimony@hawaii.edu.

Date: Wednesday, November 6, 2019
Time: 9:45a.m.
Place: University of Hawai‘i at Hilo
Performing Arts Center
200 W. Kawili Street
Hilo, Hawai‘i 96720-4091

Subject: Item No. 111 A and Item No. 111 B

I OPPOSE both items for the following reasons.

Item No. 111 A
1) Adopting rules that restrict access and use of Mauna Kea summit lands and implement a vague permitting system for the access that it does allow. The rules apply to the public, but not the University or observatory personnel, or government entities. (Agenda item no. 111 A)

Agenda item No 3A
1) The proposed rules restrict all access except UH, observatory, personnel and Gov. officials when they are the reason for the rules. See Hawaii Revise Statue (HRS) Article X11, Section 7 allos kanaka to access the Mauna as a customary right.

2) Requiring 15 days practice to permit Mauna access, making it impossible for Kia‘i to rally in opposition to hewa. This rule only severs the interest of the state in that they will inhibit kanaka sovereign right to peaceful protest.

3) Being on Mauna I ka po require special permit, eliminating, overnight Kia‘i presence and limiting access to Kilo. See HRS Article X11, Section 7, Without an overnight occupation, the state is free to dictate its agenda.

4) First offense could face a $400.00 fine and immediate expulsion from the Mauna. 
   It’s ridiculous to penalize kanaka for excising their native rights.

5) Proposed rules haughtily authorizes the office of UH Press, enabling him to restrict access and rule on pleas against the fines….Kanaka need to govern kanaka entities.

Item No. 111 B
The resolution repackages old processes and presents them as evidence of a new management direction. The resolution includes two new actions:
1) Relocation of the Hoku Kea to “already developed land” by Hale Pohaku and 2) Construction of a new educational center at Hale Pohaku.

1) The expansion of Hale Pohaku and increase in visitor numbers is inappropriate for a conservation district and wao akua.
The proposed rules are limiting customary and traditional access to the Mauna while simultaneously encouraging a large tourist presence.

2) Since at least 2000, the university has identified five telescopes for decommissioning “within the next 20 years” and the renewed promise in 2019 to do so by 2033 does not account for this past broken promise.
The university has proved that its gross negligence knows no ends. Enough words on paper, time for concrete actions.

The Hawaii Constitution was framed by a Constitutional Convention under Act 334, Session Laws of Hawaii 1949. It was adopted by the people at the election held on November 7, 1950, and was deemed amended when three propositions submitted to the people in accordance with the Act of Congress approved March 18, 1959, 73 Stat 4, Public Law 86-3, were adopted by the people at the election held on June 27, 1959.
On November 7, 1978, amendments to the Constitution proposed by the Constitutional Convention of 1978 were presented to the electorate for its approval. The Lieutenant Governor's computer report showed that all of the proposed amendments passed by the necessary constitutional margin.

University of Hawai’i has failed Mauna a Wakea and my lineage descendant of All Moku’s and has taking away my constitutional right as a descendant under
Article 1 Section 2, RIGHTS OF INDIVIDUALS
Article 1 Section 4 FREEDOM OF RELIGION, SPEECH, PRESS, ASSEMBLE, AND PETITION
Article 1 Section 5 DUE PROCESS AND EQUAL PROTECTION
Article 1 Section 8 RIGHTS OF CITIZENS
Article 11, Section 1, CONSERVATION AND DEVELOPMENT OF RESOURCES
Article 11, Section 7, WATER RESOURCES
ARTICLE 11, Section 9, ENVIRONMENTAL RIGHTS
Article 16, Section 7 COMPLIANCE WITH TRUST

The Act of 132 H.B. NO. 1174 that was pass by the House of Representative Twenty-Fifth Legislature, 2009 State of Hawai’i states as follows:

Access for traditional and customary native Hawaiian cultural and religious purposes shall be accommodated.
Merriam Webster definition of “ACCOMMODATED” as followed:

1. to provide with something desired
2. to make room for
3. to hold without crowding
4. to give consideration to
5. to make fit, suitable

All the proposed rules does not fit into the definition of accommodating into this subject matter, therefore the University of Hawai'i has failed Mauna a Wakea and my lineage descendant of All Moku’s to consider the accommodating of the traditional and customary native Hawaiian cultural and religious purposes.

Therefore, Agenda Item No. 111 A and No. 111B should be denied.

I Cindy Freitas also reserved the right to petition for a Contested Case in this subject matter if its not granted.

Mahalo
OPPOSITION to agenda items IIIA and IIIB

Lorianne Fukui-Stoos <fukuistoos@gmail.com>
Reply-To: fukuistoos@gmail.com
To: bor.testimony@hawaii.edu
Mon, Nov 4, 2019 at 6:12 PM

UH Board of Regents
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

To whom it may concern,

I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University’s responsibility.

1.) (Agenda item no. III.A) Adopting rules restricting access and use of Mauna Kea summit lands and implementing a vague permitting system for the access that it does allow. The rules apply to the public, but not University or observatory personnel, or government entities.

2.) (Agenda item no. III.B) Passing a resolution on twelve Mauna Kea management steps with a supporting budget.

I oppose both of these items on the grounds that they will undermine the rights of Native Hawaiian cultural practitioners and ultimately defeat the purpose of having rules to manage the summit area of Mauna Kea. Rules for Mauna Kea are primarily intended to regulate the University, observatories, and commercial tours and are not intended to prevent Native Hawaiian practitioners from their customs and traditions.

The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,

Lorianne Fukui-Stoos

Sincerely,
Lorianne Fukui-Stoos
Dear members of the Board of Regents,

My name is Roy Gal, and I am an astronomer and outreach coordinator at the UH Institute for Astronomy. I am proud to be a scientist, educator, and member of the Maunakea Observatories (MKOs) `ohana – a community of 500+ scientists, engineers, technicians and other employees who call Hawaii home and are grateful for the opportunities Maunakea provides.

I am writing in response to Resolution 19-03. First, I would like to thank the Board and the MIG for their extensive work on the issues related to Maunakea. However, for the reasons below, I respectfully request that the BOR defer its decision on Resolution 19-03:

1 - The Resolution does not clarify if the decommissioning of five (5) telescopes is contingent on construction of the Thirty Meter Telescope. As a result, as currently written, the resolution seems to commit the university to decommissioning five (5) telescopes, including three (3) that are highly productive, even if TMT was not built in Hawaii. If Hawaii were to lose TMT and five (5) further telescopes, it would be an irrecoverable blow to Hawaii’s astronomy community, and have substantive adverse effects on the economy of the Big Island, and its community.

Furthermore, the observatories on Maunakea produce roughly HALF of ALL GROUND-BASED OPTICAL/INFRARED ASTRONOMY IN THE WORLD. By pursuing rapid decommissioning without concomitant construction of TMT, we are devastating astronomy not just in Hawaiʻi but worldwide.

2 - Decommissioning of telescopes would profoundly impact the operations and management of the MKOs and the IfA, who are both primary funders of MKSS, and are responsible for the harmonious and efficient management of summit operations. Moreover, the staff at the MKO and IfA are an integral part of the Big Island community, and would be substantially affected by telescope decommissioning. Input from the observatories, staff, and the Big Island community should be considered before the resolution is adopted.

It is my understanding that there has been NO meaningful consultation with the observatories, IfA, or OMKM, in designing this decommissioning plan. That is unacceptable.

3. The decommissioning timelines in this resolution are UNATTAINABLE. The decommissioning flowchart included in the MIG report shows the roughly 50 different approvals and other steps required to complete decommissioning and deconstruction. It is not possible to safely and responsibly complete such a process, with appropriate community input on the cultural and environmental issues, in the proposed timeline. Should you adopt this resolution, and the timelines are not met, you will be exposing UH to further accusations of mismanagement and incompetence.

I, and our entire MKO `ohana, seek a future for astronomy on Maunakea which continues to lead the world’s enduring quest to understand the sky, and works in harmony with all of our Hawaii Island community. Please defer this resolution.

Mahalo for your consideration
Dr. Roy R. Gal 
gral@ifa.hawaii.edu 
Associate Astronomer/Outreach Coordinator/UH NGO 
University of Hawai‘i - Manoa 
Institute for Astronomy 
2680 Woodlawn Dr. 
Honolulu, HI 96822 
808-956-6235

Sam King <kingsam2@gmail.com> 
Mon, Nov 4, 2019 at 10:53 PM 
To: bor.testimony@hawaii.edu
https://mail.google.com/mail/u/0?ik=149d04c7c3&view=pt&search=all&permthid=thread-f%3A1649350692111082632&simplt=mg-f%3A164935069211...
Aloha e BOR,

I would like to second Roy Gal’s email. Furthermore, this appears to be a sop to the illegal protests happening on Mauna Kea. I understand the issues with the history of astronomy on Mauna Kea, but those issues have been addressed. Chopping our astronomy community out at the knees is not the proper response to anarchists protesting illegally. This will only encourage more lawlessness.

The law is clear that the road must be open. These concessions are not in the best interest of the people of Hawaii. Please stop promising to decommission telescopes because of a minority religious belief. We can and do benefit from astronomy on Mauna Kea and that is an enterprise that deserves our respect and support. Astronomy on Mauna Kea respects the host culture and the modern culture of Hawaii. It must continue.

Mahalo,

Sam King

[Quoted text hidden]
To whom it may concern,

I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University’s responsibility.

1.) (Agenda item no. III.A) Adopting rules restricting access and use of Mauna Kea summit lands and implementing a vague permitting system for the access that it does allow. The rules apply to the public, but not University or observatory personnel, or government entities.

2.) (Agenda item no. III.B) Passing a resolution on twelve Mauna Kea management steps with a supporting budget.

I oppose both of these items on the grounds that they will undermine the rights of Native Hawaiian cultural practitioners and ultimately defeat the purpose of having rules to manage the summit area of Mauna Kea. Rules for Mauna Kea are primarily intended to regulate the University, observatories, and commercial tours and are not intended to prevent Native Hawaiian practitioners from their customs and traditions.

The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,

Sincerely,

Erica Galleta
OPPOSITION to agenda items IIIA and IIIB

1 message

Gaby Garay <Ggaray000@gmail.com> Mon, Nov 4, 2019 at 8:24 PM
Reply-To: Ggaray000@gmail.com
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB
null

To whom it may concern,

I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University’s responsibility.

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Sincerely,

Gaby Garay
OPPOSITION to agenda items IIIA and IIIB

1 message

John Gasidlo <john@gasidlolaw.com>   Mon, Nov 4, 2019 at 8:17 PM
Reply-To: john@gasidlolaw.com
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai'i

RE: OPPOSITION to agenda items IIIA and IIIB

null

To U. of Hawaii Board of Regents

I oppose Agenda items III.A and III.B, of the new proposed regulations. In many ways they appear to be a sham just to meet the requirements of having meetings and a vote.

Why is the University unable (and unwilling?) to fulfill all the promises they made regarding Mauna Kea before moving onto new regulations and a new telescope.

I come from a science family that includes a biomedical engineer, a microbiologist, a high school advanced physics teacher, and a retired nuclear physicist. Telescopes are wonderful things, but it is so inherently obvious for so many ration reasons that another telescope should not be built on Mauna Kea. The argument in favor of building the new telescope cannot be rationally supported. You should demand higher standards from the university leadership.

Yours truly,
John M. Gasidlo
U. of Hawaii Manoa 1973 Grad
Alumni Association Member

Sincerely,
John Gasidlo
OPPOSITION to agenda items IIIA and IIIB

Kelly Gilbert <gilbertkelly91@gmail.com>
Reply-To: gilbertkelly91@gmail.com
To: bor.testimony@hawaii.edu

Mon, Nov 4, 2019 at 8:16 PM

To whom it may concern,

I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University’s responsibility.

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Sincerely,

Sincerely,
Kelly Gilbert
OPPOSITION to agenda items IIIA and IIIB

Violet Gomes <vigomes@hawaiiantel.net>
Reply-To: vigomes@hawaiiantel.net
To: bor.testimony@hawaii.edu

Mon, Nov 4, 2019 at 8:35 PM

UH Board of Regents
University of Hawai'i

RE: OPPOSITION to agenda items IIIA and IIIB

null

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Sincerely,

Violet Gomes
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Sincerely,

Sincerely,

Alihilani Gomez
OPPOSITION to agenda items IIIA and IIIB

Keʻalohilani Grace <kealohiaikog@gmail.com>  
Mon, Nov 4, 2019 at 9:02 PM

To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

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On the other hand, this is NOT what is best for lāhui o Hawai‘i. Like mentioned above, the next generation is urging you to put an end to this project. There is so much change that has been endured upon our ‘āina for decades. Change that could’ve been stopped, but back the Hawaiians didn’t have enough power. Now, we do. In the littlest of hands, we have power! So, please, if you are reading this, I ask that you rethink this project. Money is not important, instead it’s the people, the kanaka Hawai‘i who are worth it.

Sincerely,

Keʻalohilani Grace

Sincerely,

Keʻalohilani Grace
OPPOSITION to agenda items IIIA and IIIB

Diane Hanzel <banyanbreeze@hawaii.rr.com>  
Mon, Nov 4, 2019 at 9:54 PM

To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

To whom it may concern,

I am extremely opposed to having an agenda that over rides the knowledge of nature that is held by many generations of people (Native Hawaiian) that have occupied and cared for this land of Mauna Kea. The short sightedness of Agenda III.A and III.B is not a responsible view to the future of the fragile ecosystem and of the sustainability of the water and aqua filters of Mauna Kea. Listen to the knowledge of 2000 years of people that have studied this land and ecosystems. I do believe the nature of the planet we occupy is what we are required to care for first. Traditions of a Native culture run with Deep meaning and sustainability towards the future of humanity and Nature.

