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# Emails offer insight into state's response to protests

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By **CHRIS D'ANGELO** Hawaii Tribune-Herald

Emails obtained by the Hawaii Tribune-Herald reveal details about the state's strategy — and its struggles — to deal with the months-long protest atop Mauna Kea by those opposed to construction of the Thirty Meter Telescope.

In an apparent attempt to avoid accusations that it was targeting protesters, state officials considered restricting public access not only on Mauna Kea, but in public hunting areas statewide, according to internal communications between state officials.

In a July 1 email to Hawaii Attorney General Douglas Chin, Suzanne Case, chair of the state Department of Land and Natural Resources, thanked Chin for the "clear delineation of options" he laid out the day before and outlined several options for moving forward.

"File a board submittal for the July 10 meeting authorizing a DLNR representative to conduct temporary closures and restrictions in public hunting areas statewide (i.e. not specific to Mauna Kea) as the next step in implementing the amended hunting rules that were just finalized," she wrote.

Ultimately, the proposed emergency rules, which will be discussed today, would restrict access to two hunting units on Mauna Kea. The state says the move is necessary to address "threats to public safety and impacts to natural resources."

Case's email also outlined steps for dealing with the permanent camp, known among protesters as the Aloha Safety Check, located across the street from the Mauna Kea Visitor Information Station.

"Notify the campers, today if possible, that their camping is a violation under the Forest Reserve rules and illegal under the rules governing public hunting areas, and we will move forward with administrative remedies including fines, removal of structures, and if necessary arrests if they don't move off the mountain by \_\_\_," Case wrote.

Other recommendations included posting signs providing notice of towing, notifying Kona Lua that it must remove its unauthorized portable toilets from the mountain or face administrative penalties, and pursuing a memorandum of agreement between DLNR and the County of Hawaii.

"I would suggest our legitimate goal is to keep the mountain open to normal activities," Case wrote to Chin. "Cessation of unlawful activities while protecting free speech and traditional and customary practices would be the path to that goal."

As early as May, officials began discussing the idea of closing the road to Mauna Kea's summit, according to the internal emails.

"Hawaii County Police and TMT are researching the legality and feasibility of closing the Mauna Kea Access Road at the junction of Daniel K. Inouye Highway for construction traffic when construction commences," Jason Redulla, deputy enforcement chief of DLNR's Division of Conservation and Resource Enforcement, wrote in an email to other department heads May 5.

Later that month, Redulla wrote that Deputy Attorney General William Wynhoff had informed him that he believed the Land Board has the authority to close the state-owned portion of the roadway in the interests of public safety and health. However, he warned that the Hawaii County prosecutor's office would "have to be willing to accept arrests that are made under the authority of such a closure."

"ATTENTION (Lino Kamakau, DLNR branch chief)," Redulla writes. "Please contact the Hawaii County Prosecutor's Office and brief them on this information. Please ask them whether they would be willing to accept



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cases and charge people who are arrested if such a road closure would take place. Please let us know what their response is."

On June 29, Deputy Attorney General Linda Chow wrote to Chin and outlined a proposal that Wynhoff described in a later email as "potentially a real home run."

Chow said she met with DLNR Division of Forestry and Wildlife personnel and "picked their brains about our dilemma of the Mauna Kea road."

"The acting administrator (Scott Fretz) said that we might be able to temporarily close or restrict access to the road under the Game Mammal Hunting rules," she wrote.

Subsequently, Fretz' submittal asks the Lands Board to adopt a new section under Hawaii Administrative Rules Title 13, Chapter 123, which regulate game mammal hunting.

If passed, the new rules would prohibit backpacks, blankets and other "obvious camping paraphernalia" and limit the hours during which individuals could remain in a designated restricted area within 1 mile of Mauna Kea Access Road.

Construction of the \$1.4 billion TMT has been at a standstill since late March, when protesters, who call themselves protectors of the mountain they consider sacred, stopped crews from commencing grading and grubbing work.

The 100-plus pages of documents obtained Thursday also contained several internal emails between state officials discussing how to respond to previous requests for comment by Tribune-Herald reporters.

In early June the newspaper asked why DLNR was not enforcing laws prohibiting camping on the mountain. At that time, protesters had maintained a 24-hour presence for more than 70 days.

After several back-and-forth emails, Kekoa Kaluhiwa, first deputy director of DLNR, suggested the department "minimize" its response by simply stating that, "The area is not permitted for camping. Both state and county officials are monitoring the situation."

"For your information, the road is under the county while the adjacent land area is state forest reserve, and at this point, Jason (Redulla) and I are uncertain as to where the exact boundary line is," Kaluhiwa wrote. "So, to avoid placing all of the jurisdictional oversight on one entity, we should keep our response short and general."

In a follow-up email, the Tribune-Herald pressed DLNR to answer why, if camping is illegal, the department was allowing protesters to camp?

"This is a tough one to answer," Kaluhiwa wrote to DLNR spokeswoman Deborah Ward. "I would value (spokesman Dan Dennison's) and your opinion on whether we respond further on this. Truth is, we have avoided evicting the illegal campers/protesters so as not to escalate the situation on the mountain."

After first contacting Mike McCartney, chief of staff for Gov. David Ige, for feedback and approval, the DLNR provided the Tribune-Herald with the following response: "DLNR is in frequent communication with the campers to ensure that impacts to the surrounding natural resources are minimized and that public safety is a priority. At this time, we have allowed them to remain and peacefully express their right of free speech while we assess the situation."

The Mauna Kea access road has been closed since June 24, when protesters used their bodies and large rocks to prevent TMT construction crews from reaching the summit. The closure is expected to continue for the rest of the week.

Today's Land Board meeting begins at 9 a.m. in Honolulu. A live stream is available at <https://olelo.org/>

The proposed emergency rules can be viewed at [dlnr.hawaii.gov/dofaw/draft-rules](http://dlnr.hawaii.gov/dofaw/draft-rules), or in person at the DOFAW Office on Hawaii Island at 19 E. Kawili St. in Hilo.

Email Chris D'Angelo at [cdangelo@hawaii.tribune-herald.com](mailto:cdangelo@hawaii.tribune-herald.com).



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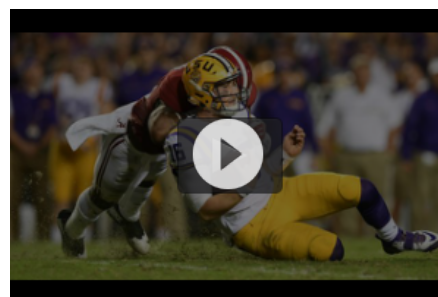
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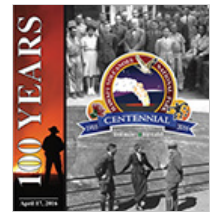


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