
HOUSE CONCURRENT RESOLUTION

REQUESTING THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES
PROVIDE ADDITIONAL PROTECTIONS TO THE MAUNA KEA SUMMIT DUE
TO ITS ENVIRONMENTAL SIGNIFICANCE AND CULTURAL IMPORTANCE
TO THE NATIVE HAWAIIAN PEOPLE.

1 WHEREAS, Native Hawaiians consider Mauna Kea to be an
2 ancestor, a living family member, born of Wākea (Sky Father) and
3 Papa (Earth Mother), progenitors of the Native Hawaiian people
4 and the place where Sky and Earth separated to form the Great-
5 Expanse-of-Space and the Heavenly Realms; and

6
7 WHEREAS, Mauna Kea is a wao akua (the place where gods
8 reside or home of nā akua), the realm of ancestral akua (gods,
9 goddesses, and deities or nā 'aumakua), where akua take earthly
10 form as the pu'u (hill or peak), the waters of Lake Waiau, and
11 other significant landscape features, and is a wahi pana
12 (storied place); and

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14 WHEREAS, many Native Hawaiian traditional and customary
15 religious practitioners consider the summit a place dedicated to
16 the Supreme Being and perform temple ceremonies including those
17 that honor the time of the Polohiwa (Solstice and Equinox)
18 throughout the year; and

19
20 WHEREAS, according to the *Native Hawaiian Environment* by
21 Kumu Hula Pualani Kanaka'ole Kanahale, "Mauna Kea is also the
22 piko, or navel, of the island, and this is another reason the
23 mountain and the area around it is considered sacred" by Native
24 Hawaiians; and

25
26 WHEREAS, the large number of shrines on and near the summit
27 of Mauna Kea indicate that the summit was and continues to be
28 used as a place of worship for the snow goddess Poli'ahu and



1 other akua and 'aumakua such as Kūkahau'ula, Lilīnoe, and Waiiau;
2 and

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4 WHEREAS, traditional and customary Native Hawaiian
5 practices are derived from these beliefs; and

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7 WHEREAS, approximately 11,000 acres of the Mauna Kea
8 summit, an area spanning from the 6,000 feet elevation (Saddle
9 Road) to 13,796 feet elevation above sea level at the summit, is
10 zoned as conservation lands; and

11

12 WHEREAS, within the Mauna Kea Conservation District live a
13 number of rare, threatened, or endangered plants, animals, and
14 arthropods, found nowhere else on the planet; and

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16 WHEREAS, the native bird species that reside within the
17 Conservation District include the Palila (*Loxioides bailleui*),
18 'Amakihi (*Hemignathus virens*), 'Apapane (*Himatione sanguinea*),
19 'Elepaio (*Chasiempis sandwichensis*), 'Akiapola'au (*Hemignathus*
20 *munroi*), 'I'iwi (*Vestiaria coccinea*), and U'au (*Pterodroma*
21 *sandwichensis*) and of these species only the Palila, 'Amakihi,
22 'Apapane and 'I'iwi have been observed at Halepōhaku in recent
23 times; and

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25 WHEREAS, the māmane-naio forest on the southwestern,
26 eastern, and northern slopes of Mauna Kea houses the entire
27 world population of the Palila (*Loxioides bailleui*) bird, the
28 iconic Hawaiian honeycreeper endemic to the island of Hawai'i and
29 specifically Mauna Kea and the last finch-billed honeycreeper in
30 the main islands; and

31

32 WHEREAS, the Mauna Kea 'Āhinahina (the Silver Sword), 'Io
33 (Hawaiian Hawk), Pueo (Owl), Palila (Honey Creeper), 'Ōpe'ape'a
34 (Bat), and U'au (*Pterodroma sandwichensis*) are all rare,
35 threatened, or endangered officially and listed as such by the
36 federal government; and



1 WHEREAS, the Māmane woodlands are home to a wide variety of
2 native arthropods (insects, spiders), including two new moth
3 species belonging to the family Noctuidae, given the names *A.*
4 *helela* and *A. kuamauna*, which are highly unusual species that
5 rely on plants as their sole food source, since the family
6 Noctuidae is mostly made up of predators and scavengers, the
7 Wēkiu being one of the more famous of these species; and
8

