
A BILL FOR AN ACT

RELATING TO MAUNA KEA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the approximately
2 eleven thousand acres of the Mauna Kea summit in the
3 conservation district, an area spanning from the six thousand
4 foot elevation to 13,796-foot elevation above sea level at the
5 summit, is worthy of additional protections due to its religious
6 significance and important cultural and natural resources.

7 Within the Mauna Kea conservation district live a number of
8 plants, animals, and arthropods that are rare, threatened, or
9 endangered and are found nowhere else on the planet.

10 Native Hawaiians consider Mauna Kea to be an ancestor, a
11 living family member, born of *Wākea* (Sky Father) and *Papa* (Earth
12 Mother), progenitors of the native Hawaiian people. Mauna Kea
13 is the home of *Nā Akua* (the Divine Deities), *Nā 'Aumākua* (the
14 Divine Ancestors), and is where sky and earth separated to form
15 the Great-Expanse-of-Space and the Heavenly Realms. Many native
16 Hawaiian traditional and customary religious practitioners
17 consider the summit a place dedicated to the Supreme Being and



1 perform temple ceremonies including those that honor the time of
2 the *Mauiki'iki'i* (solstice) and *Māuiili*(equinox) throughout the
3 year. Mauna Kea, therefore, represents the zenith of the native
4 Hawaiian people's ancestral ties to Creation itself.

5 The Mauna Kea summit area is a *wahi pana* (sacred place) and
6 *wao akua* (the place where spirits reside), and the realm of
7 ancestral *akua* (gods, goddesses, spirits). These *akua* take
8 earthly form as the *pu'u* (hill, peak), the waters of Lake Waiau,
9 and other significant landscape features. According to *Native*
10 *Hawaiian Environment* by Kumu Hula Pualani Kanaka'ole Kanahale,
11 "Mauna Kea is also the *piko*, or navel, of the island, and this
12 is another reason the mountain and the area around it is
13 considered sacred" by native Hawaiians. The large number of
14 *ho'okupu* (gift offering) on and near the summit of Mauna Kea
15 indicate that the summit was and continues to be used as a place
16 of worship for the snow goddess *Poli'ahu* and other *akua* and
17 *'aumakua*, such as *Kūkahau*, *Lilīnoe*, and *Waiau*. Native Hawaiian
18 traditional and customary practices are derived from these
19 beliefs. For these reasons, any further development would
20 impede native Hawaiian rights to access the Mauna Kea summit for
21 traditional, customary, and subsistence purposes. Article XII,



1 section 7 of the Hawaii Constitution gives the State a duty to
2 "protect all rights, customarily and traditionally exercised for
3 subsistence, cultural and religious purposes."

4 The approximately eleven thousand acre Mauna Kea summit
5 area is zoned as a conservation district. Current department of
6 land and natural resources administrative rules prohibit any
7 proposed land use in the conservation district that will cause a
8 substantial adverse impact to cultural resources. Development
9 on the Mauna Kea summit, especially in the five hundred twenty-
10 five acres of the astronomy precinct located on the summit of
11 Mauna Kea, will cause substantial adverse impacts to cultural
12 resources. The State has created a management framework that
13 protects conservation land against further degradation
14 regardless of whether the lands have already been adversely
15 affected in the past. However, this has not protected the
16 summit of Mauna Kea from the threat of future development.

17 The legislature further finds that the Mauna Kea summit
18 area is comprised of Hawaiian kingdom crown and government
19 lands, also known as ceded lands, which are now part of the
20 public land trust. Native Hawaiians have an unrelinquished and
21 undivided ownership interest in the summit of Mauna Kea and as



1 such have additional special customary and traditional rights to
2 cultural practices and access to the summit.

3 The legislature further finds that within the Mauna Kea
4 conservation district live a number of rare, threatened, or
5 endangered plants, animals, and arthropods found nowhere else on
6 the planet. Many of these species, like the palila (*Loxioides*
7 *bailleui*) rely on the resources and environment Mauna Kea
8 provides. Adult palila feed almost exclusively on māmane seed
9 pods and also nest primarily in the māmane. Roughly ninety-six
10 per cent of the entire palila population occurs on the
11 southwestern slope of Mauna Kea where the widest and most intact
12 belt of māmane forest exists. Palila survival relies on the
13 māmane-naio forest itself. The establishment of a small palila
14 population, which has less than twenty birds, in a māmane-naio
15 forest remnant on the northern slope of Mauna Kea near Pu'u Mali
16 may help to grow the population. In 2006, several successful
17 nests were observed there.

18 The legislature finds that any future development or
19 construction on the Mauna Kea summit will put rare and
20 endangered plants, animals, arthropods, and fragile ecological
21 environments on Mauna Kea at risk. Destruction of specific and



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1 subtle features of the terrestrial environment, found on the
 2 Mauna Kea summit, may lead to reduced populations of any one of
 3 these unique, rare, or endangered organisms. Continued research
 4 leading to a detailed understanding of these life forms is
 5 necessary to establish meaningful conservation standards.

6 The purpose of this Act is to prohibit development on the
 7 Mauna Kea summit.

8 SECTION 2. Chapter 304A, Hawaii Revised Statutes, is
 9 amended by adding a new section to be appropriately designated
 10 and to read as follows:

11 "§304A- Mauna Kea conservation district lands;
 12 development; prohibition. Notwithstanding any law to the
 13 contrary, no new construction or development on conservation
 14 lands on the Mauna Kea summit located at six thousand feet above
 15 sea level and higher shall take place after December 31, 2019."

16 SECTION 3. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

18

INTRODUCED BY: Amy Peruso

JAN 23 2019



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Report Title:

Mauna Kea; Development; Moratorium

Description:

Prohibits any development on conservation lands of the Mauna Kea summit at 6,000 feet above sea level and higher.

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