

OFFICE OF THE GOVERNOR
STATE OF HAWAII

PROCLAMATION

By the authority vested in me as Governor by the Constitution and laws of the State of Hawai'i, in order to protect the health, safety, and welfare of the people, ensure the execution of the law, and suppress or prevent lawless violence, riot, the forcible obstruction of the execution of the laws, or because there exists a reasonable apprehension thereof, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, numerous protests in opposition to the construction of telescopes on Mauna Kea have occurred in the past, with the latest series of protests opposing the construction of the Thirty Meter Telescope on Mauna Kea appearing to exceed the ability of law enforcement and first responders to maintain order, and the safety and welfare of the public; and

WHEREAS, the Thirty Meter Telescope International Observatory LLC has a permit to construct the Thirty Meter Telescope and has a right to access Mauna Kea for such construction purposes; and

WHEREAS, the public has a right to traverse the roadways in safety without the threat of dangers posed by others, including those engaging in civil disobedience, civil unrest or disruption of commerce; and

WHEREAS, the rights of all the public must be protected regardless of viewpoint; and

WHEREAS, an overwhelming number of protesters have taken steps to frustrate legitimate law enforcement functions to enforce the rule of law, and provide for public safety, namely, by blocking access to roadways by using persons, vehicles and other objects thereby creating a volatile situation that cannot reasonably be controlled; and

WHEREAS, protesters have refused to follow law enforcement directives to clear roadways, including the Daniel K. Inouye Highway (also known as Saddle Road) and Mauna Kea Access Road, and have occupied lands not open to the public, and have

erected unpermitted, unauthorized structures; and

WHEREAS, law enforcement has repeatedly issued verbal warnings to protesters, who continue to refuse compliance and remain on the roadway of both Daniel K. Inouye Highway (also known as Saddle Road) and Mauna Kea Access Road, and who have prevented access to law enforcement, first responders and the public; and

WHEREAS, recognized and identified leaders of the protesters have repeatedly maintained and stated they are prepared to do everything they can to prevent the construction of the Thirty Meter Telescope on Mauna Kea, and that they will continue their obstructionist efforts over a protracted period of time; and

WHEREAS, there is a reasonable apprehension that there will continue to be forcible obstruction to the execution of the civil laws of the State of Hawai'i; and

WHEREAS, the movement of heavy vehicles and equipment, obstruction of roadways and other unlawful activity, the large crowds along the construction vehicle route, the inability of emergency response personnel and equipment to respond to health emergencies, the adverse effects of high altitude on persons present on Mauna Kea, the topography of the area, and other factors present a significant, combined threat to public health and safety; and

WHEREAS, assistance to civil authorities is necessary and proper to protect the health, safety, and welfare of the people, prevent substantial injury or harm to the population or substantial damage to or loss of property, ensure the execution of the law, and suppress or prevent lawless violence, riot, civil disturbance, and/or the forcible obstruction of the execution of the laws of the State of Hawai'i; and

WHEREAS, the occurrence and imminent threat of continued actions by protesters is likely to result in substantial injury or harm to the population or substantial damage to or loss of property and presents imminent danger to the public, law enforcement officers, emergency medical personnel, and others; and

WHEREAS, sections 127A-2, Hawai'i Revised Statutes, provides that an emergency is any occurrence, or imminent threat thereof, which results or may likely result in substantial injury or harm to the population or substantial damage to or loss of

property; and

WHEREAS, pursuant to sections 127A-14 and 127A-16, Hawai'i Revised Statutes, the Governor is authorized to determine whether an emergency has occurred, or there is an imminent danger or threat of an emergency and authorize actions under chapter 127A, Hawai'i Revised Statutes, and the expenditure of funds thereunder; and

WHEREAS, pursuant to section 127A-13(a)(3), Hawai'i Revised Statutes, the Governor is authorized to suspend any law which impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions, including laws specifically made applicable to emergency personnel; and

WHEREAS, pursuant to section 127A-13(a)(2), Hawai'i Revised Statutes, the Governor is further authorized to relieve hardship and obstructions to the public health, safety, and welfare found by the Governor to exist in the laws and to result from the operation of federal programs or measures taken under chapter 127A, Hawai'i Revised Statutes, by suspending laws in whole or in part, or by alleviating the provisions of laws on such terms and conditions as the Governor may impose; and

WHEREAS, pursuant to section 127A-12(a)(5), Hawai'i Revised Statutes, the Governor may direct or control, as may be necessary for emergency management alerts, warnings, notifications, and activations; warnings and signals for alerts and any type or warning device, system, or method to be used in connection therewith; partial or full mobilization of personnel in advance of or in response to an actual emergency or disaster; the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after alerts, emergencies, or disasters; and

WHEREAS, pursuant to section 127A-13(a)(6), Hawai'i Revised Statutes, the Governor may direct and control the mandatory evacuation of the civilian population; and

WHEREAS, pursuant to section 127A-12(b)(19), Hawai'i Revised Statutes, the Governor may take any and all steps necessary or appropriate to carry out the purposes of chapter 127A, Hawai'i Revised Statutes, notwithstanding that powers in section 127A-13(a) may only be exercised during an emergency period.