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Sincerely,

Diane Hanzel
Nicholas Harders <makaneole1122@gmail.com>  
Reply-To: makaneole1122@gmail.com  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai'i

RE: OPPOSITION to agenda items IIIA and IIIB

null

To whom it may concern,

I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University’s responsibility.

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The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,

Sincerely,
Nicholas Harders
OPPOSITION to agenda items IIIA and IIIB

Keshia Hauhio <kvonz66@gmail.com>
Reply-To: kvonz66@gmail.com
To: bor.testimony@hawaii.edu

Mon, Nov 4, 2019 at 8:02 PM

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Keshia Hauhio
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Mapuana Henry
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Joy Holland
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Guy Holt
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Arminda Hoomanawanui-Sugai

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Sincerely,

Sincerely,

Leysen Horiuchi-okamura
OPPOSITION to agenda items IIIA and IIIB

1 message

Liana Horovitz <lmhorovitz@gmail.com>  
Reply-To: lmhorovitz@gmail.com  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

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Sincerely,

Liana Horovitz

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Sincerely,

Sincerely,

Chelsea howland
Aloha Board of Regents,

I support both traditional Hawaiian cultural practices and the practice of astronomy on Mauna Kea. However, I do not support making untruthful statements -- that is not pono, is it? I also do not support harassment, bullying, or threats, and especially not threats against people's lives. Should that sort of behavior be rewarded?

Are you aware that protesters have been making a lot of untruthful statements? For example, a Hawaiian protester told me that his son was a carpenter and had seen the plans for the TMT, and they called for two nuclear reactors and a well which would suck the aquifer dry. The power from the reactors would be used to power lasers to shoot down satellites. Is this sort of untruthfulness pono? Should this be rewarded?

The president of UH has received death threats, as has Sam King, who is a TMT supporter and of Hawaiian descent. I've also read that Kalepa Baybayan (a master navigator in the Polynesian Voyaging Society) has received threats because he supports TMT. Without studying the stars, how can Polynesians navigate the oceans?

I've hiked, swum, and sailed all over this state, and one of the things which has surprised me the most is that so many people of Hawaiian ancestry are so out of touch with Hawaii's natural beauty. Maybe they surf or camp & fish from the beaches, but that's about it. They protest when they get riled up, but most of the time they can't even be bothered to practice their culture and honor their roots. How many Hawaiians have you seen hiking the mountain trails? How many have you seen sailing the oceans? How many volunteer to work on Kahoolawe? I see a lot more white folks hiking, camping, and doing many of these things than Hawaiians.

I've talked with some friends who work on Kahoolawe, and typically 10-15 people visit the island to work for 5 days each week. Not a lot of them are Hawaiian protesters, or even Hawaiians of any kind. I wish the Hawaiian protesters would instead agree to direct at least half of their efforts toward work on Kahoolawe, to show that they care.

I also understand that a traditional Hawaiian cultural practitioner would only approach Mauna Kea with reverence, and certainly wouldn't drive up in a car. Instead, their entire journey would be more like a vision quest, and they'd walk up from sea level, just the way their ancestors did. Are the protesters actually practicing their culture, or are they re-inventing it as they go along, possibly to be inconvenient to others?

Based on the protesters behavior in times prior to this, I have to question whether their religion forbids sharing Mauna Kea with other people. Why can't they share?

I'm also particularly disappointed that the resolution is rewarding the protesters while asking nothing of them in return. And it is proposing to decommission 5 telescopes without anything concrete in return. Is this fair to the rest of humanity, who benefit from the scientific discoveries they produce?

Are you sure it is a good idea to decommission 5 telescopes, and terminate the jobs and livelihoods they produce? Tourism and the government are the two main industries in this state, and it seems a shame to make us even more dependent on them, and not move in the direction of clean technology, which astronomy is generally a good example of.

In response to the University of Hawai'i Board of Regents (BOR) Resolution 19-03, and for the above reasons, I respectfully request that the BOR defer its decision on Resolution 19-03.

You can do better than this.

--Haydn

Haydn Huntley
cell: 808-283-5173
OPPOSITION to agenda items IIIA and IIIB

1 message

Holeka Inaba <Holekainaba@gmail.com>  Mon, Nov 4, 2019 at 8:02 PM
Reply-To: Holekainaba@gmail.com
To: bor.testimony@hawaii.edu

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Holeka Inaba
OPPOSITION to agenda items IIIA and IIIB

1 message

Anela Iwane <Anela.iwane@gmail.com>  Mon, Nov 4, 2019 at 7:08 PM
Reply-To: Anela.iwane@gmail.com
To: bor.testimony@hawaii.edu

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Sincerely,

Anela Iwane
November 4, 2019

University of Hawai`i Board of Regents
349 Kapiolani Street
Hilo, HI  96720
bor.testimony@hawaii.edu

Re: Testimony regarding Maunakea rules

Dear Board Members,

Thank you for this opportunity to provide testimony to the University of Hawai`i ("UH") Board of Regents ("Board") regarding Maunakea rules.

Regrettably I must inform the Board that the Research Corporation of the University of Hawai`i ("RCUH") and Subaru Telescope has violated Hawai`i Revised Statutes, Hawai`i Administrative Rules, and my rights as guaranteed by the Constitution of the United States. Please understand that it is not my intention to assign blame, however these are serious violations that must be addressed and this deeply embedded systemic problem must be collaboratively resolved as quickly as possible.

My name is Alan Iwasaki and I have been working for RCUH/Subaru Telescope from 2002 - 2016 until I made a safety complaint. I was then discriminated against, harassed, and finally unlawfully retaliated against with a complex series of pretextual excuses. I have made a formal criminal complaint in October 2019 and will file additional federal criminal complaints as necessary if these unlawful actions are not properly addressed.

A sample of the continuous criminal actions that began in December of 2014 are:

<table>
<thead>
<tr>
<th>Crime</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conspiracy to commit crime</td>
<td>705-520</td>
</tr>
<tr>
<td>False Alarm</td>
<td>710-1014</td>
</tr>
<tr>
<td>False Reporting</td>
<td>710-1015</td>
</tr>
<tr>
<td>Perjury</td>
<td>710-1060</td>
</tr>
<tr>
<td>Unsworn Falsification</td>
<td>710-1063(1)(a)(b)</td>
</tr>
<tr>
<td>Witness Intimidation</td>
<td>710-1071; 707-764(1)(e)(f)(I) n</td>
</tr>
</tbody>
</table>

The people involved in the crimes are:

Nelson Sakamoto - RCUH, Human Resources Director
Rene Doi - RCUH, Human Resources Assistant
Crystal Kaahaaina - RCUH, Human Resources Assistant
Jane/John Does - RCUH
Research Corporation University of Hawai`i
1601 East West Road
Honolulu, HI  96848
808-956-6965
Tetsuo Nishimura - RCUH/Subaru Telescope, Human Resources Manager
Debbie Guthier - RCUH/Subaru Telescope, Human Resources Assistant
Andrew Hasegawa - RCUH/Subaru Telescope, Summit Site Engineer
Ralph Toyofuku - RCUH/Subaru Telescope,
James Fereirra - RCUH/Subaru Telescope, Daycrew 1
Timothy Castro - RCUH/Subaru Telescope, Daycrew 1
Jonah Conal - RCUH/Subaru Telescope, Daycrew 1
Jane/John Does - RCUH/Subaru Telescope
Subaru Telescope
640 North Aohoku Place
Hilo, HI 96720
808-934-7788

**CRIMINAL ACTIONS**

1. Violation by Sakamoto, Doi, Nishimura, and Jane/John Does of 705-520/710-1014/710-1071 occurred on or about December 12, 2015 conspiracy to prevent me from making complaints. (Exhibit "1")

2. On or about February 22, 2016 a serious industrial accident ("Accident") occurred at Subaru Telescope. (Exhibit "2")

3. Violation by Hasegawa, and Jane/John Does of 705-520/710-1014/710-1071 occurred on or about February 22, 2016. Conspiracy to prevent me from making safety complaints. (Exhibit "3")

4. On or about March 2, 2016 I inform RCUH of my civil complaint 16-1-0075. (Exhibit "4")

5. Violation by Ferreira, Castro, Conal, and Jane/John Does of 705-520/710-1014/710-1071 On or about March 2, 2016, I responded to the question from Ferreira, "What are you doing up here?" by joking and saying "I'm collecting evidence (of the Accident) and it's a target rich environment." The fact of joking and making the statement about collecting evidence was corroborated by multiple sources. (Exhibit "5")

6. Violation by Sakamoto and Jane/John Does of 705-520/710-1014/710-1063/710-1071 occurred on or about March 2, 2016 when Sakamoto initiated a false alarm to Officer Kenison of the Hawaii Police Department. Two police officers responded and made a report (M16013189). (Exhibit "6")
Violation by Toyofuku, Guthier, and Jane/John Does of 705-520/710-1071 occurred on or about March 2, 2016 when I was suspended for allegedly violating a workplace violence policy for making the statement "I'm collecting evidence and it's a target rich environment."

7. Violation by Toyofuku, Guthier, and Jane/John Does of 705-520/710-1071 occurred on or about March 2, 2016 when there was no reply to the email I sent to avoid miscommunication about my suspension and I clearly stated on the record that "At no time did I ever threaten or intend to threaten anyone." (Exhibit "7")

8. Violation by Toyofuku and Jane/John Does of 705-520/710-1071 occurred on or about March 3, 2016 when there was no reply to my email follow up. (Exhibit "8")

9. On or about March 4, 2016, I submitted a WC-1 work injury report as required by state law and RCUH Policy. This action initiated Workers Comp Case 1-16-48015.

10. Violation by Sakamoto and Jane/John Does of 705-520/710-1015/710-1060/710-1063/710-1071 occurred on or about March 5, 2016 when Sakamoto wrote to Harry Kubojiri, Chief of Hawaii Police Department to report I admitted making a "threat statement." (Exhibit "9")

11. Violation by Sakamoto, Doi, and Jane/John Does of 705-520/710-1015/710-1060/710-1063/710-1071 occurred on or about March 7, 2016 when they instilled fear and terror of a non-existing shooter threat. (Exhibit "10")

**POLICY VIOLATIONS**

12. Violation by Sakamoto on December 2014 when he refused to meet with me as required by RCUH Policy 3.430 regarding Alternative Dispute Resolution.

13. The U.S. Supreme Court has ruled in *Cleveland Board of Education v. Loudermill*, 470 U.S. 532, that existing policies regarding employment termination, such as RCUH Policy 3.285 are unconstitutional if the employee has no pre-termination hearing.

**CONSTITUTIONAL VIOLATIONS**

The 5th and 14th Amendments of the Constitution of the United States and Article I, Section 5 of the Hawai‘i Constitution demands that ALL LAWS AND RULES be equally and legally enforced.
This case is actually much more complicated and extensive and I have only provided a small sample of prima facie evidence for the convenience of the Board. These facts are documented in the case files of the Hawai`i Labor Relations Board OSH 2017-06. I would be happy to discuss the full extent of the violations with the Board if necessary. Should the Board chose not to act on these issues, the evidence with the turned over to the proper federal authorities.

Respectfully Submitted,

Alan Iwasaki  
P.O. Box 10587  
Hilo, HI 96720 
discriminationservices@gmail.com
MEMORANDUM

TO: Nobuo Arimoto  
Director, NAOJ/Subaru Telescope

FROM: Nelson Sakamoto  
Director of Human Resources

SUBJECT: U. S. EEOC Complaint (Charge No. 486-2016-00069) re: Alan Iwasaki charging Retaliation and Disability Discrimination

On Friday, December 11, 2015 my office received an email from the U. S. Equal Employment Opportunities Commission (EEOC). This email contained a formal discrimination complaint against the RCUH filed by Alan Iwasaki on December 9, 2015. Iwasaki is charging the RCUH with discrimination based on Retaliation and Disability. Most of the charges appeared in Iwasaki’s earlier complaints. The situation with Alan Iwasaki is getting more serious and complex. Therefore, I am requesting an opportunity to meet with you to discuss my plans for this fact-finding investigation to formulate a timely response to the EEOC. Also, I would like to discuss my concerns about the general work environment at the Subaru Telescope.

In Iwasaki’s EEOC complaint he is charging the RCUH with discrimination based on retaliation and discrimination due to his disability. Listed below are key elements to Iwasaki’s EEOC Complaint and what assistance I will need from Subaru Telescope to facilitate my fact-finding investigation:

1. Iwasaki charges that the RCUH has retaliated against him since he filed his June 3, 2014 complaints with the U. S. Equal Employment Opportunities Commission (EEOC) and the Hawaii Civil Rights Commission (HCRC). Iwasaki makes a specific reference to an email sent to him by Andrew Hasegawa on May 29, 2015. I will need copies of all emails sent by Andrew Hasegawa to Alan Iwasaki on May 29, 2015.

2. Iwasaki still contends he was wrongfully removed from the Summit Shift Leader position. He also claims he was denied equal opportunity to be placed in the Daytime Summit Activities Coordinator (DSAC) position. I will need: (a) any and all information concerning the DSAC position, (b) how were assignments to the DSAC made, (c) who has filled the DSAC and dates of these DSAC assignments, (d) who received pay adjustments for the DSAC (and were these adjustments 10% temporary pay increase per day).

