



HAWAII  
ADMINISTRATIVE  
RULES  
Title 20  
University of  
Hawaii  
Chapter 26



## Purpose

### Purpose

The purpose of these rules is to provide for the proper use, management, and protection of cultural, natural, and scientific resources of the UH management areas; to promote public safety and welfare by regulating public and commercial activity within the UH management areas; to ensure safe and appropriate access to the UH management areas for the public; and to foster co-management with the department of land and natural resources in UH management areas.

### Public Input

The rules are the results of extensive consultation and public outreach that included Native Hawaiian organizations, Hawai'i Island business organizations, commercial tour operators and government agencies including Office of Hawaiian Affairs, Department of Land and Natural Resources, the Office of Hawai'i County Mayor, Maunakea Management Board and Kahu Kū Mauna.

## Background

State Auditor in 1998 and 2005 recommended the University develop Rules and Regulations for development and public access in the summit and Halepohaku area to control public access and commercial activities

BLNR approved UH's Maunakea Comprehensive Management Plan in 2009 which recommended UH adopt rules

The Legislature granted UH rulemaking authority under Act 132 session laws of Hawaii 2009

Act 132 is codified in part under HRS 304A-1901 thru 1905

## Act 132 Requirements



Applicable to “Mauna Kea lands” also known as UH Managed Lands



BOR may adopt rules pursuant to chapter 91 to regulate public and commercial activities on Maunakea lands.



Strive for consistency with the administrative rules of DOFAW and NARS

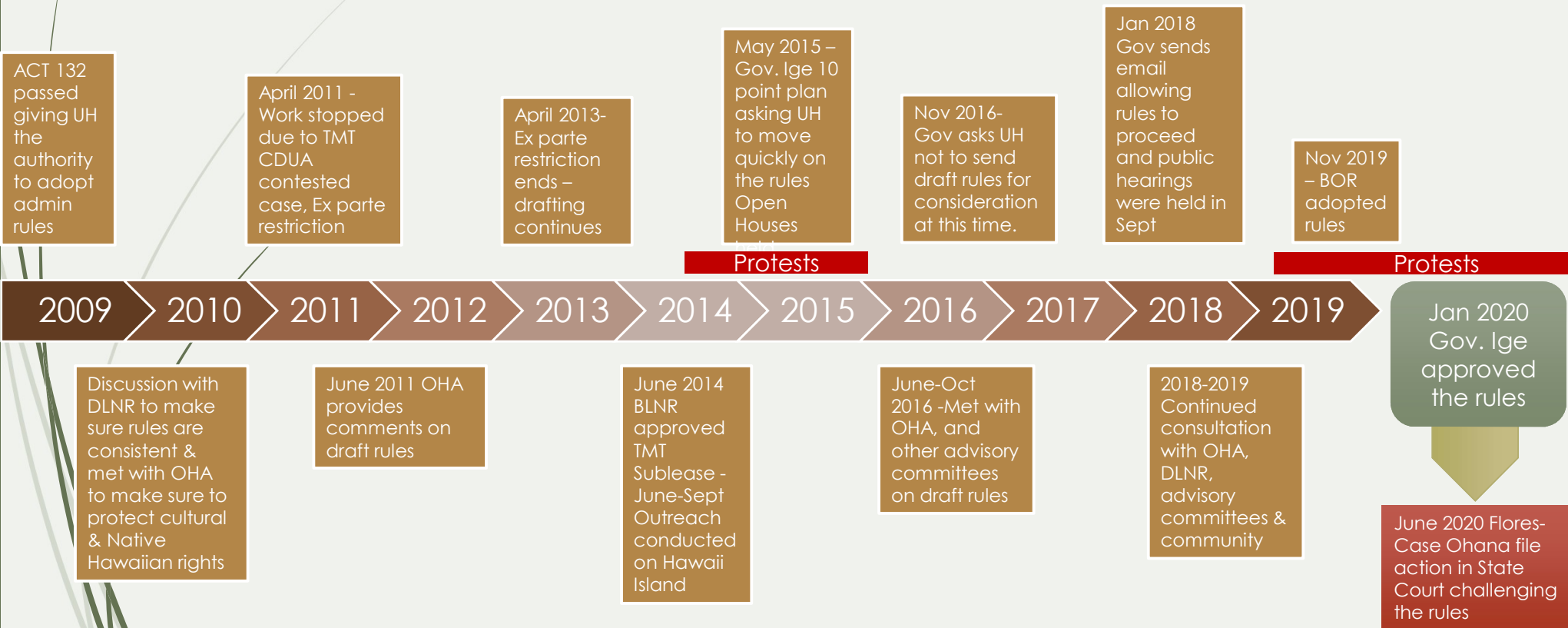


Consult with the Office of Hawaiian Affairs



Hold at least one public hearing on the island of Hawaii.