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine that an emergency contemplated by sections 127A-2 and 127A-14, Hawai'i Revised Statutes, is occurring and that there is an imminent danger or threat of an emergency, in the County of Hawai'i, State of Hawai'i, and do hereby proclaim a state of emergency for the purpose of implementing emergency management functions as allowed by law in order to protect the health, safety, and welfare of the people; prevent substantial injury or harm to the population or substantial damage to or loss of property; ensure the execution of the law; and suppress or prevent lawless violence, riot, the forcible obstruction of the execution of the laws resulting from the emergency, and hereby authorize and invoke the following measures under the Hawai'i Revised Statutes:

1. Sections 127A-13 and 127A-12, Hawai'i Revised Statutes, and in order for county and state agencies to engage in emergency management functions as defined in section 127A-2, Hawai'i Revised Statutes, as a result of this event, I hereby suspend as allowed by federal law, the following statutes to the extent necessary to accomplish the emergency management functions contemplated under this Proclamation:
 - a. Chapter 46, Hawai'i Revised Statutes, **county organization and administration** as any county ordinance, rule, regulation, law, or provision in any form applies to any county requirements that hinder, delay, or impede the purpose of this Proclamation.
 - b. Section 78-13, Hawai'i Revised Statutes, **salary periods**, to the extent necessary to allow state agencies to pay, as expeditiously as possible, members of the Hawai'i National Guard who may be ordered into active service and deployed to the Hawai'i County in response to this event.
 - c. Section 127A-30, Hawai'i Revised Statutes, **rental or sale of essential commodities during a state of emergency; prohibition against price increases.**

- d. Chapter 171, Hawai'i Revised Statutes, **public lands, management and disposition of.**

Nothing contained in this Proclamation and the exercise of emergency powers, including any suspension of any law, contained herein is intended to be construed, interpreted, relied upon, or serve in any way as a basis for the TMT International Observatory or any of its agents, developers, contractors, or others to circumvent, obtain relief, or otherwise avoid any legal obligation to comply with any building, zoning, land use, management, environmental, employment, or any other legal obligation associated with any permit, right, or grant of authority to construct the Thirty Meter Telescope on Mauna Kea except for the designation of emergency areas described below.

- 2. Sections 127A-12(a)(5), 127A-13(a)(5), and 127A-13(a)(6), Hawai'i Revised Statutes, and the Attorney General, the State Sheriff, the Chief Law Enforcement Officer for the Department of Land and Natural Resources, the Chief of the Hawai'i Police Department, are directed to take appropriate actions to direct or control, as may be necessary for emergency management, including the following:
 - a. Alerts, warnings, notifications, and activations;
 - b. Warnings and signals for alerts and any type or warning device, system, or method to be used in connection therewith;
 - c. Partial or full mobilization of personnel in advance of or in response to an actual emergency;
 - d. The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after alerts, emergencies, or disasters;
 - e. Mandatory evacuation of the civilian population including the immediate and rapid movement of individuals and animals away from the threat or actual occurrence of any hazard, emergency, event or condition of the physical environment that results or may

likely result in damage to property or injuries or death to individuals and which may result in an emergency or disaster.

3. Sections 121-29, 121-30 and 121-31 Hawai'i Revised Statutes, hereby continue the order into active service of the Hawai'i National Guard, and the Adjutant General of the Hawai'i National Guard is **DIRECTED AND AUTHORIZED** to activate such units of the Hawai'i National Guard as may be necessary to assist and aid the civil authorities in averting any imminent public danger and threat and to insure the compliance with the civil laws of the State of Hawai'i and I direct the Adjutant General to coordinate with State law enforcement agencies for missions and assignments. The National Guard shall remain in active duty status until the above objectives are met.
4. Section 127A-12(b), Hawai'i Revised Statutes, and in order to provide emergency disaster relief, I hereby direct all state agencies and officers to cooperate with and extend their services, materials, and facilities as may be required to assist in all efforts to eliminate the danger.

I **FURTHER DECLARE** that for the purposes of this emergency, the emergency area(s) for this emergency includes the following specific areas in the County of Hawai'i, State of Hawai'i:

- A. That portion of the Mauna Kea that include the following Tax Map Keys, or portions thereof, to the southern shoulder of the Daniel K. Inouye Highway (also known as Saddle Road) and as illustrated in the attached map that is made a part of this Proclamation:

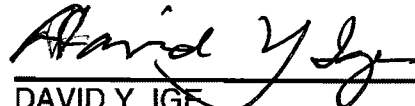
TMKs: (3) 3-8-001:002, 003, 004, 007, 009, 019, and 022;

TMKs: (3) 4-4-015:001, 004, 009, 010, and 011;

TMKs: (3) 4-4-016:003, 006, and 010.
- B. Daniel K. Inouye Highway (also known as Saddle Road) abutting the parcels identified in section A, above.

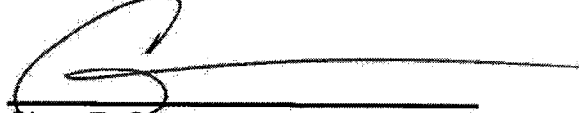
I FURTHER DECLARE that the emergency relief period shall commence immediately and terminate at 11:59 pm on August 2, 2019 unless terminated or extended by a supplementary proclamation.

Done at the State Capitol, this
17th day of July, 2019.



DAVID Y. IGE,
Governor of Hawaii

APPROVED:



Clare E. Connors
*Attorney General
State of Hawaii*

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