3. Iwasaki charges that Dr. Tetsuo Nishimura’s September 9, 2015 performance evaluation is an act of retaliation. Iwasaki contends the marginal ratings he received from Dr. Nishimura were due to Iwasaki’s filing complaints with HIOSH (e.g., Hawaii
Occupational Safety & Health) and HCRC. This is part of an investigation being conducted by Renee Doi of an RCUH EEO Complaint filed by Alan Iwasaki against Dr. Tetsuo Nishimura alleging is 2015 Annual Performance Evaluation was an act of discrimination and retaliation by Dr. Nishimura. My response to the EEOC may or may not be independent of Renee’s investigation of this complaint.

4. Iwasaki references a November 27, 2015 meeting held by Andrew Hasegawa informing Day Crew 2 members of a new job that Iwasaki calls the “Day Crew 2 Leader” position. I have sent Andrew Hasegawa a memo asking him for information concerning this meeting.

5. Iwasaki EEOC complaint also contains a general charge of Iwasaki being discriminated due to his disability and being retaliated against for engaging in protected activities. The “disability” Iwasaki is contending is his “PTSD”, which up to December 3, 2015 had been a workers compensation claim. On December 3, 2015 Iwasaki produced a doctor’s report stating that his PTSD is “not work related”. The “protected activities” Iwasaki contends are the complaints Iwasaki has filed with RCUH, EEOC, HCRC and HIOSH.

Iwasaki has overlapping complaints, including an appeal with HIOSH, a pending HCRC complaint, an active RCUH EEO complaint (being investigated by Renee Doi), a request for reasonable accommodations, and three workers compensation claims. Therefore, both RCUH and Subaru Telescope should handle all personnel issues relating to Alan Iwasaki in a prudent manner.

Please let me know if you are available to meet regarding this EEOC complaint. We need to discuss how RCUH will address this complaint and prevent further complaints from being filed by Iwasaki.

CONFIDENTIALITY & NON-RETAIATION: As part of RCUH’s formal investigation and response to the EEOC Complaint, I must remind you and others copied on this memo that all RCUH investigations are considered CONFIDENTIAL, which means you and other copied on this memo cannot discuss this memo with anyone other than the individuals copies on this memo or myself. You and others copied on this memo are also reminded that the EEOC and RCUH prohibit retaliation against any individual because he/she has filed a complaint, charge, testified, assisted or participated in an investigation as it relates to Equal Employment Opportunities laws and RCUH Equal EEO policy.

Cc: Tetsuo Nishimura
    Ikuru Iwata
    Renee Doi
Announcements

Effect of Mirror Hatch Incident on Open Use Observations of Subaru Telescope (Report 1)

February 23, 2016

During the scheduled maintenance work of the telescope and the enclosure of the Subaru Telescope on February 22, 2016 (Hawaii Time), a mirror hatch (hatch) stopped working when a metal piece was caught while being opened. It was found that the wheel of the mirror hatch derailed and there are some damages to the mirror hatch.

There was no injury associated with this incident. There is no damage found on the telescope itself or the observation instruments.

At the Subaru Telescope, the safety has utmost priority, and, with sufficient security measures, the restoration work of the hatch is in progress. Since it takes time to carry out this delicate task, the open use observation scheduled on the night of February 26, 2016 is called off.

Updated information on the schedule will be posted as soon as the information becomes available.

Note: Mirror hatch is on the floor of the telescope that opens to let the 8.2 m primary mirror of the Subaru Telescope go downstairs when it receives fresh recoating.
Figure 1: Location of the mirror hatch inside the Subaru Telescope’s enclosure. (Credit: META Corporation Japan/NAOJ)

Figure 2: Mirror hatch (in normal operations). (Credit: NAOJ)

Figure 3: Mirror hatch operation was stopped. (Credit: NAOJ)
Figure 4: Metal piece and derailed wheel. (Credit: NAJ)
Effect of Mirror Hatch Incident on Open Use Observations of Subaru Telescope (Report 2)

February 29, 2016

Subaru Telescope resumed the open use observations at around 7pm on February 29, 2016 (Hawai'I Time) after confirming functionality of the telescope and its enclosure by late afternoon of that day. The mirror hatch (node) was restored to its normal position as of February 27, 2016. Earlier that week, it got stuck during a scheduled maintenance work. There was no injury associated with the incident or during the recovery work.

Since one of the two panels of the mirror hatch still has its drive mechanism broken due to this incident, only one panel is operable. Thorough investigation of the damage of the mirror hatch and work towards its repair will be conducted. The work will proceed with sufficient safety measure since the safety has the utmost priority at the Subaru Telescope.

Note: Mirror hatch is on the floor of the telescope that opens to let the 8.2 m primary mirror of the Subaru Telescope go downstairs when it receives fresh recoating.
Figure 1: Location of the mirror hatch inside the Subaru Telescope's enclosure. (Credit: META Corporation Japan/NAO)

Figure 2: Mirror hatch is restored in normal position as of February 27, 2016. (Credit: NAO)

Link:
Effect of Mirror Hatch Incident on Open-Use Observations of Subaru Telescope (Report 1)

> Click for use
Morning Will,

Thanks for the video and pics.

Please describe for me as best you can the specific details about the comments Andrew made about me after the optical hatch accident.

From your brief description, I gathered his intention was to prevent me from going to the summit so I would not report any safety violations to OSHA.

1. What exactly did he say to the best of your recollection?

2. Who did he say this to (who was there as a witness to his comments)?

3. When did he say this?

Thanks for your help.

Alan

Will Bergstrom <will@naoj.org>
To: Alan Iwasaki <iwasaki@naoj.org>
Wed, Mar 2, 2016 at 9:07 AM

Alan,

1) He started by expressing his gratitude that you weren't up at the summit that day since you would have, "Had a hayday with OSHA violation reports". He then started to theorize about how to keep you from coming to the summit until after it was all fixed just so you wouldn't be able to take pictures or report safety violations. His best guess was to try and talk to Ralph to see if they could come up with a reason to keep you at Hilo base for a week.

2) The rest of DC2 was in the car at the time, myself, John, and Tim.

3) This was all on the way down from work on 2-22-2016

-Will
Notification of 16-1-0075

1 message

Alan Iwasaki <iwasaki@naoj.org>  Wed, Mar 2, 2016 at 12:57 PM
To: Nelson Sakamoto <nsakamoto@rcuh.com>, Renee Doi <RDoi@rcuh.com>, Tetsuo Nishimura <nishimra@naoj.org>, Andrew Hasegawa <drewhase@naoj.org>, Ikuru Iwata <iwata@naoj.org>

To:
Nelson Sakamoto
Renee Doi
Tetsuo Nishimura
Andrew Hasegawa
Ikuru Iwata,

Pursuant to HRS 91-14 and Rule 72 of the Hawai‘i Rules of Civil Procedure, this email is a notification that an appeal has been filed with the State Judiciary (Civil Case #16-1-0075) for a judicial review of the Final Determination of the RCUH EEO Complaint (Iwasaki v. Nishimura) issued on February 2, 2016. Judge Greg Nakamura will preside over the case in the Third Circuit Court and you will be notified of the required evidence to submit and the date to appear in court.

An official certified copy of the appeal and related documents will be provided to you as soon as possible.

It is in everyone's best interest to immediately cease and desist all discriminatory and retaliatory actions against me as every incident will be presented as evidence in court.

Sincerely,

Alan Iwasaki
Robin Spencer – Statement of March 2, 2016 Incident

On Wednesday, March 2, 2016 when Alan Iwasaki walked into the staff lounge at the summit of Maunkea Subaru facility at approximately 10:30 a.m. the comment was made by Jimmy Ferreira asking Alan why are you working today, and Alan replied I'm here to collect evidence. That's all that I can recall, I really wasn't paying attention and took it as a joke knowing Alan.

Others that were in the room at the time were Tim, Jimmy, Jonah, Dex, John, Alan

Robin Spencer

[Signature]
Dex Alpiche – Statement of March 2, 2016 Incident

At the Subaru Telescope Summit Facility at the summit of Maunakea, I was there in the Staff Lounge at approximately 10:00 a.m. to 10:30 a.m. I cannot recall the exact wording that were said of the full event as to what was being said but remember hearing after Jimmy Ferreira asked Alan Iwasaki what he was doing here on his day off, then Alan replying (not exactly in same order) that he was here for gathering evidence, it's a target rich environment. I didn't feel threatened in any way when this conversation went on due to people laughing and knowing Alan's ways.

Others that were present at the time were: Jimmy Ferreira, Jonah Conol, Alan Iwasaki, Robin Spencer, Tim Castro, John Thunell

Dex Alpiche
Hawaii County Police Department
Miscellaneous Public Report

Incident # | Disposition | Call Type | HPD4726
--- | --- | --- | ---
Personnel: M10139
nctdert $ Disposton CLOSED Ca I Type PERSONAL ASSIST

Call For Service # | P20160038555

Location

<table>
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<th>House No</th>
<th>Street Name</th>
<th>Unit No</th>
<th>City/Town</th>
<th>Beat</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>SUBARU OBSERVATORY</td>
<td></td>
<td>HILO</td>
<td>131</td>
</tr>
</tbody>
</table>

District
SOUTH HILO
Watch
2nd Watch

Date/Time Occurred

Date/Time From | Date/Time To | Date/Time Reported |
--- | --- | --- |

Synopsis

NELSON SAKAMOTO, HUMAN RESOURCES SUPERVISOR FOR SUBARU OBSERVATORY, REPORTED THAT A DISGRUNTLED EMPLOYEE MADE A STATEMENT TO OTHER EMPLOYEES THAT MADE THEM FEEL "UNCOMFORTABLE." ACCORDING TO SAKAMOTO, RESPONSIBLE PARTY, ALAN IWASAKI, REPORTED TO WORK ON THE TOP OF MAUNA KEA ON HIS DAY OFF. WHEN IWASAKI WAS ASKED WHY HE SHOWED UP TO WORK ON HIS DAY OFF, IWASAKI WAS REPORTED TO SAY "WHY WOULDN'T I BE HERE, IT'S A TARGET RICH ENVIRONMENT." SAKAMOTO REQUESTED THAT OFFICERS STAND BY AT THE SUBARU OBSERVATORY OFF OF NOELEO STREET WHILE HE WAS QUESTIONED ABOUT THE INCIDENT. OFFICERS ARRIVED AT THE SUBARU OBSERVATORY OFF OF NOELEO AND SAT IN ON THE MEETING WITH IWASAKI. IWASAKI STATED THAT WHEN HE WAS ASKED ABOUT THE INCIDENT, HE ADMITTED TO MAKING THE ABOVE MENTIONED STATEMENT, BUT STATED IT WAS IN REFERENCE TO GATHERING EVIDENCE FOR AN INTERNAL INVESTIGATION BEING CONDUCTED. IWASAKI WAS ADVISED THAT HE WOULD BE SUSPENDED AND NOT TO GO TO WORK ON THE TOP OF MAUNA KEA OR AT THE OBSERVATORY OFFICE LOCATED OFF OF NOELEO. IWASAKI REQUESTED OFFICERS NAME AND BADGE NUMBERS. BOTH WERE PROVIDED. IWASAKI WAS OBSERVED TO WALK OFF THE PROPERTY WITHOUT INCIDENT. ALL APPEARED IN ORDER.

Person Information

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Mi</th>
<th>Date of Birth</th>
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<tbody>
<tr>
<td>IWASAKI</td>
<td>ALAN</td>
<td>KAORU</td>
<td></td>
</tr>
</tbody>
</table>
Dear Mr. Toyofuku and Ms. Guthier,

This email is to document the events of today (March 2, 2016) to avoid errors and miscommunication.

After removing LLT and IRM2, DC2 went to lunch in the staff lounge where Jimmy asked me: "What are you doing here on your day off (Wednesdays)?"

I replied jokingly: "Collecting evidence. It is a target rich environment." And we both laughed about it. I was referring to all of the violations due to the actions of Subaru and RCUH gives me lots of opportunity to collect evidence.

At no time did I ever threaten or intend to threaten anyone.

At approximately 2pm, I received a call from you instructing me to return to base immediately. At approximately 3pm, I arrived at base to meet with you, Debbie, and Officers Kenison (#365) and Kahele (#202) and I was informed that I was being suspended for terrorist threatening for making the comment "target rich environment."

When I suggested to call Jimmy and get his testimony while the officers were still there, you stated: "RCUH will conduct its own investigation."

Please let me know if these are the facts as you understand them.

Sincerely,

Alan Iwasaki
Alan Iwasaki <iwasaki@naoj.org>
To Ralph Toyofuku <toyofuku@naoj.org>
Bcc: votersaction@gmail.com

Thu, Mar 3, 2016 at 6:55 AM

Morning Mr. Toyofuku,

As my immediate supervisor, please send me something via email stating our conversation yesterday March 2, 2016 that I am being suspended without pay due to the RCUH Policy 3.390A (Workplace Violence) complaint and investigation.

To date, I have nothing official in writing that notifies me of my status.

Thank you for your attention in this matter.

Sincerely,

Alan Iwasaki
From: Nelson Sakamoto <nsakamoto@rcuh.com>
Date: Saturday, March 5, 2016 at 11:25 AM
To: "Kuboijiri, Harry S." <Harry.S.Kuboijiri@hawaiicounty.gov>
Cc: Crystal Ka‘aha‘aina <CKaahaaina@rcuh.com>, Renee Doi <RDoi@rcuh.com>
Subject: Re: Meeting tomorrow

Chief:

We will catch up on one of our trips to Hilo or the next time you’re on Oahu. Let’s plan a lunch.

