

**NOTICE OF SPECIAL BOARD OF REGENTS MEETING**

*Board business not completed on this day will be taken up on another day and time announced at the conclusion of the meeting.*

**Date:** Thursday, February 22, 2018

**Time:** 10:45 a.m.

**Place:** University of Hawai'i at Hilo  
'Imiloa Astronomy Center of Hawai'i  
Moanahoku Hall  
600 'Imiloa Place  
Hilo, HI 96720

**AGENDA**

- I. Call Meeting to Order**
- II. Remarks by Hawai'i Island Mayor Harry Kim**
- III. Public Comment Period:** All written testimony on agenda items received after posting of this agenda and up to 24 hours in advance of the meeting will be distributed to the board. Late testimony on agenda items will be distributed to the board within 24 hours of receipt. Written testimony may be submitted via US mail, email at [bor@hawaii.edu](mailto:bor@hawaii.edu), or facsimile at 956-5156. Individuals submitting written testimony are not automatically signed up for oral testimony. Registration for oral testimony on agenda items will be provided at the meeting location 15 minutes prior to the meeting and closed once the meeting begins. Oral testimony is limited to three (3) minutes. All written testimony submitted are public documents. Therefore, any testimony that is submitted verbally or in writing, electronically or in person, for use in the public meeting process is public information.
- IV. Maunakea**
  - A. Review & Approval
    1. Reappointment of Gregory Chun, Herring Kalua, and Gregory R. Mooers to the Maunakea Management Board
    2. Resolution Requesting Financial Management Audit of Maunakea Activities
  - B. For Information & Discussion
    1. Background & Current Activity on Maunakea-related issues
- V. Announcements**
- VI. Adjournment**

Item III.

Remarks by Hawai'i  
Island Mayor Harry  
Kim

**NO MATERIALS**

**ORAL REPORT**

DTS 18730

University of Hawai'i at Hilo Administration  
Office of the Chancellor



UNIVERSITY  
of HAWAII  
**HILO**

UNIVERSITY OF HAWAII  
BOARD OF REGENTS

18 FEB 12 P 1:48

February 1, 2018

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**MEMORANDUM**

UNIVERSITY OF HAWAII  
PRESIDENT'S OFFICE

TO: Jan Naoe Sullivan  
Chairperson, Board of Regents

VIA: David Lassner *David Lassner*  
President, University of Hawai'i

FROM: Marcia Y. Sakai *Marcia Sakai*  
Interim Chancellor, University of Hawai'i at Hilo

SUBJECT: Reappointment of Gregory Chun, Herring Kalua, and Gregory R. Mooers  
to the Mauna Kea Management Board

**SPECIFIC ACTION REQUESTED:**

It is requested that the Board of Regents approve the reappointment of Gregory Chun, Herring Kalua and Gregory R. Mooers to the Mauna Kea Management Board. The terms of Messrs. Mooers and Kalua would expire June 30, 2018, and Chun on June 30, 2021.

**RECOMMENDED EFFECTIVE DATE:**

Upon Board approval.

**ADDITIONAL COST:**

No additional costs.

**PURPOSE:**

To fulfill the mandate of the 2000 Mauna Kea Science Reserve Master Plan.

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### BACKGROUND INFORMATION:

The Mauna Kea Science Reserve Master Plan, approved by the BOR in June 2000, called for the establishment of the community-based Mauna Kea Management Board (MKMB). The Master Plan states:

*“Community involvement in the management of the mountain begins with the membership of the Mauna Kea Management Board....The Board’s primary role is to advise the Office of the Chancellor at the University of Hawai’i at Hilo (UH Hilo) on management of the Mauna Kea Science Reserve...and shall be the main community voice for activities and development planned for the Science Reserve.”*

The MKMB is comprised of seven members representing various constituencies with a stake in Maunakea: Native Hawaiians, environment, education, commercial activities, astronomy, land management, and general community. Pursuant to the Master Plan, the chancellor of UH Hilo submits her recommendations to the BOR for its consideration and approval.

### Nominees

#### **Mr. Herring Kalua**

Herring Kalua worked for over 39 years for the state Department of Transportation. Mr. Kalua was born and raised on the Island of Hawai’i, having grown up on Hawaiian homestead property in Keaukaha. Except for his time serving in the Hawaii National Guard and service in Vietnam, he has spent most of his professional career on the Island of Hawai’i with the state Department of Transportation. He is actively involved in numerous community organizations and activities including the Governor’s Advisory Board on Veterans’ Services, East Hawai’i Kamehameha School’s Advisory Committee, Hawaiian Homes Land Commission, Keaukaha-Panaewa Association, Task Force for Siting of a Rehab/Prison in East Hawaii, and Advisory Committee during the development of the 2000 Mauna Kea Master Plan, to name a few. The knowledge and experience he gained from serving on the Mauna Kea Master Plan Advisory Committee gives Mr. Kalua valuable background into management issues addressed by the MKMB. His extraordinary commitment to community affairs, his intimate knowledge of Big Island issues, and his prominent role as a leader in the Native Hawaiian community assures that Mr. Kalua will provide an effective voice on its behalf as a member of the Board. Mr. Kalua is the last remaining member of the MKMB who was involved in overseeing complicated and controversial matters involving Maunakea, including the project review and approval of the Thirty Meter Telescope (TMT) and sublease matters. His institutional knowledge and experience are critical as the MKMB faces more challenging issues that will come before the Board.

