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# HOUSE CONCURRENT RESOLUTION

REQUESTING A STUDY OF THE CARE GIVEN TO AREAS OF STATE PARKS  
THAT CONTAIN HEIAU AND OTHER SACRED SITES, AND A PLAN TO  
SOLVE CARETAKING PROBLEMS BY EXPANDING AND AUGMENTING  
COMMUNITY-BASED CARETAKING AND EDUCATIONAL PROGRAMS.

1 WHEREAS, the Department of Land and Natural Resources  
2 (DLNR), through its Division of State Parks, manages 53 state  
3 parks, comprising roughly 25,000 acres over five major islands;  
4 and

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6 WHEREAS, native Hawaiian cosmology believes that all Hawaii  
7 lands are sacred; and

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9 WHEREAS, a large portion of state park holdings include  
10 specific sacred sites; for example:

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12 (1) On O`ahu: Kapa`ele`ele Ko`a, Kaenieni Kilo, and  
13 Huilua Fishpond in Kahana, Ka`ena Point, Keaīwa Heiau  
14 in `Aiea, Kūkaniloko in Waialua, Pu`u o Mohuka in  
15 Pūpūkea, and the Ka Iwi coast;  
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17 (2) On Maui: Haleki`i and Pihana Heiau in Wailuku, `Iao  
18 Valley, and Pi`ilani Trail in Wai`anapanapa;  
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20 (3) On Hawai`i: `Akaka Falls, Mo`okini Heiau in Kohala,  
21 Mauna Kea, and Wailuku River;  
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23 (4) On Kaua`i: Caves in Ha`ena, Na Pali Heiau and  
24 Terraces, Poli`ahu, Hikinaakalā, Kalaeokamanu, Malae,  
25 and Holoholokū Heiau in Wailua;

26  
27 and

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29 WHEREAS, each island has different protocols and ways and  
30 means of care for sacred sites; and



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2 WHEREAS, each sacred site has different purposes, which  
3 require different protocols and ways and means of care; and  
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5 WHEREAS, all sacred sites listed in this concurrent  
6 resolution pre-date foreign arrival to Hawaii and were  
7 consecrated under different spiritual laws, namely the tapu  
8 system; and  
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10 WHEREAS, while the political tapu system was abolished,  
11 spiritual tapu, much like that afforded to existing churches in  
12 Hawai'i (for example, the Church of Jesus Christ of Latter-day  
13 Saints temple in La'ie), still exist and are an integral part of  
14 native Hawaiian sacred-site care; and  
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16 WHEREAS, due to the dismantling of native Hawaiian  
17 spirituality upon foreign contact, the native Hawaiian has been  
18 and remains separated from sacred sites; and  
19

20 WHEREAS, Article XII, section 7, of the Hawaii Constitution  
21 states, "The State reaffirms and shall protect all rights,  
22 customarily and traditionally exercised for subsistence,  
23 cultural and religious purposes and possessed by ahupua'a  
24 tenants who are descendants of native Hawaiians who inhabited  
25 the Hawaiian islands prior to 1778, subject to the State to  
26 regulate such rights" (emphasis added); and  
27

28 WHEREAS, the state parks are heavily used, underfunded, and  
29 understaffed; and  
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31 WHEREAS, a study would be helpful in assessing the current  
32 standard and level of care actually given to native Hawaiian  
33 sacred sites under the jurisdiction of DLNR's Division of State  
34 Parks and determine any changes needed to uphold the State's  
35 obligation under Article XII, section 7, of the Hawaii  
36 Constitution; now, therefore,  
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38 BE IT RESOLVED by the House of Representatives of the  
39 Twenty-fifth Legislature of the State of Hawaii, Regular Session  
40 of 2009, the Senate concurring, that the Office of Hawaiian  
41 Affairs (OHA) is requested to study the current standard and  
42 level of care actually given to native Hawaiian sacred sites  
43 under the jurisdiction of DLNR's Division of State Parks and  
44 determine if any changes are needed to uphold the State's



1 obligation under Article XII, section 7 of the Hawaii  
2 Constitution; and

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4 BE IT FURTHER RESOLVED that the Legislature requests that  
5 the study include but not necessarily be limited to the  
6 following:

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8 (1) A cultural assessment of how effectively three  
9 selected sacred sites at state parks are being cared  
10 for, with OHA selecting the sacred sites to be  
11 studied; and

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13 (2) The development of possible solutions to caretaking  
14 problems that are discovered, including describing the  
15 basic elements of a plan to expand and augment  
16 community-based caretaking and educational programs  
17 and increase the access and participation of community  
18 groups;

19 and

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21 BE IT FURTHER RESOLVED that the study and proposed  
22 solutions respect existing caretaking plans and agreements  
23 already in place or being developed for park lands containing  
24 sacred sites such as Kahana Valley and Haiku Valley; and

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26 BE IT FURTHER RESOLVED that all government agencies  
27 involved in Hawaii's cultural and natural preservation,  
28 including but not limited to DLNR, are requested to provide  
29 their full cooperation and all relevant data and other  
30 information to OHA during the planning and conduct of the study;  
31 and

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33 BE IT FURTHER RESOLVED that the cooperation of DLNR is  
34 requested to include but not be limited to providing OHA,  
35 cultural practitioners who are of the faith of native Hawaiians  
36 who inhabited the Hawaiian Islands prior to 1778, and other  
37 appropriate members of the native Hawaiian community, with  
38 unfettered access to the sacred sites for a sufficient time  
39 period during the planning and conduct of the study to assess  
40 existing conditions and formulate appropriate educational and  
41 curatorship programs; and



1 BE IT FURTHER RESOLVED that OHA is requested to submit, not  
2 later than 20 days prior to the convening of the Regular Session  
3 of 2010, findings and recommendations, including any proposed  
4 legislation, for expanding community involvement in the proper  
5 and appropriate caretaking of, and education concerning, sacred  
6 sites held by the DLNR's Division of State Parks; and  
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8 BE IT FURTHER RESOLVED that certified copies of this  
9 Concurrent Resolution be transmitted to the Governor, the  
10 Chairperson of the Board of Trustees of the Office of Hawaiian  
11 Affairs, the Chairperson of the Board of Land and Natural  
12 Resources, and the Administrator of the Division of State Parks.