However, I wanted to also express to you my sincere appreciation for the outstanding professionalism of the following Hawaii County Police Officers

1. Officer Wayne Kenison and his partner (name unknown)
2. Sgt. Lorenzo Artiendo

They both on duty on March 1, 2016 and their assistance in an immediate threat situation was simply outstanding and deserves recognition.

At 12:59 p.m., on March 2, 2016 I spoke to Officer Kenison via phone from my office in Honolulu describing a potential workplace violence situation on the summit of Mauna Kea. Officer Kenison analyzed the situation and determined the best course of action would be to have the individual drive himself off the summit down to the office where he could be questioned about the statement he made. Officer Kenison told me he would contact his Sargent (Artiendo) and discuss the matter and get back to me. I later spoke to Sargent Artindo (808-961-8112) and he said he would have Officer Kenison contacted and dispatched to the office to present at this meeting. I was unavailable for sometime and later learned that the Hilo Office called and spoke to Renee Doi in my office via phone, and informed Renee that Hawaii County Policy Department did a background check on the individual and confirmed he possessed 18 registered firearms. Therefore instead of dispatching just one officer (Kenison), your department dispatched two officers to be present during this meeting. Your officers were given instructions by either Sgt. Artiendo or the shift commander to be present “in the room” while the employee was questioned about the statement he made.

The employee was questioned and admitted to making the threat statement. Your officers stood-by until the meeting was over and later escorted the individual out of the building and off property. The employee was told that he violated RCUH’s Workplace Violence Policy and was being placed on an immediate disciplinary suspension without pay, and that he is to stay off property (both at the Hilo office and the Summit/Telescope facility).

Besides Officer Kenison, I am hoping that I’m getting the names of Sgt. Artiendo correct and I would like ot make sure the other officer who responded and if a Shift Commander was involved are sent my appreciation.

Yesterday, both Renee and I were in Hilo at this project’s office conducting a follow-up investigation. I had told Renee the preceding afternoon that once we spoke to one particular individual, he would inform the (disciplined) employee we were in Hilo (at the project’s office) therefore we be careful. What occurred next is truly chilling. This individual showed at the building at approximately 1:45 p.m., yesterday. Despite being told the day before that he
was suspended without pay and not to return to work until further notice and to stay away from both the Hilo Office and Summit facility. The employee claimed he was dropping office paperwork and wanted to make copies of this paperwork. He left without incident.

I called Hawaii County Police Department and spoke to Sgt. Artiendo and informed him of this incident.

Long story, but suffice to say I am very impressed with your officers.

I hope we can find the time to get together soon. Thanks.

Nelson Sakamoto  
Director of Human Resources  
RCUH Human Resources Department  

1601 East West Road  
4th Floor, Makai Wing  
Honolulu, Hawaii 96848  

Phone: 956-6965  
Fax: 956-9423

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From: "Kubojiri, Harry S." <Harry.S.Kubojiri@hawaiicounty.gov>  
Date: Friday, March 4, 2016 at 4:13 PM  
To: Renee Doi <rdoi@rcuh.com>, Nelson Sakamoto <nsakamoto@rcuh.com>  
Cc: Crystal Ka`aha`aina <CKaahaaina@rcuh.com>  
Subject: RE: Meeting tomorrow  

Aloha Renee,  

As luck would have it...I will be on Oahu for a meeting on March 10th and thus, unable to meet with the three of you.

Mahalo,  

Harry
From: Renee Doi [mailto:RDoi@rcuh.com]
Sent: Friday, March 04, 2016 3:16 PM
To: Nelson Sakamoto; Kubojiri, Harry S.
Cc: Crystal Kaahaaina
Subject: Re: Meeting tomorrow

Chief:

We would like to schedule a lunch meeting with you on Thursday, March 10, 2016.

Nelson, myself, and Crystal (Executive Assistant) will be in Hilo.

Please let us know if you are available.

**Confirmation of Receipt Requested – Please email me to confirm your receipt of this email**

Thanks,

Renee

Renee Doi
Assistant Director of Human Resources
RCUH Human Resources
1601 East West Road
Burns Hall 4th Floor Makai Wing
Honolulu, Hawaii 96848
Phone: (808) 956-6965
Fax: (808) 956-9423
Chief:

Good morning!

Renee and I landed and are in Hilo at the Subaru Telescope Hilo Base Office. We’re in meetings right now, but I’ll call your office as soon as we have a break. Thank you

Nelson Sakamoto
Director of Human Resources
RCUH Human Resources Department
1601 East West Road
4th Floor, Makai Wing
Honolulu, Hawaii 96848

Phone: 956-7055
Fax: 956-9423
Aloha Nelson,

I apologize for the late response; I was off-island all day yesterday. I will be available this morning before 11:00. Please call my secretary, Ms. Lynn Petersen at (808) 961-2243 if you are available before 11:00 a.m. and would like to meet.

Thank you,

Harry

Harry S. Kubojiri
Police Chief
Hawaii Police Department
349 Kapiolani Street
Hilo, Hawaii 96720

(808) 961-2243 Business
(808) 961-2389 Facsimile

---

From: Nelson Sakamoto [mailto:NSakamoto@rcuh.com]
Sent: Thursday, March 03, 2016 5:21 PM
To: Kubojiri, Harry S.
Cc: Renee Doi; Crystal Kaahaaina
Subject: Meeting tomorrow

Chief:

Renee and I are flying to Hilo on Friday. I know you are very busy, but are you available for a meeting or phone call?

Nelson Sakamoto
Director of Human Resources
RCUH Human Resources Department
1601 East West Road
4th Floor, Makai Wing
Honolulu, Hawaii 96848
Phone: 956-6965
Fax: 956-9423

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Subject: Re: Lemmen's call
Date: Saturday, March 5, 2016 at 5:10:07 PM Hawaii-Aleutian Standard Time
From: Nelson Sakamoto
To: Tetsuo Nishimura
CC: Renee Doi, Ikuru Iwata, Nobuo Arimoto

Nishi

We are in agreement
If employees feel unsafe we cannot force them to work
Security guards are essential for both summit and base

Sent from my iPhone

On Mar 5, 2016, at 4:53 PM, Tetsuo Nishimura <nishimura@nao.j.org> wrote:
Nelson,
Michael Lemmen called me. I explained as much as possible. He was obviously not satisfied with my explanation
and I gave your cellular number in case he has further questions. Sorry to bother you in the weekend.
Noumaru has been contacted the guard company TMT used but has not been able to talk to them yet.
If we cannot make Michael satisfied, I think we have to consider cancelling tonight. But that is big for us.
I personally believe the worst case scenario would not take place anytime soon, but that cannot be a consideration
in making an organizational decision.
If you need to call me, my cell phone number is 808-895-7385.
Nishi
Subject: Re: Briefing to Subaru Division Chiefs
From: Nelson Sakamoto
To: Tetsuo Nishimura
CC: Renee Doi, Ikuru Iwata, Nobuo Arimoto

Dr. Nishimura:

Overall message is to inform everyone that the Subaru Telescope is under a very serious workplace violence threat. This is both a security and safety matter that Subaru Telescope and the RCUH is taking very seriously.

1. I would begin your meeting by reading the memo signed by Dr. Arimoto last Friday and that has been circulated to all staff (NAOJ and RCUH). Since this memo already identifies Alan Iwasaki, there is no further need to disguise his identity. In fact, we want his identity known to all Subaru Telescope staff to prevent Iwasaki from entering any of the buildings without someone reporting it immediately.

2. You may use the three words “Target Rich Environment” and explain this is a military terminology used to describe a poorly defended group of high value targets. An example found on the internet: "A combat situation in which an attacker, normally equipped with a superior weapons system, is presented with a large number of highly desireable, poorly defended and high-value targets all at once,"

3. Remind everyone that all RCUH employees are subject to the RCUH Workplace Violence policy, which states: "It is the RCUH's policy to provide a safe work environment for all employees and individuals in the workplace. We maintain a zero tolerance for violence in the workplace. “Violence” is
defined to include physically harming another, shoving, pushing, harassment, verbal, written or physical intimidation, coercion, brandishing weapons, and threats or talk of violence. This policy also includes horseplay (e.g., even the talk of violence or joking about violence will not be tolerated) where another individual feels threatened by such talk. If anyone displays any violence in the workplace or threatens violence in the workplace, he/she may be subject to immediate disciplinary action (including possible termination from employment).”

4. Inform everyone that Alan Iwasaki (as Director Arimoto’s memo states) is on a Disciplinary Suspension without Pay. Furthermore, on Saturday, March 4, 2016 Alan Iwasaki received a legal NO TRESPASS WARNING, which prohibits him from coming to Subaru Telescope Hilo Base Facility and Summit Facility. This No Trespass Warning extends to the parking lots of both location. In addition, the No Trespass Warning extends to the RCUH Human Resources Offices in Honolulu.

5. You should remind everyone that all facilities are in a lock-down mode (which means at no time will doors be left open and unlocked).

6. You should remind everyone that if Alan Iwasaki shows up at either the Hilo Office or Summit facility he should be asked to leave, and his appearance at either facility should be reported immediately to the Hawaii County Police

7. I would end your meeting by saying this is an EVOLVING situation, and that we are in consultation with our attorneys
and law enforcement. Then remind people that it is EVERYONE'S responsibility to follow these instructions to ensure EVERYONE'S safety.

Nelson Sakamoto
Director of Human Resources
RCUH Human Resources Department
1601 East West Road
4th Floor, Makai Wing
Honolulu, Hawaii 96848
Phone: 956-6965
Fax: 956-9423

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From: Tetsuo Nishimura <nishimra@naoj.org>
Date: Monday, March 7, 2016 at 6:25 AM
To: Nelson Sakamoto <nsakamoto@rcuh.com>
Cc: Renee Doi <rdoi@rcuh.com>, Ikuru Iwata <iwata@naoj.org>, Nobuo Arimoto <arimoto@naoj.org>
Subject: Briefing to Subaru Division Chiefs

Dear Nelson,

Dr. Arimoto, currently in Tokyo, wants us to have a briefing meeting for Division Chiefs this morning. It starts at 9:00 a.m.

I will summarize the events of last week and take some questions. I will ask them no recording, and no
minutes will be issued. Iwata may join by phone.

Here is my summary:

Will very briefly describe what happened since last Wednesday.
Will not identify the individual by name.
Will mention the three key words the individual used.
Will cite RCUH Policy 3.930A
Will mention that the individual is on indefinite leave.
Will mention that Trespassing Warning was served.
Will mention that we are in contact with attorneys and police.
Will not mention what we know from the police.
Will concentrate on the lock and guard status.

I will take questions and explain along the line in the summary.

Any instructions or advices?

I will be driving from home to the office between 8 and 8:30 a.m.

Thank you.

Regards,
Nishi
From: Mary Ku <mary.ku@ficoh.com>
Date: Thursday, September 29, 2016 at 4:37 PM
To: Nelson Sakamoto <nsakamoto@rcuh.com>
Subject: FW: RE:1-15-48011

Here it is.

From: Alan Iwasaki [mailto:votersaction@gmail.com]
Sent: Monday, March 07, 2016 4:01 PM
To: Ku,Mary-FICOH; Sylvia Higashi
Subject: RE:1-15-48011

RCUH EXHIBIT CC
Subject: Re: Briefing to Subaru Division Chiefs
From: Nelson Sakamoto
To: Tetsuo Nishimura
CC: Renee Doi, Ikuru Iwata, Nobuo Arimoto

Dr. Nishimura:

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Nelson Sakamoto
Director of Human Resources
RCUH Human Resources Department
1601 East West Road
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Honolulu, Hawaii 96848
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From: Tetsuo Nishimura <nishimra@najo.org>
Date: Monday, March 7, 2016 at 6:25 AM
To: Nelson Sakamoto <nsakamoto@rcuh.com>
Cc: Renee Doi <rdoi@rcuh.com>, Ikuru Iwata <iwata@najo.org>, Nobuo Arimoto <arimoto@najo.org>
Subject: Briefing to Subaru Division Chiefs

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I will summarize the events of last week and take some questions. I will ask them no recording, and no
Subject: Testimony of KAHEA: The Hawaiian-Environmental Alliance to the University of Hawai‘i Board of Regents on Agenda Item III-A and III-B, concerning the Final Report and Dissolution of the Maunakea Governance Permitted Interaction Group; and Adoption of Chapter 20-26, Hawai‘i Administrative Rules, entitled “Public and Commercial Activities on Mauna Kea Lands.”

Aloha e Regents,

I am writing on behalf of KAHEA: The Hawaiian-Environmental Alliance, a 501(c)(3) nonprofit organization. We oppose several of the recommendations in the Final Report and Dissolution of the Maunakea Governance Permitted Interaction Group (Agenda Item No. III-A), and the proposed adoption of Chapter 20-26, Hawai‘i Administrative Rules, entitled “Public and Commercial Activities on Mauna Kea Lands” (Agenda Item No. III-B).

KAHEA is a community-based organization working to improve the quality of life for Hawaii’s people and future generations through the revitalization and protection of Hawaii’s unique natural and cultural resources. We have been advocating for the protection of Mauna Kea for nearly the entire life of our organization, which was founded in 2000.

Reject the Governance Group’s recommendation for further construction on Mauna Kea

The entirety of Mauna Kea is a wao akua in which buildings and other construction is inappropriate. The Group’s report recommends what amounts to further urban sprawl in the construction of an educational center by Hale Pōhaku and relocation of the Hōkū Keʻa to “already developed land.”