# Timeline of HAR 20-26 development



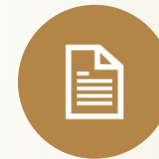
# Hawaii Administrative Procedure Act requirements



30 days notice for a public hearing



Afford all interested persons must have an opportunity to submit data, views, arguments, orally or in writing



Adopted by the BOR, November 6, 2019



Approved by the Governor, January 13, 2020



Filed with the Lt. Governor, January 13, 2020; effective 10 days after



# HAR 20-26 Subchapters

General Provisions	Purpose & Definitions
Public Activities	Preservation of Resources & General Rules on Activities
Commercial Activities	Solicitation & General Commercial Activities
Permits for Public & Commercial Activities	Research Permits, Special Permits, Film Permits, & Commercial Tour Permits
Administration & Enforcement	Violations, Penalties, Citations & Appeals Fees – Exhibit A



## Exhibit A. Public and Commercial Activities Mauna Kea Lands Administrative Fines

► Fines vary depending on violation.

*Note: There also may be fines and sanctions imposed by other government entities or by a court in addition to the list above.*

VIOLATIONS UNDER	FINES
<b>Subchapter 2, Public Activities:</b>  §20-26-24 Litter and sanitation §20-26-28 Vehicles and transportation §20-26-32 Animals §20-26-33 Audio devices and noise §20-26-35 Use of drugs or alcohol §20-26-36 Smoking and tobacco use prohibited §20-26-37 Camping §20-26-38 Access §20-26-39 Snow Play §20-26-40 Scattering of cremated remains	1st violation, not more than \$50-\$400.  2nd repeat violation within five years of 1st violation, not more than \$401-\$1,000.  3rd repeat violation within five years of 2nd repeat violation and any subsequent violation, not more than \$1,001-2,500.
<b>Subchapter 2, Public Activities:</b>  §20-26-21 Preservation of resources §20-26-22 Preservation of property §20-26-23 Preservation of scientific and educational resources §20-26-25 Fire use restrictions §20-26-26 Explosives §20-26-27 Firearms or other weapons §20-26-29 Unmanned aerial vehicles, drones, and air toys §20-26-30 Outdoor sports activities §20-26-31 Hazardous materials §20-26-34 Public safety §20-26-41 Interference with government function	1st violation, not more than \$2,500.  2nd repeat violation within five years of 1st violation, not more than \$5,000.  3rd repeat violation within five years of 2nd repeat violation and any subsequent violation, not more than \$10,000.
<b>Subchapter 3, Commercial Activities:</b>  §20-26-51 Commercial activities generally §20-26-52 Selling, advertising and solicitation	1st violation, not more than \$2,500.  2nd repeat violation within five years of 1st violation, not more than \$5,000.
<b>Subchapter 4, Permits for Public and Commercial Activities:</b>  §20-26-61 General provisions §20-26-62 Research permits §20-26-63 Special Use permits §20-26-64 Commercial tour activity permits §20-26-65 Commercial film and recordings	3rd repeat violation within five years of 2nd repeat violation and any subsequent violation, not more than \$10,000.



# Administrative Rules & Visitor Education Signs



# UH MAUNAKEA LANDS

**The following are prohibited within the UH Maunakea lands under Hawai'i Administrative Rules Chapter 20-26:**

- Littering or dumping
- Camping
- Visibly dirty or muddy vehicles
- Drones other unmanned aerial vehicles
- Pets except for service animals or hunting dogs.
- Smoking, Tobacco, Drugs or Alcohol use
- Possessing Fireworks or Explosive devices
- Fires, embers, or coals
- Amplifying audio devices
- Hazardous Materials
- Firearms except as permitted
- Speeding, driving carelessly or driving off designated roads
- Damaging or removal of natural features, historic, cultural or prehistoric remains
- Damaging or removal of any plants or animals except as authorized
- Damaging or removal of any sign, marker, or structure.
- Hunting except as authorized
- Unpermitted access to buildings
- Unauthorized commercial activities
- Unauthorized selling, advertising or solicitation
- Unpermitted Tours or Activities
- Conducting yourself in a disorderly manner