**Mr. Gregory R. Mooers**

Gregory Mooers is the president of Mooers Enterprises, LLC, a company that specializes in analyzing and implementing land use alternatives. Mr. Mooers has over 25 years of experience in West Hawaii real estate development, both in the public and private sectors. He served as the deputy managing director for the County of Hawaii, as well as a member on numerous state and county boards and commissions relating to development. He has experience in preparing and securing permits for development, including Department of Land and Natural Resources' Conservation District Use Permits and leases from the Board of Land and Natural Resources. Over the past 15 years Mr. Mooers has successfully processed hundreds of permits with state and county agencies. With respect to Maunakea, Mr. Mooers served on the OMKM design review committee and provided valuable input as a community planner in the final design of the TMT project. Mr. Mooers' experience will benefit OMKM as it begins the decommissioning process for the Caltech Submillimeter Observatory. This process will require community consultation, preparation of an environmental assessment and DLNR permitting process. Mr. Mooers served as the chair of the MKMB from December 2012 to June 30, 2017.

**Dr. Gregory Chun**

Gregory Chun is currently an associate specialist at the University of Hawai'i at Mānoa where he provides consultation and technical assistance in community-engagement processes, particularly as it relates to bridging complex scientific research, land development, resource management, education, economic development, and policy with culture and community. He is a member of the Hui 'Āina Momona cluster, a group of faculty responsible for developing a program of cross disciplinary scholarship designed to prepare students and working professionals to work at the nexus of these disciplines and processes. Dr. Chun is currently working on projects in the areas of water resources, historic preservation, and land use. In his spare time he is also president of Awa Kele LLC, a consulting firm specializing in community engagement, sustainable land/resource/economic development, and organizational improvement.

Dr. Chun was previously employed at the Kamehameha Schools (KS) where he served as president of Bishop Holdings Corporation, the estate's for-profit development and investment subsidiary, and later moved to the Education Division as vice-president of the Keauhou-Kahalu'u Education Group. He was responsible for the restoration and stewardship of several significant cultural sites in the ahupua'a of Kahalu'u in West Hawai'i, and for developing a portfolio of innovative 'āina-based learning programs that broadened KS' educational reach in the region while contributing to the estate's economic interests at the Keauhou Resort. Dr. Chun's professional experience has spanned numerous industries including real estate development, ranching, historic preservation, 'āina-based education, and health care. In all roles his responsibilities

have included leadership/organizational development and strategic planning, with a strong emphasis on engaging community. He is currently chair of the Mauna Kea Management Board, past president of the Hawai'i Leeward Planning Conference and the Hawai'i Island Economic Development Board, and is active with several Hawai'i Island non-profits.

ACTION RECOMMENDED:

It is recommended that the Board of Regents approve the reappointment to the Mauna Kea Management Board for Herring Kalua and Gregory R. Mooers (terms ending June 30, 2018) and for Gregory Chun (term ending June 30, 2021).

c: Executive Administrator and Secretary to the Board of Regents, Oishi

# RESOLUTION

## **Requesting Financial Management Audit of Maunakea Activities**

WHEREAS, the University of Hawai‘i (“university”) recognizes its kuleana and role in the responsible management and stewardship of Maunakea across multiple dimensions; and

WHEREAS, in 1968, the State Department of Land and Natural Resources (“DLNR”) issued a 65-year lease to the university, as lessee, for approximately 13,321 acres situated atop Maunakea for use as a science reserve; and

WHEREAS, in 1998, by mutual agreement approximately 2,033 acres were withdrawn from the lease, leaving an area of approximately 11,288 acres at the summit of Maunakea under the management of the university; and

WHEREAS, in 1999, DLNR conveyed to the university a 55-year lease for approximately 19.26 acres at Hale Pohaku – mid-level support facilities and visitor center; and

WHEREAS, pursuant to a non-exclusive easement with DLNR, the university also manages a portion of the Summit Access Road between Hale Pohaku and the university-managed summit area (the total acreage of the summit area, Hale Pohaku mid-level facilities area, and Summit Access Road easement area under university management is hereinafter referred to as “Science Reserve”); and