- Mauna Kea is supposed to be a conservation district and nowhere on the mauna should be considered “already developed land.”
- Lands by Hale Pōhaku are not in what the University called the “astronomy precinct” or the “telescope siting areas” identified in its management plans.
- The community should be involved in a re-siting process for Hōkū Keʻa, if re-siting is necessary at all.
- Continually expanding “visitor activities” at Hale Pōhaku by building a new educational center steps in the wrong direction. The University cleared māmane to expand Hale Pōhaku parking lots under a promise to plant 130 māmane seedlings. Māmane are long lived trees and critical habitat for the endangered palila.
- Re-promising to do things that the University already said it would do does not respond to a “need to collectively do better” and rather seems evidence that the University forgot its existing promises.
The last point bears explanation. The proposed resolution tries to put criticism in the “past” by reiterating a commitment to comply with existing commitments. It’s a promise to do what the University already said it would do - despite consistent, prolonged public opposition.

In its report to the 2007 legislature, the University stated the 2000 Master Plan identified five observatories - the UH 0.6m, the UH 2.2m, the Canada-France-Hawaii Telescope, the United Kingdom Infrared Telescope, and the NASA Infrared Telescope Facility - “as older facilities, several of which could be upgraded or replaced within the next 20 years.” The University knew twenty years ago that these telescopes would be obsolete today. So a promise to decommission them now seems only expedient.

In its 2010 decommissioning subplan to the Comprehensive Management Plan, the University said the Caltech Submillimeter Observatory would be fully decommissioned and the area returned to a natural state by 2018. This did not happen.

BLNR’s 2017 decision on the TMT also required the University to decommission “permanently” three telescopes before the TMT is built (condition no. 10) and “at least two additional facilities will be permanently decommissioned by 2033,” the VLBA and another telescope (condition no. 11). Unless the University also promises not to build the TMT, the 12-step plan to decommission four telescopes only promises to do what the University has to do anyway and by rebuilding one telescope, fails even what is already required.

Reject proposed Chapter 20-26 rules, except in part applicable to commercial activities.

1. Rulemaking in the current context of uncertainty about the TMT is unwise.

Until the University determines to rescind its permit for the Thirty-Meter Telescope, the proposed rules will be read and understood in relation to imminent civil disobedience and non-violent direct action to protect Mauna Kea from construction of the TMT. This is a poor context for decision-making on rules that might have utility other than to stymie protest.

For instance, §20-26-62 requires group “registration” 15 days in advance of assembly on Mauna Kea. This requirement is wholly unreasonable in a situation in which demonstrators are not guaranteed 15 days advance notice of the initiation of TMT construction.

Many, but not all of those demonstrators are native Hawaiian cultural practitioners who could claim impermissible abridgment of their rights as recognized under proposed rule §20-26-3(f). Even if they were, however, the proposed rules’ bare statement that Hawaiian cultural practitioners’ rights shall not be abridged is not accompanied by mechanisms for oversight and accountability to protect those rights. See §20-26-3(f). Rule provisions affecting nighttime “camping,” access, and fines would impact cultural practitioners’ rights. As currently drafted, the rules leave those practitioners without recourse for abridgement of their rights.

2. Community protection of Mauna Kea from observatories and UH mismanagement provided the impetus for rulemaking.

KAHEA opposes the proposed rules for reasons we’ve raised in our testimonies to you and at public hearings as further detailed below. Now is not the time to reopen the wounds of the history that brought rulemaking power to the University. It was the community’s efforts to protect Mauna Kea from observatory developments that gave rise to the state Auditor’s recommendation of rulemaking.

In 1995, Nelson Ho, a longtime mauna protector from Sierra Club went to the summit to investigate windblown construction debris from the observatories that were entering the Ice Age Natural Area Reserve. Ho contacted UH and then-IfA Director, Don Hall who went with Ho.

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1 University of Hawai‘i System, Annual Report in response to HCR 314, at 6 (Dec. 2006).
and others to the summit. They saw 55-gallon drums blown into gullies, a lot of construction debris, and trash left by tourists. Hall promised that UH would get it cleaned up.

Four months later, the trash was still there. Ho hiked around the summit collecting debris with the names of telescope facilities on it. The Hawai‘i Tribune Herald ran a front page story on the ways UH and the observatories were trashing the mauna.

In 1998, the Auditor slammed UH’s mismanagement. “Trash from construction was cleaned up only after concerns were raised by the public.” The auditor recommended authorizing UH to make rules to rectify these management issues on Mauna Kea.

In May 2004, DLNR fined UH $20,000 for observatories’ nine permit violations. These violations were uncovered during an inspection required because longtime Mauna Kea protectors initiated a contested case against the Keck outrigger project. UH itself paid the fines for the observatories. This was called out by the Auditor’s 2005 follow-up audit.

In 2009, the legislature passed Act 132, which granted UH authority to adopt rules for Mauna Kea lands. Kanaka Maoli Scholars Against Desecration, Mauna Kea Anaina Hou,2 the Royal Order of Kamehameha, KAHEA, Ka Lāhui Hawai‘i, Sierra Club, Life of the Land, the Temple of Lono, and thousands of individuals opposed granting UH this rulemaking authority.

In KAHEA’s 2009 testimony to the legislature, we cautioned: the University promises to use this authority to limit public access, regulate when and how Hawaiians worship, and expand observatory presence, while at the same severely limiting public oversight of decisions made about the summit.

This is what is realized in the proposed rules. The rules have strayed from their initial purpose in protecting the mauna from observatory rubbish and UH’s mismanagement and instead exempts observatories and the University. Only those portions of the rules that apply to commercial entities should be approved and the rest sent back for further revision subject to community consultation.

The rules are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place.

Mahalo for considering our testimony. Please contact us with any questions.

Me ke aloha,
2019 KAHEA Board and Staff

https://www.capitol.hawaii.gov/session2009/testimony/HB1174_HD2_TESTIMONY_FIN_03-03-09_1_.pdf
OPPOSITION to agenda items IIIA and IIIB
1 message

Sade Kahue <Sadekahue06@gmail.com>  Mon, Nov 4, 2019 at 7:41 PM
Reply-To: Sadekahue06@gmail.com
To: bor.testimony@hawaii.edu

To whom it may concern,

I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University's responsibility.

1.) (Agenda item no. III.A) Adopting rules restricting access and use of Mauna Kea summit lands and implementing a vague permitting system for the access that it does allow. The rules apply to the public, but not University or observatory personnel, or government entities.

2.) (Agenda item no. III.B) Passing a resolution on twelve Mauna Kea management steps with a supporting budget.

I oppose both of these items on the grounds that they will undermine the rights of Native Hawaiian cultural practitioners and ultimately defeat the purpose of having rules to manage the summit area of Mauna Kea. Rules for Mauna Kea are primarily intended to regulate the University, observatories, and commercial tours and are not intended to prevent Native Hawaiian practitioners from their customs and traditions.

The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University's rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,
Sade Kahue

Sincerely,
Sade Kahue
RE: OPPOSITION to agenda items IIIA and IIIB

null

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I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University’s responsibility.

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The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,

Sincerely,
Holly Ka‘iakapu
OPPOSITION to agenda items IIIA and IIIB

1 message

Trevor Kaiama <trevorkaiama@gmail.com>  Mon, Nov 4, 2019 at 10:31 PM
Reply-To: trevorkaiama@gmail.com
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

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Sincerely,

Sincerely,
Trevor Kaiama
**OPPOSITION to agenda items IIIA and IIIB**

1 message

James Kalama <james@ahkilamamedia.com>  
Reply-To: james@ahkilamamedia.com  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

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Sincerely,

James Kalama

Sincerely,

James Kalama
BOR Testimony <bortest2@hawaii.edu>

**OPPOSITION to agenda items IIIA and IIIB**

1 message

Kamalani Kaluhiokalani <kamalani.kaluhiokalani@gmail.com>  
Reply-To: kamalani.kaluhiokalani@gmail.com  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai'i

Mon, Nov 4, 2019 at 7:28 PM

RE: OPPOSITION to agenda items IIIA and IIIB

null

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I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University’s responsibility.

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Sincerely,

Sincerely,

Kamalani Kaluhiokalani
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Sincerely,

Mahie Kama
Testimony opposing changes in Mauna Kea management rules
1 message

Mark Kamakea <hernandez.kamakea@gmail.com>  Mon, Nov 4, 2019 at 8:00 PM
To: bor.testimony@hawaii.edu

To the UH Board of Regents,

I am writing to voice my strong opposition to proposed changes in management rules for Mauna Kea, Agenda Items IIIA and IIIB.

I oppose these changes because they violate the articulated uses for “Ceded Lands” in the Newlands Resolution: “used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes”. The proposed rule changes restrict access to the Mauna Kea conservation district for Hawai’i residents (general public) but allow access to observatory workers, some of whom are not Hawai’i residents.

These rule changes, if approved, would send a clear message to the world that what’s important to the University of Hawai’i is money, not the soil, hydrology and cultural resources of Mauna Kea and Hawai’i in general.

Please vote no on Agenda Items IIIA and IIIB.

Respectfully yours,

Mark Kamakea
OPPOSITION to agenda items IIIA and IIIB

1 message

Audrey Kaneshiro <oceanbabe87@gmail.com>  
Reply-To: oceanbabe87@gmail.com  
To: bor.testimony@hawaii.edu

Mon, Nov 4, 2019 at 8:11 PM

UH Board of Regents  
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

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I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University’s responsibility.

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The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,

Audrey Kaneshiro
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Ka’iulani Kaniaupio

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Sincerely,

Isabelle Kaonohi
To whom it may concern,

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Sincerely,

Leneva Kapule
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Sincerely,

Sincerely,

Lehua Kaulukukui
OPPOSITION to agenda items IIIA and IIIB

Nawai Kaupe <nkaupe@hawaii.edu>
Reply-To: nkaupe@hawaii.edu
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

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Sincerely,

Sincerely,
Nawai Kaupe
OPPOSITION to agenda items IIIA and IIIB

1 message

Joyce Keala <jnnpk80@gmail.com>  Mon, Nov 4, 2019 at 7:54 PM

To: bor.testimony@hawaii.edu

null

To whom it may concern,

I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University's responsibility.

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Joyce Keala

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Sincerely,

Sincerely,

Edmund Kealaluhi
OPPOSITION to agenda items IIIA and IIIB

Mahealani Kekauoha <Mahealanikekauoha@gmail.com>  
Reply-To: Mahealanikekauoha@gmail.com  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

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Sincerely,

Sincerely,  
Mahealani Kekauoha
OPOPOSITION to agenda items IIIA and IIIB

Tiara Keliihoomalu <Terleciak@gmail.com>  
Mon, Nov 4, 2019 at 7:42 PM

UH Board of Regents  
University of Hawai'i

RE: OPOPOSITION to agenda items IIIA and IIIB

null

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Sincerely,

Sincerely,

Tiara Keliihoomalu
November 4, 2019

RE: University of Hawai‘i Board of Regents Proposed Resolution 19-03

Dear Chair Kudo,

The Kona-Kohala Chamber of Commerce strongly urges the University of Hawai‘i Board of Regents to defer decision making on Resolution 19-03.

Our Chamber exists to provide leadership and advocacy for a successful business environment in West Hawai‘i. We believe the astronomy industry, including the development of the Thirty Meter Telescope (TMT), is essential in diversifying and strengthening our local economy while enhancing our island’s community.

We strongly support the astronomy industry, science, culture and environmental stewardship of Maunakea, and this includes support for the current management structure with the Office of Maunakea Management. In addition, we would like to see the University of Hawai‘i obtain a new state lease for the lands on Maunakea.

We are very concerned about the plans to decommission telescopes in the proposed resolution. As written, if TMT is not built in Hawai‘i, it appears the University would still commit to decommissioning five telescopes, including three that are highly productive. This would be a major blow to Hawai‘i’s position as a global leader in astronomy, diminish the Institute for Astronomy and result in job losses for Hawai‘i residents.

Although we expect the State of Hawai‘i and County of Hawai‘i to uphold the law and clear Mauna Kea Access Road, TMT has not been able to access its worksite on the mountain for the past four months. If TMT goes to the Canary Islands, will decommissioning these working and productive telescopes continue?

As the voice of the business community since 1968, the Kona-Kohala Chamber of Commerce advocates for a strong local economy with deep consideration for future generations. We believe more input from the observatories and our community must be considered before Resolution 19-03 is adopted.

Mahalo for your consideration,

Wendy J. Laros, M.Ed.
Executive Director, Kona-Kohala Chamber of Commerce
To whom it may concern,

I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University's responsibility.

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Sincerely,

Kikilia Lani
OPPOSITION to agenda items IIIA and IIIB

Cathy Lattin <Clattin815@gmail.com>
Reply-To: Clattin815@gmail.com
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

To whom it may concern,

I oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University’s responsibility.

1.) (Agenda item no. III.A) Adopting rules restricting access and use of Mauna Kea summit lands and implementing a vague permitting system for the access that it does allow. The rules apply to the public, but not University or observatory personnel, or government entities.

2.) (Agenda item no. III.B) Passing a resolution on twelve Mauna Kea management steps with a supporting budget.

I oppose both of these items on the grounds that they will undermine the rights of Native Hawaiian cultural practitioners and ultimately defeat the purpose of having rules to manage the summit area of Mauna Kea.

The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,

Cathy Lattin
OPPOSITION to agenda items IIIA and IIIB

Andrew Lee <andrewclee3376@gmail.com>  
Reply-To: andrewclee3376@gmail.com  
To: bor.testimony@hawaii.edu  

UH Board of Regents  
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

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I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University’s responsibility.