**Penalty. Violators of Chapter 20-26, are punishable by a fine up to \$10,000 as provided in Exhibit A of Chapter 20-26**

For a complete and detailed list of the rules, definitions and fines please refer to:  
University of Hawaii - Hawaii Administrative Rules Chapter 20-26 "Public and Commercial Activities on Maunakea Lands" adopted Nov. 6, 2019  
<https://hilo.hawaii.edu/maunakea/stewardship/admin-rules>

HAR § 20-26-63 allows CMS to issue special use permits to engage in activities otherwise prohibited by HAR Chapter 20-26.  
For more information inquire at (808) 933-0734

**Reporting Suspected Violations — Contact the Maunakea Rangers (808) 934-4550**



## Regulatory Signs posted at Halepōhaku

► This sign provides notice to our visitors of our rules in a simple summarized format which follows the same layout of similar signs found at State Parks & Forest Reserve areas.



# MEA HO'ONANEA

(Recreation)



**For your safety, follow all rules.  
Stay on designated roads and trails.**



## **Know the Rules:**

Hawai'i Administrative Rules Ch 20-26 for Public and Commercial Activities on Maunakea Lands are in effect. Some prohibited activities include:



- Camping
- Conducting commercial activities without a permit



- Flying drones
- Having fires and fireworks
- Venturing off-road or off-trail

**Hunting allowed in accordance with DLNR Rules.**

## **Hikers and Bicyclists:**

- Plan well, start early, and go with a friend.
- Registration slips by the Visitor Station door.
- The Humu'ula or Summit Trail can be a 10 hour roundtrip hike.
- The Summit Road is primarily used by motorists. Proceed with extreme caution.

## **Snow Recreation:**

Can result in serious or fatal injuries.



*Holo me ka ha'aha'a (Travel humbly: Be aware, be respectful, be mindful)*

Hawai'i Administrative Rules Entitled "Public and Commercial Activities on Maunakea Lands" (Chapter 20-26) are in effect [www.hawaii.edu/offices/bor/adminrules/chapter26.pdf](http://www.hawaii.edu/offices/bor/adminrules/chapter26.pdf)





# KALAIWA

(Driving)



## DRIVE WITH CAUTION TO THE SUMMIT



- No 2WD vehicles past Halepōhaku (4x4 or AWD required). Use 4L to avoid brake failure.
- Have at least a ½ tank of gas. No gas is sold on the mountain.
- Vehicles must be clean of mud, dirt, organic material, and trash.
- All visitors should leave the summit after sunset.
- Road is subject to closure at any time.
- Be alert for other road users, heavy machinery, and debris.
- No off-road vehicles or driving off-road.
- Use headlights during low visibility. Do not shine lights at telescopes after sunset.



*Holo me ka ha'aha'a (Travel humbly: Be aware, be respectful, be mindful)*

Hawai'i Administrative Rules Entitled "Public and Commercial Activities on Maunakea Lands" (Chapter 20-26) are in effect [www.hawaii.edu/offices/bor/adminrules/chapter26.pdf](http://www.hawaii.edu/offices/bor/adminrules/chapter26.pdf)







# KAIANOHO

(Habitat)



## ENVIRONMENTAL PROTECTION



### Invasive Species Prevention

- Please help us protect Maunakea ecosystems by ensuring that your vehicle is free of mud and that personal belongings are free of any plant, animal, or earthen materials (mud, seeds, ants, food scraps).
- Pack out any trash or food and dispose of it properly in trash receptacles.
- Don't leave organic material (peels, seeds, or shells) in the environment as it feeds and provides habitat for invasive insects.



### Native Ecosystem Protection

- Be respectful of and do not disturb all plants and animals.
- Report any sightings of ants to MK Rangers or VIS staff.



'Apapane feeding on the māmane flower.



*Holo me ka ha'aha'a (Travel humbly: Be aware, be respectful, be mindful)*

Hawai'i Administrative Rules Entitled "Public and Commercial Activities on Maunakea Lands" (Chapter 20-26) are in effect [www.hawaii.edu/offices/bor/adminrules/chapter26.pdf](http://www.hawaii.edu/offices/bor/adminrules/chapter26.pdf)





# AHU O MAUNAKEA

*(Maunakea Altars)*



## What are Ahu?

- Ahu are stone structures utilized for spiritual and ceremonial purposes within the Hawaiian culture.
- Ahu are usually squarish and often vary in size.
- These structures represent focal points for ceremony which honor Hawaiian deities and ancestral spirits.