WHEREAS, in April 2009, a Comprehensive Management Plan that had been developed by the university and approved by the Board of Regents was adopted by the State Board of Land and Natural Resources (“BLNR”) to provide a management framework to address existing and future uses and activities within the Science Reserve; and

WHEREAS, on March 25, 2010, the BLNR approved four sub-plans that had been developed by the university and approved by the Board of Regents addressing public access, cultural resources management, natural resources management, and decommissioning, which were incorporated into the Comprehensive Management Plan (hereinafter collectively referred to as “CMP”); and

WHEREAS, public concerns have emerged and been made known to the Board of Regents and university administration regarding the university’s operational and financial management of the Science Reserve through various university-related entities including but not limited to the Office of Maunakea Management, Institute for Astronomy, and Maunakea Observatories Support Services, which receives administrative support through the Research Corporation of the University of Hawai‘i (RCUH); and

WHEREAS, the Board of Regents desires that these public concerns be objectively studied and properly addressed; and

University of Hawai‘i Board of Regents

**R E S O L U T I O N**

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WHEREAS, the State Auditor has conducted several audits of the management of Maunakea and the Science Reserve and has published several follow-up recommendations to those management audits, as recently as July 2017 (Report No. 17-06); and

WHEREAS, the audits conducted by the State Auditor were management and compliance audits and did not include a financial management audit.

NOW, THEREFORE, BE IT RESOLVED that the Board of Regents hereby requests, in conjunction with the university administration, that the University of Hawai‘i Office of Internal Audit perform a financial management audit of the relevant university-related entities engaged in Maunakea stewardship and management; and

BE IT FURTHER RESOLVED that the audit shall:

- (1) Study all university funds, lease payments, and any external funds that are received and used in the support of stewardship, management, education, and other activities related to Maunakea; and
- (2) Review transfers of funds between entities including both the university and RCUH, and payments made to university-related support programs by Maunakea observatories or other third parties; and

BE IT FURTHER RESOLVED that the Board of Regents requests that this audit be commenced no later than March 1, 2018, and a report made to the Board of Regents no later than September 30, 2018; the final audit report shall summarize findings and shall also contain specific recommendations on improvements to existing practices or procedures.

Adopted by the Board of Regents  
University of Hawai‘i  
February 22, 2018

# Item IV.B.1.

For Information & Discussion  
- Background & Current  
Activity on Maunakea-related  
Issues

**ITEM TO BE  
DISCUSSED AT  
MEETING**



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# **2018 University of Hawai'i Legislative Measures of Interest**

## **Related to Mauna Kea**

For Presentation

UH Board of Regents  
February 22, 2018



# 2018 Bills of Interest – Mauna Kea

## **SB 3090 SD1**

### **RELATING TO GOVERNMENT**

Establishes the Mauna Kea Management Authority. Limits the number of telescopes that may be authorized on Mauna Kea. Authorizes the renegotiation of leases, subleases, easements, permits, and licenses pertaining to Mauna Kea. Requires that revenue derived from activities on Mauna Kea be shared with the Office of Hawaiian Affairs. Excludes Mauna Kea lands from the definition of "public lands." Provides for free access to Mauna Kea for traditional cultural purposes. Establishes police powers and provides for enforcement of laws on land under the jurisdiction of the Mauna Kea Management Authority. Appropriates funds. Effective December 31, 2033.

**Update: SB 3090 passed out of HRE/WTL with amendments; pending hearing in WAM**



# 2018 Bills of Interest – Mauna Kea

## **SB 757 SD1**

### **RELATING TO THE UNIVERSITY OF HAWAII**

Requires the auditor to conduct a financial audit of the University of Hawai'i's activities related to Mauna Kea. Requires the auditor to submit a report to the legislature. Appropriates funds.

**Update:** SB 757 passed out of HRE with amendments; pending hearing in WAM

## **SCR 29 SD1**

### **REQUESTING THE STATE AUDITOR TO CONDUCT A FORENSIC FINANCIAL AUDIT OF THE UNIVERSITY OF HAWAII'S ACTIVITIES RELATED TO MAUNA KEA**

**Update:** SCR passed out of HRE with amendments; pending hearing in WAM

## **SB 2325**

### **RELATING TO MAUNA KEA**

Requires the auditor to conduct a forensic financial audit of leases, agencies, and other activities related to Mauna Kea. Report to the legislature.

**Update:** Failed to meet First Lateral deadline



# Notable Dates

- February 16 - First Lateral
- March 2 - Non-budget Decking
- March 8 - Non-budget Crossover
- March 12 - Budget Decking
- March 14 - Budget Crossover
- March 23 - Second Lateral
- April 12 - Second Crossover
- May 3 - Sine Die



# Conclusion