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Sincerely,

Sincerely,
Andrew Lee
OPPOSITION to agenda items IIIA and IIIB

Hosanna Lettvin <hkl@hawaii.edu>  
Reply-To: hkl@hawaii.edu  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawaiʻi

RE: OPPOSITION to agenda items IIIA and IIIB

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Me ke aloha,  
Hosanna Lettvin

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Hosanna Lettvin
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Sincerely,

Sincerely,

Elizabeth Lindsey
To whom it may concern,

Mahalo nui loa for hearing us!

I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University’s responsibility.

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Sincerely,

Sincerely,

Listen ToOurMotherEarth
OPPOSITION to agenda items IIIA and IIIB

1 message

Nanea Lo <Naneaclo@hawaii.edu>  
Reply-To: Naneaclo@hawaii.edu  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

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Sincerely,

Sincerely,

Nanea Lo
To whom it may concern,

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The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,

Pulama Long
To whom it may concern,

** I have a burning question, that I must ask before going further; who died and made you gods of Hawaiian Homelands and Mauna Kea? I know my Kong’s and queens died and didn’t leave it to any of you!!

The struggles my college graduate children have endure at the hands of your personal mismanagement of funds that go into the general education fund.

My kids were state champions and scholars athletes and ident them far away from the racist institution called the UH. They have come back with knowledge of sustainability farms of the Midwest and law degrees.

I hear to say, we will fight you every step of the way, until you get out of the way and give us back our own University!

I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University’s responsibility.

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The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,
Jessica Luning

Sincerely,
Jessica Luning
OPPOSITION to agenda items IIIA and IIIB

1 message

Destin Martines <destinmartines03@gmail.com>  Mon, Nov 4, 2019 at 7:30 PM
Reply-To: destinmartines03@gmail.com
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai’i

RE: OPPOSITION to agenda items IIIA and IIIB

null

To whom it may concern,

I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University’s responsibility.

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2.) (Agenda item no. III.B) Passing a resolution on twelve Mauna Kea management steps with a supporting budget.

I oppose both of these items on the grounds that they will undermine the rights of Native Hawaiian cultural practitioners and ultimately defeat the purpose of having rules to manage the summit area of Mauna Kea. Rules for Mauna Kea are primarily intended to regulate the University, observatories, and commercial tours and are not intended to prevent Native Hawaiian practitioners from their customs and traditions.

The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,

Sincerely,

Destin Martines
OPPOSITION to agenda items IIIA and IIIB

1 message

Alexander McNicoll <alikamc@gmail.com>  
Reply-To: alikamc@gmail.com  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

Aloha!

My name is Alexander McNicoll and I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University’s responsibility.

1.) (Agenda item no. III.A) Adopting rules restricting access and use of Mauna Kea summit lands and implementing a vague permitting system for the access that it does allow. The rules apply to the public, but not University or observatory personnel, or government entities.

2.) (Agenda item no. III.B) Passing a resolution on twelve Mauna Kea management steps with a supporting budget.

I strongly oppose both of these items on the grounds that they will undermine the rights of Native Hawaiian cultural practitioners and ultimately defeat the purpose of having rules to manage the summit area of Mauna Kea. Rules for Mauna Kea are primarily intended to regulate the University, observatories, and commercial tours and are not intended to prevent Native Hawaiian practitioners from their customs and traditions.

The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rule-making authority in the first place. I strongly urge you to stop these rules from going into effect.

Mahalo,
Mr. Alexander McNicoll

Sincerely,
Alexander McNicoll
OPPOSITION to agenda items IIIA and IIIB

Lydia McShane <kawe.mcshane@gmail.com>  
Reply-To: kawe.mcshane@gmail.com  
To: bor.testimony@hawaii.edu

To whom it may concern,

I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University’s responsibility.

1.) (Agenda item no. III.A) Adopting rules restricting access and use of Mauna Kea summit lands and implementing a vague permitting system for the access that it does allow. The rules apply to the public, but not University or observatory personnel, or government entities.

2.) (Agenda item no. III.B) Passing a resolution on twelve Mauna Kea management steps with a supporting budget.

I oppose both of these items on the grounds that they will undermine the rights of Native Hawaiian cultural practitioners and ultimately defeat the purpose of having rules to manage the summit area of Mauna Kea. Rules for Mauna Kea are primarily intended to regulate the University, observatories, and commercial tours and are not intended to prevent Native Hawaiian practitioners from their customs and traditions.

The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,

Sincerely,

Lydia McShane
Board of Regents, Supporting Faculty, and all involved:

I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University’s responsibility.

1.) (Agenda item no. III.A) Adopting rules restricting access and use of Mauna Kea summit lands and implementing a vague permitting system for the access that it does allow. The rules apply to the public, but not University or observatory personnel, or government entities.

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I oppose both of these items on the grounds that they will undermine the rights of Native Hawaiian cultural practitioners and ultimately defeat the purpose of having rules to manage the summit area of Mauna Kea. Rules for Mauna Kea are primarily intended to regulate the University, observatories, and commercial tours and are not intended to prevent Native Hawaiian practitioners from their customs and traditions.

The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

The profligates that manage this enterprise continue to be ongoingly wasteful. Always encroaching for the deposition of our land. Inquiries made have shed light of such malpractices. Being of heritage and direct descendant of Hawaiian ancestry, it is in my diligent written word that pushes forth this testimony against any development on Mauna Kea overstepping their bounds and over Kanaka, whom trusts were made. Of any company, there is need for regulation and consistent inquiries and investigations on best practice. It is insane to lift these faculties away from their duties and provide new regulatory rules to be used against anyone who opposes. So, I, Sage-Lee Medeiros-Garcia, duly and fully oppose it and I demand to see it halted in any further progress.

Sincerely:

Medeiros-Garcia, Sage-Lee M.

Sincerely,

Sage-lee Medeiros-Garcia
Leialoha Modomo
91-1022 Kaiau Avenue #G
Kapolei, Hawaii

November 4, 2019
UH
Board of Regents
2444 Dole Street
Hon. HI 96822
bor.testimony@hawaii.edu.

Date: Wednesday, November 6, 2019
Time: 9:45 a.m.
Place: University of Hawai‘i at Hilo
Performing Arts Center
200 W. Kawili Street
Hilo, Hawai‘i 96720-4091

Subject: Item No. 111 A and Item No. 111 B

I OPPOSE both items for the following reasons.

Item No. 111 A
1) Adopting rules that restrict access and use of Mauna Kea summit lands and implement a vague permitting system for the access that it does allow. The rules apply to the public, but not the University or observatory personnel, or government entities. (Agenda item no. 111 A)

Agenda item No 3A
1) The proposed rules restrict all access except UH, observatory, personnel and Gov. officials when they are the reason for the rules. See Hawaii Revise Statue (HRS) Article X11, Section 7 allos kanaka to access the Mauna as a customary right.

2) Requiring 15 days practice to permit Mauna access, making it impossible for Kia‘i to rally in opposition to hewa. This rule only severs the interest of the state in that they will inhibit kanaka sovereign right to peaceful protest.

3) Being on Mauna I ka po require special permit, eliminating, overnight Kia‘i presence and limiting access to Kilo. See HRS Article X11, Section 7, Without an overnight occupation, the state is free to dictate its agenda.

4) First offense could face a $400.00 fine and immediate expulsion from the Mauna. It’s ridiculous to penalize kanaka for exercising their native rights.

5) Proposed rules haughtily authorizes the office of UH Press, enabling him to restrict access and rule on pleas against the fines….Kanaka need to govern kanaka entities.

Item No. 111 B
The resolution repackages old processes and presents them as evidence of a new management direction. The resolution includes two new actions:

1) Relocation of the Hoku Kea to “already developed land” by Hale Pohaku and 2) Construction of a new educational center at Hale Pohaku.

1) The expansion of Hale Pohaku and increase in visitor numbers is inappropriate for a conservation district and wao akua. The proposed rules are limiting customary and traditional access to the Mauna while simultaneously encouraging a large tourist presence.

2) Since at least 2000, the university has identified five telescopes for decommissioning “within the next 20 year” and the renewed promise in 2019 to do so by 2033 does not account for this past broken promise. The university has proved that its gross negligence knows no ends. Enough words on paper, time for concrete actions.

Mahalo,

Leialoha Modomo

I reserve my rights to petition for contested case if item #111A and #111B if it’s granted.

[Signature]

Leialoha Modomo
Katie Molzer <katiemolzer@hotmail.com>  
To: "bor.testimony@hawaii.edu" <bor.testimony@hawaii.edu>  

Mon, Nov 4, 2019 at 9:54 PM

No name given

I believe that there should be a commercial tour permit limit of 2 years.

Proposed addition:
§20-26-65 subsection (d)  
Tour operators will have a permit valid for two years. Permittees should then have their applications submitted to a permit pool lottery.
RE: OPPOSITION to agenda items IIIA and IIIB

null

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Sincerely,

Mariana Monasi
RE: OPPOSITION to agenda items IIIA and IIIB

null

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Sincerely,

Sincerely,

Nakuluai Morando
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Sincerely,

Sincerely,

SHANE NIAU
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Sincerely,
Maile Nunez

Sincerely,
Maile Nunez
OPPOSITION to agenda items IIIA and IIIB

1 message

Ashley Olguin <Ashleyo7@hawaii.edu>  
Reply-To: Ashleyo7@hawaii.edu  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

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Sincerely,

Ashley Olguin
RE: OPPOSITION to agenda items IIIA and IIIB

null

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I oppose both of these items as they contradict what it means for the University to be a “Hawaiian place of learning”. By implementing these rules, it restricts Hawaiians from exercising cultural practices that never faced judgement prior to foreign contact. Such colonial injustices that favor tourism-based activities will continue to desecrate a land that is pristine and connects us to our ancestors.

The University has left a footprint on Hawaiians that shows the amount of disrespect for a land considered sacred by those who first inhabited them. If you agree that Hawaiians are the ones to define what it means to be Hawaiian, then why is it so hard to allow Hawaiians to have a voice in the rules that are being proposed? We urge you to stop these rules from going into effect.

Sincerely,
Jordyn Paa

Sincerely,
Jordyn Paa
null

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Sincerely,

Danielle Pacific
RE: OPPOSITION to agenda items IIIA and IIIB

null

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The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,
Nani (Star) Pai

Sincerely,
Star Pai
To whom it may concern,

Aloha, my name is Koohan Paik-Mander and I am a former instructor at Kauai Community College. I wholeheartedly disagree with UH’s proposed rules. It is ironic that the proposed rules, supposedly for the protection of Mauna a Wākea, are being implemented by the entity most responsible for the significant degradation and adverse impact there. It’s important that rules apply to all parties equally and without bias. We should look at the hypocrisy in these rules:

It is unacceptable for people to “conduct any activities on pu’u” or “damage any natural or geological feature”, but UH can grade and level pu’u to build on them.

It is unacceptable for people to “disturb” any plants or animals, but UH can dig up 64,000 cubic yards of earth containing organic matter for TMT.

It is unacceptable for people to possess hand tools that could be used to injure plants or wildlife, but UH can operate an excavator on a site containing endemic flora and fauna.

It is unacceptable for people to introduce materials such as metal, yet we have seen metal waste from construction sites on Mauna a Wākea left to decay.

It is unacceptable to spill chemicals, but there have been over two dozen documented spills associated with the observatories under UH management.

These are just a few examples, but many of the other proposed rules are similarly hypocritical. If UH truly wishes to protect Mauna a Wākea, leading by example is paramount. The “do as I say, not as I do” mentality is unacceptable for an organization that strives to produce graduates with professionalism and leadership qualities.

The other major concern I have regarding the proposed rules is the obvious attempt being made to stifle the civil disobedience movement. If the legislative purpose of these rules is truly the protection of cultural and natural resources, then that would seemingly be aligned with the goal of the civil disobedience movement. If this was the true intent then UH would not be standing opposite of the protectors while deliberately attempting to limit their tools of peaceful protection.

The proposed rules would have numerous effects which specifically target the protectors:

§20-26-22 prevents groups larger than 10 people from gathering without permission.

§20-26-24 prohibits cellular phones from being used for the purposes of documentation and social media.

§20-26-34 would prevent microphones, loud voices, and musical instruments such as pahu.

§20-26-72 and §20-26-73 would give UH the ability to issue excessive penalties (up to $10,000 or exclusion from cultural areas) to people who are in violation of their rules even if they have already been criminally charged.
These rules negatively affect our right of civil disobedience and are meant to target a specific group, many of whom are the indigenous people of Hawai‘i. These rules must not be put into effect by the university which claims to be the “premier indigenous serving institution”. The UH mission statement says, “the university will serve as a leader in how it stewards the resources of the islands” and “the university embraces its unique responsibilities to the indigenous people of Hawai‘i and to Hawai‘i’s indigenous language and culture”. Actions of an organization should not be contradictory to its mission statement. I humbly request that you reconsider the proposed rules and take actions that are consistent with the university’s mission statement.

Mahalo,
Koohan Paik-Mander

Sincerely,
Koohan Paik-Mander
BOR Testimony <bortest2@hawaii.edu>

OPPOSITION to agenda items IIIA and IIIB

1 message

Traci Palermo <tracip@hawaii.edu>  
Reply-To: tracip@hawaii.edu  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

To whom it may concern,

I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University’s responsibility.

1.) (Agenda item no. III.A) Adopting rules restricting access and use of Mauna Kea summit lands and implementing a vague permitting system for the access that it does allow. The rules apply to the public, but not University or observatory personnel, or government entities.

