

Kahu Kū Mauna Position on Enforcement on Maunakea

Both the Department of Land and Natural Resources (DLNR) and the University of Hawai'i are responsible for managing the lands in the upper elevation on Maunakea. The DLNR lands consist of the Maunakea Ice Age Natural Area Reserve and the Forest Reserve. The University's managed lands, which consists of the Maunakea Science Reserve, Halepōhaku and connecting access road, are completely surrounded by DLNR lands. There is no physical boundary demarking DLNR and University managed lands.

Public and commercial activities on DLNR lands are governed by DLNR administrative rules. The Office of Maunakea Management's draft rules was approved by the Board of Regents on November 6, 2019 and is currently seeking Governor Ige's approval. The purpose of these rules would help protect the cultural, natural and scientific resources on the University's managed lands on Maunakea. Violation of the University's rules, like DLNR are subject to civil not criminal penalties. Enforcement of UH's rules raises concerns for Kahu Kū Mauna, especially with respect to current protest activities including blocking the Maunakea Access Road near the intersection of the Daniel K Inouye intersection. The rights of the public are currently restricted because they do not have vehicular access on a public road.

Without regulations, rights have no meaning and without enforcement, regulations have no meaning.

In addition to protecting the cultural, natural and scientific resources on Maunakea, the University's rules protect the public's right to access the University's managed lands and access by Native Hawaiians to exercise their constitutional right to engage in traditional and cultural practices. These rules give the individuals' rights meaning, but the rules alone do not have proper meaning without adequate enforcement. While DLNR enforcement officers (DOCARE) have the authority to cite for rules violations, they also have authority to detain and, if necessary, arrest people for breaking the law. Office of Maunakea Rangers cannot detain individuals but only issue citations for rule's violations. Additional enforcement on the University's managed lands is needed beyond citations for civil penalties to give the University's rules proper meaning.

In March of 2016 the Very Long Baseline Array (VLBA) radio telescope facility below the summit was damaged by an individual who repeatedly rammed his truck into the building trying to gain entry. One of two employees working in the facility at the time told the Hawaii Tribune Herald that " he already called police from the telescope's phone [there is no cell service at that location], giving them up to an hour to fend for themselves." (Hawaii Tribune Herald, March 30, 2016)

The two employees were trapped in their building and had to wait for over an hour for the police to arrive. If a DOCARE officer had responded, the officer would have been able to stop and arrest the individual. If the University's rules were in place, the rangers may have been able to cite the individual for damaging a structure, but they would not have been able to detain or arrest the individual.

Kahu Kū Mauna believes that, in addition to the OMKM Rangers, there needs to be DOCARE officers assigned to Maunakea to facilitate better management and protection of the public's safety on the University's managed lands on Maunakea.

There will be no effective management unless both civil and criminal law is enforced on Maunakea.

For Board Action