## Please Refrain from:

- Sitting and standing on an ahu, such actions are disrespectful and may damage the structural integrity of an ahu.
- Taking, moving, or disturbing items on an ahu.
- Leaving items such bottles or cans of alcohol and items not of natural materials, such items are not appropriate offerings.

## Interacting with Ahu:

- It is important to interact with ahu with a degree of reverence, understanding, and care.
- Offerings are typically given for specific deity and/or spirits.
- Offerings placed on ahu are traditionally left by those who have conducted appropriate cultural protocols.
- Appropriate offerings may include a prayer, chant, song, dance, lei, words and thoughts of aloha, wisdom, and appreciation.



*Holo me ka ha'aha'a (Travel humbly: Be aware, be respectful, be mindful)*

Hawai'i Administrative Rules Entitled "Public and Commercial Activities on Maunakea Lands" (Chapter 20-26) are in effect [www.hawaii.edu/offices/bor/adminrules/chapter26.pdf](http://www.hawaii.edu/offices/bor/adminrules/chapter26.pdf)







# HŌ'IHI

(To be sacred)



## RESPECT FOR CULTURAL SITES



Maunakea is considered to be one of the most sacred places in Hawai'i as it is home to various Hawaiian deities. Please treat Maunakea with the proper respect.

- Please refrain from removing, replacing, or adding any stones or objects to an Ahu (altar).
- Please refrain from climbing or standing on Ahu, including the summit Ahu.
- Please do not knock over standing stones or relocate them.
- Keanakāko'i (the adze quarry) is a traditional resource, please do not displace stones.
- Lake Waiau and its waters are very sacred, please stay out of the lake and refrain from throwing objects into the lake.
- Treat the mountain, especially the summit, with the utmost respect.



*Holo me ka ha'aha'a (Travel humbly: Be aware, be respectful, be mindful)*

Hawai'i Administrative Rules Entitled "Public and Commercial Activities on Maunakea Lands" (Chapter 20-26) are in effect [www.hawaii.edu/offices/bor/adminrules/chapter26.pdf](http://www.hawaii.edu/offices/bor/adminrules/chapter26.pdf)







# HO'ĀKAHELE

(To go with extreme caution)



## CLIMATE & EXPOSURE RISK



- Too cold: Bring adequate clothing for inclement weather.



- Too sunny: Intense solar radiation can blast through the thin summit atmosphere. Be protected with sunscreen, sunglasses, and cover up.



- Too dry: The summit is extremely dry. Bring plenty of water. No water is available beyond the Visitor Station.
- Beware of sudden and severe weather including whiteouts.
- Watch your step: Be alert to falling ice, slippery walkways and roads, and uneven terrain.



*Holo me ka ha'aha'a (Travel humbly: Be aware, be respectful, be mindful)*

Hawai'i Administrative Rules Entitled "Public and Commercial Activities on Maunakea Lands" (Chapter 20-26) are in effect [www.hawaii.edu/offices/bor/adminrules/chapter26.pdf](http://www.hawaii.edu/offices/bor/adminrules/chapter26.pdf)





# HO'ĀKAHELE

(To go with extreme caution)



## HIGH ELEVATION RISKS



Maunakea is a remote, high-elevation location (summit 13,796 ft/4,205 m). You are at risk for altitude illness, which can be fatal, and sudden and severe weather. There are no medical services and limited communications. Observatories are closed to the public.



- **Do not go to the summit if you:** Feel unwell, are under 13 years of age, have been SCUBA diving in the last 24 hours, are pregnant, or suffer from any medical condition.



- **If you still plan to proceed**, acclimate here at the Visitor Station (9,200 ft/2,808 m) for at least 30 minutes.
- **Bring adequate clothing and drinking water.**
- **Turn around and go down immediately** if you feel short of breath, headache, stomachache, tired, clumsy or confused.



*Holo me ka ha'aha'a (Travel humbly: Be aware, be respectful, be mindful)*

Hawai'i Administrative Rules Entitled "Public and Commercial Activities on Maunakea Lands" (Chapter 20-26) are in effect [www.hawaii.edu/offices/bor/adminrules/chapter26.pdf](http://www.hawaii.edu/offices/bor/adminrules/chapter26.pdf)