2.) (Agenda item no. III.B) Passing a resolution on twelve Mauna Kea management steps with a supporting budget.

I oppose both of these items on the grounds that they will undermine the rights of Native Hawaiian cultural practitioners and ultimately defeat the purpose of having rules to manage the summit area of Mauna Kea. Rules for Mauna Kea are primarily intended to regulate the University, observatories, and commercial tours and are not intended to prevent Native Hawaiian practitioners from their customs and traditions.

The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,

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Sincerely,

Sincerely,
Patty Perkins
RE: OPPOSITION to agenda items IIIA and IIIB

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Apparentely, the University of Hawaii through the President and regents wants to join the HALL OF SHAME like the Navy about evading their responsibilities to address the storage tanks on Red Hill leaking thousands of gallons of fuel next to public water sources and Alexander & Baldwin in Maui stealing water from local farmers and residents. There are many examples of how power and money have been and are being used against Hawaiians and the people of Hawaii who want to protect their land and resources now and always in perpetuity. This vote and agenda on Wednesday in Hilo has the purpose of creating a King of the University of Hawaii with all the money and power he needs to further oppress, humiliate, and destroy the pride and dignity of Hawaiians and the people of these islands. These agenda items must be opposed and recognized as the hasty, ill-advised actions of dishonorable men.

I oppose Agenda items #III. A and # 3. B on the grounds that they will undermine the rights of Native Hawaiian cultural practitioners and ultimately defeat the purpose of having rules to manage the summit area of Mauna Kea. Rules for Mauna Kea are primarily intended to regulate the University, observatories, and commercial tours and are not intended to prevent Native Hawaiian practitioners from their customs and traditions.

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Sincerely,

Sincerely,
Marisa Plemer
OPPOSITION to agenda items IIIA and IIIB

1 message

JARED PULE <kanekoa76@gmail.com>  Mon, Nov 4, 2019 at 8:30 PM
Reply-To: kanekoa76@gmail.com
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

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Sincerely,

JARED PULE
University of Hawaii Mail - OPPOSITION to agenda items IIIA and IIIB

BOR Testimony <bortest2@hawaii.edu>

OPPOSITION to agenda items IIIA and IIIB
1 message

Dea Rackley <Kumukahi77@gmail.com>  
Reply-To: Kumukahi77@gmail.com
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai‘i

Mon, Nov 4, 2019 at 6:33 PM

RE: OPPOSITION to agenda items IIIA and IIIB

null

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Sincerely,

Sincerely,
Dea Rackley
OPPOSITION to agenda items IIIA and IIIB

Dawn Rego-Yee <Dregoyee@hawaii.edu>  
Reply-To: Dregoyee@hawaii.edu  
To: bor.testimony@hawaii.edu  

Mon, Nov 4, 2019 at 9:39 PM

UH Board of Regents  
University of Hawai'i

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Dawn Rego-Yee
BOR Testimony <bortest2@hawaii.edu>

OPPOSITION to agenda items IIIA and IIIB
1 message

Kathie Reis <Kaneohe5@gmail.com>                                       Mon, Nov 4, 2019 at 7:01 PM
Reply-To: Kaneohe5@gmail.com
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

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Sincerely,

Kathie Reis

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Sincerely,

Sincerely,

Janet Remolona
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Sincerely,

Sincerely,
Heather Richardson
November 4, 2019
UH
Board of Regents
2444 Dole Street
Hon. HI 96822
bor.testimony@hawaii.edu.

Date: Wednesday, November 6, 2019
Time: 9:45 a.m.
Place: University of Hawai‘i at Hilo
Performing Arts Center
200 W. Kawili Street
Hilo, Hawai‘i 96720-4091

Subject: Item No. 111 A and Item No. 111 B

I OPPOSE both items for the following reasons.

Item No. 111 A
1) Adopting rules that restrict access and use of Mauna Kea summit lands and implement a vague permitting system for the access that it does allow. The rules apply to the public, but not the University or observatory personnel, or government entities. (Agenda item no. 111 A)

Agenda item No 3A
1) The proposed rules restrict all access except UH, observatory, personnel and Gov. officials when they are the reason for the rules. See Hawaii Revise Statue (HRS) Article X11, Section 7 allos kanaka to access the Mauna as a customary right.

2) Requiring 15 days practice to permit Mauna access, making it impossible for Kia‘i to rally in opposition to hewa. This rule only severs the interest of the state in that they will inhibit kanaka sovereign right to peaceful protest.

3) Being on Mauna I ka po require special permit, eliminating, overnight Kia‘i presence and limiting access to Kilo. See HRS Article X11, Section 7, Without an overnight occupation, the state is free to dictate its agenda.

4) First offense could face a $400.00 fine and immediate expulsion from the Mauna. It’s ridiculous to penalize kanaka for exercising their native rights.

5) Proposed rules haughtily authorizes the office of UH Press, enabling him to restrict access and rule on pleas against the fines….Kanaka need to govern kanaka entities.
Item No. 111 B

The resolution repackages old proses and presents them as evidence of a new management direction. The resolution includes two new actions:
1) Relocation of the Hoku Kea to “already developed land” by Hale Pohaku and 2) Construction of a new educational center at Hale Pohaku.

1) The expansion of Hale Pohaku and increase in visitor numbers is inappropriate for a conservation district and wao akua.
The proposed rules are limiting customary and traditional access to the Mauna while simultaneously encouraging a large tourist presence.

2) Since at least 2000, the university has identified five telescopes for decommissioning “within the next 20 year” and the renewed promise in 2019 to do so by 2033 does not account for this past broken promise.
The university has proved that its gross negligence knows no ends. Enough words on paper, time for concrete actions.

Mahalo
OPPOSITION to agenda items IIIA and IIIB

Ailea Robinson <ailear@hawaii.edu>
Reply-To: ailear@hawaii.edu
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai‘i

To whom it may concern,

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The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,

Ailea Robinson
To Whom it may concern,

I am submitting this written testimony to OPPOSE Agenda items III.A and III.B.

Regarding this iteration of the University’s proposed rules for Mauna Kea, I have several objections:

- The rules restrict access and use of Mauna Kea lands for everyone except the University, the observatories, and government officials, when it was the observatories and the University who were primarily responsible for littering and misuse that required rules in the first place.
- Group permitting requiring 15 days advance notice and other documentation would effectively prohibit peaceful demonstrators from assembling on Mauna Kea.
- The rules would ban being on the mauna at night without a special permit -- making it harder for the practice of traditional celestial observation to continue.
- The UH President is given way, way too much power in the proposed rules. This is especially troubling given that Mr. Lassner, the current UH president, has repeatedly demonstrated in words and actions that he just doesn’t get it as to how the University has exploited Mauna Kea. He has demonstrated repeatedly that he just doesn’t understand the deep spiritual, cultural, environmental, and community wounding that has occurred due to the University’s colonial mentality in it’s use of Mauna Kea. Suffice to say that Mr. Lassner should NOT have the power to:
  - close or restrict access to all or some of the UH managed areas
  - approve or deny permit applications
  - impose fines for permit violations
  - approve DLNR activities (all of which are exempt from the permitting process)
  - decide the extent of commercial activity on the mauna via the number of available commercial permits
  - appoint (or be!) a hearing officer in a contested case if someone would like to contest a citation they received

Regarding the University’s 12-point Resolution for Mauna Kea management:
- I am adamantly opposed to any new development near or at Hale Pohaku (i.e. the proposed Hale Pohaku educational center and the relocation of Hoku Ke’a) , even if it proposed to be on supposed “already developed” land. More development on the mauna is absolutely the opposite of what the Kia’i Mauna have been standing for. The continued expansion of Hale Pohaku and increase in visitor numbers is inappropriate for a conservation district and the wao akua that Mauna Kea is.
- The University has promised since at least 2000 that they would decommission 5 telescopes within 20 years. Now, about 20 years later, they have not decommissioned any of those 5, and are instead saying by 2033 they will decommission them. So the 12 Point Resolution is simply re-promising 20 years of broken promises, and saying “Here is evidence of a new management direction.” The University needs to do much better than that: Any new management resolution should guarantee decommissioning the telescopes identified for decommissioning at the rate of at least one per year.

Sincerely,
Kristi Robinson
Sincerely,
Kai Robinson
Dear Board of Regents, I am opposed to the new proposed chapter 20-26 rules “Public and Commercial Activities on Mauna Kea Lands”

The first thing I would like to address is the way in which you try to pass these new rules. The community here should have a voice in the rules and yet you make it so hard for the public to voice their concerns. All of these meeting about Mauna Kea have been scheduled at times where it is very hard for the public to attend. Most of the time people are working on week days so early in the morning, if you want a true perception of what the public thinks then you would hold these meetings at times that people are more likely to be able to attend. I hope you take this into consideration for the future meetings as this is how we got into the problems on Mauna kea in the first place. The meeting that TMT said they had with the public was unknown or people could not attend and therefore when people found out what you all were doing on the mountain and how TMT was being fast track through, you guys had a problem with the community. If you communicated with the public then you would have know how we felt about what you are doing on our sacred Mauna A Wakea.

My first question to you is why all of a sudden did the BoR decide to implement new rules for Mauna Kea? It looks very suspicious at this time to come out with new rules that will obviously affect the right to peacefully protest on Mauna kea. It also looks like you are targeting the Kia’i (protectors). Many of these new rules would penalize our right to peaceful assembly, as we would be fined for everyday these rules are in place. These rules will cause a bigger protest by the people of Hawaii.

Many people feel like the Kia’i and Lahui have been targeted with those no parking, standing, and stopping signs, and with all the tickets being given on the saddle, now you want to implement new rules that would definitely affect the right to protest. You know how the people have stood up to protected Mauna Kea, this will only cause the people to mistrust the state and their agencies even more. The community has told you how it feels, yet you will not listen instead you keep coming up with new ways to stop the community from what it wants.

We know what TMT will do to our Mauna, the environmental impact statement was telling you guys something, yet you will not hear. The DLNR management plan tells you that no test has ever been done on the hydrology of Mauna Kea, and they cannot say if the surface water or ground water could be contaminated. You are taking a big chance with our water, land and people. Look at the mistake just made on Maui when they killed all the fish, look at what is going on with Red Hill on Oahu. We the people have seen the mistakes that have been made and we wonder why you are blinded and cannot see these warning signs. In 2018 an earthquake cause the Keck telescope to leak oil and Hydraulic fluid into the ground for nearly two months. They say that Mauna loa shows signs that it may go off again, so I don't understand why you would allow all those chemicals on the Mauna when it is dangerous to our water supply.

I know I went off topic with TMT, but is it really off topic? Just consider what these new rules will do to our community, it is a blatant slap in the face once again to our culture and community, it will only cause further protest and create a hostility that has followed through 126 years of injustice. you need to address this for our community to heal. Do not pass these rules, it will only make matters worst.

sincerely

Drena L. Rodrigues
Dear Board of Regents,

My name is Shea Rodrigues. I’m an alumnus of UH Hilo and I wholeheartedly disagree with UH’s proposed rules. It is ironic that the proposed rules, supposedly for the protection of Mauna a Wākea, are being implemented by the entity most responsible for the significant degradation and adverse impact there. It’s important that rules apply to all parties equally and without bias. We should look at the hypocrisy in these rules:

It is unacceptable for people to “conduct any activities on puʻu” or “damage any natural or geological feature”, but UH can grade and level puʻu to build on them.

It is unacceptable for people to “disturb” any plants or animals, but UH can dig up 64,000 cubic yards of earth containing organic matter for TMT.

It is unacceptable for people to possess hand tools that could be used to injure plants or wildlife, but UH can operate an excavator on a site containing endemic flora and fauna.

It is unacceptable for people to introduce materials such as metal, yet we have seen metal waste from construction sites on Mauna a Wākea left to decay.

It is unacceptable to spill chemicals, but there have been over two dozen documented spills associated with the observatories under UH management.

These are just a few examples, but many of the other proposed rules are similarly hypocritical. If UH truly wishes to protect Mauna a Wākea, leading by example is paramount. The “do as I say, not as I do” mentality is unacceptable for an organization that strives to produce graduates with professionalism and leadership qualities.

The other major concern I have regarding the proposed rules is the obvious attempt being made to stifle the civil disobedience movement. If the legislative purpose of these rules is truly the protection of cultural and natural resources, then that would seemingly be aligned with the goal of the civil disobedience movement. If this was the true intent then UH would not be standing opposite of the protectors while deliberately attempting to limit their tools of peaceful protection.

The proposed rules would have numerous effects which specifically target the protectors:

§20-26-22 prevents groups larger than 10 people from gathering without permission.

§20-26-24 prohibits cellular phones from being used for the purposes of documentation and social media.

§20-26-34 would prevent microphones, loud voices, and musical instruments such as pahu.

§20-26-72 and §20-26-73 would give UH the ability to issue excessive penalties (up to $10,000 or exclusion from cultural areas) to people who are in violation of their rules even if they have already been criminally charged.

These rules negatively affect our right of civil disobedience and are meant to target a specific group, many of whom are the indigenous people of Hawai‘i. These rules must not be put into effect by the university which claims to be the “premier indigenous serving institution”. The UH mission statement says, “the university will serve as a leader in how it stewards the resources of the islands” and “the university embraces its unique responsibilities to the indigenous people of Hawai‘i and to Hawai‘i’s indigenous language and culture”. Actions of an organization should not be contradictory to its mission statement. I humbly request that you reconsider the proposed rules and take actions that are consistent with the university’s mission statement.

Mahalo,
Shea Rodrigues, PT, DPT, CI
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2.) (Agenda item no. III.B) Passing a resolution on twelve Mauna Kea management steps with a supporting budget. UH board of regents rules

Testimony

I oppose agenda item no 111a
I oppose agendas item 111b

First lands are taken
Used for special interest
Restricting access for Hawaiians
Dismissing existence of cultural and religious
Excluding Hawaiian access for religious purposes.
Criminalizing cultural and traditional religious practices with policy and rules
Forced to ask permission for access to practice.
Restrict Hawaiians heritage
 Permit tourist and visitor expanded access
Decommission telescopes promises broken a pattern of special interest
Lots of talk Promises and excuses delays postponement with no action.

Already has control but no relationship just a commodity
Risk management mismanagement
Foreigners managing mauna without cultural sensitivities or understanding.
No to ksbe involvement in Mauna Kea
Ceded lands should be managed by OHA not DLNR

UH should be managing only research NOT ENTIRE MAUNA

UH have NO PERSONALLY INVOLVEMENT or UNDERSTANDING of or WITH ALL ELEMENTS that make up Mauna Kea.

UH POOR management Forcing Hawaiians to the table and insisting participation.

UH Military Business and money dictate uses don't listen to the Hawaiian people. time to LISTEN NOW.

https://mail.google.com/mail/u/0?ik=149d04c7c3&view=pt&search=all&permthid=thread-f%3A1649342797811145806&simpl=msg-f%3A16493427978
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Sincerely,
James Rodrigues

Sincerely,
James Rodrigues
OPPOSITION to agenda items IIIA and IIIB

1 message

Sarah Rosa <sarahnrosa@gmail.com>  Mon, Nov 4, 2019 at 8:44 PM
Reply-To: sarahnrosa@gmail.com
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai‘i

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The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,

Sarah Rosa
Re: OPPOSITION to agenda items IIIA and IIIB

null

To whom it may concern,

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Sincerely,

Sincerely,
Rachel Sabourin
OPPOSITION to agenda items IIIA and IIIB

2 messages

Kealalaina Sanchez <ksanchez@tccoh.com>  
Reply-To: ksanchez@tccoh.com  
To: bor.testimony@hawaii.edu  

Mon, Nov 4, 2019 at 9:54 PM

UH Board of Regents  
University of Hawai'i

RE: OPPOSITION to agenda items IIIA and IIIB

null

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Sincerely,

Kealalaina Sanchez

Sincerely,

Kealalaina Sanchez

Kealalaina Sanchez <ksanchez@tccoh.com>  
Reply-To: ksanchez@tccoh.com  
To: bor.testimony@hawaii.edu  

Mon, Nov 4, 2019 at 9:56 PM

UH Board of Regents  
University of Hawai'i

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Sincerely,

Sincerely,
U’ilani Santiago
OPPOSITION to agenda items IIIA and IIIB

1 message

Valline Schmidt <Vallinek@hawaii.edu>  
Reply-To: Vallinek@hawaii.edu  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

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Sincerely,

Sincerely,

Valline Schmidt
OPPOSITION to agenda items IIIA and IIIB

Fred Seui <fseui@hawaii.edu>  
Reply-To: fseui@hawaii.edu  
To: bor.testimony@hawaii.edu

Mon, Nov 4, 2019 at 6:52 PM

UH Board of Regents  
University of Hawai‘i

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Sincerely,

Noel Shaw
RE: OPPOSITION to agenda items IIIA and IIIB
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I oppose both of these items on the grounds that they will undermine the rights of Native Hawaiian cultural practitioners.

Mauna Kea has been mismanaged for decades and the items stated above continue on the path of mismanagement. The items stated above are misaligned with what is right by the Native Hawaiian people. It is unjust to restrict Native Hawaiians access to a place that is sacred to them while allowing access to UH personnel, observatory workers, and government entities. These entities take advantage of a place that Native Hawaiians are deeply connected to while restricting access to them.

Sincerely,
Katharine Shiroma

Sincerely,
Katharine Shiroma
OPPOSITION to agenda items IIIA and IIIB

Kaulana Shores <Kaulanashores@gmail.com>  
Reply-To: Kaulanashores@gmail.com  
To: bor.testimony@hawaii.edu

Mon, Nov 4, 2019 at 6:15 PM

UH Board of Regents  
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

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Sincerely,

Sincerely,

Kaulana Shores
OPPOSITION to agenda items IIIA and IIIB

Tori-Lyn Smith <smithtorilyn@gmail.com>
Reply-To: smithtorilyn@gmail.com
To: bor.testimony@hawaii.edu

RE: OPPOSITION to agenda items IIIA and IIIB

null

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Sincerely,

Tori-Lyn Smith
OPPOSITION to agenda items IIIA and IIIB

1 message

Lahela Spencer <Lahelaspencer@gmail.com> Mon, Nov 4, 2019 at 9:17 PM
Reply-To: Lahelaspencer@gmail.com
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB
null

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Sincerely,

Julie 'Stowell
RE: OPPOSITION to agenda items IIIA and IIIB

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Sincerely,
Richard strong-balora

Sincerely,
Richard Strong-balora
OPPOSITION to agenda items IIIA and IIIB

1 message

David Stupplebeen <David.stupplebeen@gmail.com>  Mon, Nov 4, 2019 at 8:25 PM
Reply-To: David.stupplebeen@gmail.com
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

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Sincerely,

Sincerely,
ayu takagi
Hello,

My name is Eric Takasugi. I am a resident of the Big Island and am grateful for the opportunities, both in education and employment that the observatories provide. My testimony represents my own views. In response to the University of Hawai’i Board of Regents (BOR) Resolution 19-03, for the following reasons, I respectfully request that the BOR defer its decision on Resolution 19-03.

- The telescopes and their employees are an integral part of the Big Island community. Decommissioning telescopes affects the livelihood of people on Hawai’i Island and input from the observatories, their staff and the wider community should be considered before any resolution is adopted.
- The observatories have significant, substantive input that should be considered and incorporated into the Resolution before the board adopts the resolution.
- The Resolution fails to acknowledge the Institute for Astronomy’s and observatories’ substantial, positive impacts on the University of Hawai’i, State, and broader national and international community.
- The Resolution fails to clarify that its proposed decommissioning of five telescopes is contingent on construction of the Thirty Meter Telescope. As written, if TMT is not built in Hawaii, it appears the University would still commit to decommissioning five (5) telescopes, including three (3) that are highly productive. This would be a major blow to Hawai’i’s position as a global leader in astronomy, diminish the Institute for Astronomy, and result in job losses for the Big Island community.
- When it comes to reorganization of the management functions, the observatories are a primary funder of MKSS and stakeholder in management of the summit. Reorganization would have major consequences to observatory operations and the observatories themselves should be consulted.

Please defer this resolution.

Sincerely,
Eric Takasugi
高杉勇人
Opposition to Agenda Items IIIA and IIIB

Alissa Tamayo <alissaoguma@gmail.com>
Reply-To: alissaoguma@gmail.com
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai'i

RE: Opposition to Agenda Items IIIA and IIIB

null

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Sincerely,

Sincerely,

Alissa Tamayo
**OPPOSITION to agenda items IIIA and IIIB**

1 message

**Sara Tekula** <spectekula@gmail.com>  
Reply-To: spectekula@gmail.com  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

Mon, Nov 4, 2019 at 8:44 PM

RE: OPPOSITION to agenda items IIIA and IIIB

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Sara Tekula
RE: OPPOSITION to agenda items IIIA and IIIB

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Sincerely,
Samantha Thomas

Sincerely,
Samantha Thomas
OPPOSITION to agenda items IIIA and IIIB

Becky Thurston <bthursto@hawaii.edu>  
Reply-To: bthursto@hawaii.edu  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

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Sincerely,

Becky J. Thurston

Sincerely,

Becky Thurston
OPPOSITION to agenda items IIIA and IIIB

Jennifer Timmons <Eatsleepsavelives@gmail.com>  
Reply-To: Eatsleepsavelives@gmail.com  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

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1.) (Agenda item no. III.A) Adopting rules restricting access and use of Mauna Kea summit lands and implementing a vague permitting system for the access that it does allow. The rules apply to the public, but not University or observatory personnel, or government entities. Hypocritical plus ambiguous= unethical.

2.) (Agenda item no. III.B) Passing a resolution on twelve Mauna Kea management steps with a supporting budget.

I oppose both of these items on the grounds that they will undermine the rights of Native Hawaiian cultural practitioners and ultimately defeat the purpose of having rules to manage the summit area of Mauna Kea. Rules for Mauna Kea are primarily intended to regulate the University, observatories, and commercial tours and are not intended to prevent Native Hawaiian practitioners from their customs and traditions.

The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely, Jennifer Timmons.

Sincerely,
Jennifer Timmons
OPPOSITION to agenda items IIIA and IIIB

1 message

Zan Timtim <zanzibar722@gmail.com>  
Reply-To: zanzibar722@gmail.com  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

null

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Sincerely,

Sincerely,

Zan Timtim
Although I appreciate that the BOR has good intentions in preparing this resolution and has spent considerable time on it, I am concerned that major concessions are being made to decommission telescopes even before we know that the Thirty Meter Telescope will be built on Maunakea. If the intent is to show that this is a good faith effort to mitigate the construction of the TMT, is it not better to make the decommissioning contingent on the construction of the TMT?

What is the incentive for the anti-TMT protesters to stop blocking the construction of the TMT if they get unconditional decommissioning of the telescopes?

Respectfully,

Alan Tokunaga
217 Prospect St. D-13
Honolulu, HI 96813
I would like to express my endorsement of the Maunakea administrative rules. I think the Nov. 4 editorial of Honolulu Star-Advertiser stated the case for approving the administrative rules very clearly. These rules will help the University of Hawaii and the state to provide proper management of activities on Maunakea.

Respectfully,

Alan Tokunaga
217 Prospect St., D-13
Honolulu, HI  96813
OPPOSITION to agenda items IIIA and IIIB

1 message

Jamian Tominaga <Jamian.jlt@gmail.com>  Mon, Nov 4, 2019 at 8:45 PM
Reply-To: Jamian.jlt@gmail.com
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai'i

RE: OPPOSITION to agenda items IIIA and IIIB

null

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The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

Sincerely,

Jamian Tominaga

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Sincerely,

Noemí Vázquez
OPPOSITION to agenda items IIIA and IIIB

Jayson Vierra <pmpstudio.jay@gmail.com>
Reply-To: pmpstudio.jay@gmail.com
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

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Sincerely,

Sincerely,
Jayson Vierra
**BOR Testimony <bortest2@hawaii.edu>**

---

**OPPOSITION to agenda items IIIA and IIIB**

1 message

**Nancy Wassman <wassmann001@hawaii.rr.com>**
Reply-To: wassmann001@hawaii.rr.com
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai'i

RE: OPPOSITION to agenda items IIIA and IIIB

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The University has presented us with proposed rules that are inappropriate to the unique place that Mauna Kea is, the communities that it has assembled, and the histories that led to the University’s rulemaking authority in the first place. We urge you to stop these rules from going into effect.

The Native Hawaiian practitioners should be involved in the management of Mauna Kea as the land was illegally taken from them and now they are refused their rights to travel freely on Mauna Kea and also to decide what construction should be or not be on Mauna Kea. UH has mismanaged the telescopes for years.

Sincerely,
Nancy Wassman

Sincerely,
Nancy Wassman
OPPOSITION to agenda items IIIA and IIIB

Reginald Wells <reg62wells@gmail.com>  
Reply-To: reg62wells@gmail.com  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

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Sincerely,
Catherine Weza
OPPOSITION to agenda items IIIA and IIIB

Leicha White <leicha@hawaii.edu>  
Reply-To: leicha@hawaii.edu  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

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Sincerely,

Leicha White
University of Hawaii Mail - OPPOSITION to agenda items IIIA and IIIB

BOR Testimony <bortest2@hawaii.edu>

OPPOSITION to agenda items IIIA and IIIB
1 message

Renee Winchester <Reneewinchester@hawaiiantel.net>                    Mon, Nov 4, 2019 at 7:34 PM
Reply-To: Reneewinchester@hawaiiantel.net
To: bor.testimony@hawaii.edu

UH Board of Regents
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

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Renee Winchester
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Sincerely,

Sincerely,
Richard Winser
OPPOSITION to agenda items IIIA and IIIB

georgwtle woolsey <susulanai@gmail.com>  
Reply-To: susulanai@gmail.com  
To: bor.testimony@hawaii.edu

UH Board of Regents  
University of Hawai‘i

RE: OPPOSITION to agenda items IIIA and IIIB

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Sincerely,

Sincerely,

gregorwtle woolsey
RE: OPPOSITION to agenda items IIIA and IIIB

null

To the University Board of Regents,

As a professional health care worker and first responder I am submitting this letter to oppose Agenda items III.A and III.B, which will adversely impact the rights of Native Hawaiian cultural practitioners and undermine the University’s responsibility thus intensifying the harm already done to the Native Hawaiian population

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I oppose both of these items on the grounds that they not only negatively impact but intentionally undermine the rights of Native Hawaiian cultural practitioners and ultimately defeat the purpose of having rules to manage the summit area of Mauna Kea. Rules for Mauna Kea are primarily intended to regulate the University, observatories, and commercial tours and are not intended to prevent Native Hawaiian practitioners from their customs and traditions.

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Sincerely,
Teri Yamasaki RN, MHA/Ed, BSN

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Teri Yamasaki
RE: OPPOSITION to agenda items IIIA and IIIB

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Travis Yamauchi