9 WHEREAS, the Wēkiu bug (*Nysius wekiuicola*), is a tiny (4.5-
10 5.5 mm) flightless scavenger endemic to the northern plateau
11 area (11,483-13,795 feet) of Mauna Kea and has gained the
12 attention and interest of scientists, conservationists, and the
13 public because of its very restricted range and peculiar life
14 history; and
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16 WHEREAS, the alpine shrublands of Mauna Kea are inhabited
17 mainly by low-lying shrubby species such as Pūkiawe
18 (*Leptecophylla tameiameia*), 'Ōhelo (*Vaccinium reticulatum*), and
19 Mauna Kea dubautia (*Dubautia arborea*) and scattered grasses such
20 as Hawaiian bentgrass (*Agrostis sandwicensis*) and Pili uka
21 (*Trisetum glomeratum*); and
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23 WHEREAS, the alpine shrublands of Mauna Kea are also
24 inhabited by native ferns such as Douglas' bladderfern
25 (*Cystopteris douglasii*), Kalamoho (*Pellaea ternifolia*), 'Olali'i
26 (*Asplenium trichomanes*), and 'Iwa'iwa (bird's nest ferns,
27 *Asplenium adiantum-nigrum*); and
28

29 WHEREAS, historically common but now rare species found on
30 the alpine shrublands of Mauna Kea include 'Āhinahina
31 (*Argyroxiphium sandwicense* ssp. *sandwicense*), lava dubautia
32 (*Dubautia ciliolata* ssp. *ciliolata*), 'Ōhelopapa (Hawaiian
33 strawberry, *Fragraria chiloensis*), 'Ena'ena (*Pseudognaphalium*
34 *sandwicense*), Nohoanu (*Geranium cuneatum* ssp. *hololeucum*), and
35 alpine tetramolopium (*Tetramolopium humile* ssp. *humile* var.
36 *humile*); and



1 WHEREAS, of the 21 rare, threatened, or endangered moss and
2 lichen species found on the summit of Mauna Kea, at least half
3 of the lichen species are endemic and two of which,
4 Pseudephebepubescens and Umbilicaria pacifica, are limited to
5 Mauna Kea alone and are new to science; and

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7 WHEREAS, Mauna Kea sits atop five aquifer systems that
8 provide water throughout Hawai'i Island and there has been no
9 comprehensive hydrological study of the summit to date; and

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11 WHEREAS, the Mauna Kea summit area is comprised of Hawaiian
12 Kingdom Crown and Government lands also known as Ceded Lands,
13 which are now part of the public land trust and subject to the
14 public trust doctrine set forth in Article XI, Section 1 of the
15 Hawaii Constitution, which holds public land use above that of
16 private development; and

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18 WHEREAS, Native Hawaiians have unrelinquished and undivided
19 ownership interest in the summit of Mauna Kea and have
20 additional special customary and traditional rights to practice
21 on and access the summit; and

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23 WHEREAS, Article XII, section 7 of the Hawaii Constitution
24 gives the State a duty to "protect all rights, customarily and
25 traditionally exercised for subsistence, cultural and religious
26 purposes" by the Hawaiian people; and

27
28 WHEREAS, new development, construction, and other use of
29 ground-disturbing machines may harm sacred sites and impede
30 Native Hawaiian rights to access the Mauna Kea summit for
31 traditional, customary, and subsistence purposes; and

32
33 WHEREAS, section 13-5-30(c)(4), Hawaii Administrative
34 Rules, prohibits a proposed land use in the conservation
35 district that will cause a substantial adverse impact to
36 existing natural and cultural resources especially in the 525
37 acres of the "Astronomy Precinct" located on the summit of Mauna
38 Kea; and



1 WHEREAS, the State has created a management framework that
2 protects conservation land against further degradation
3 regardless if the lands have already been adversely affected in
4 the past pursuant to administrative rules, but that has not
5 protected the summit of Mauna Kea from the threat of future
6 adverse impacts consequent to new development; and
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8 WHEREAS, any future adverse impacts consequent to new
9 development on the Mauna Kea summit will put these rare and
10 endangered plants, animals, and arthropods, fragile ecological
11 environments, and sacred sites on Mauna Kea at risk; and
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13 WHEREAS, destruction of specific and subtle features of the
14 terrestrial environment found on the Mauna Kea summit may lead
15 to reduced populations of unique, rare, or endangered organisms;
16 and
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18 WHEREAS, there is a high risk of invasive plants and
19 animals migrating to the summit and surrounding areas if there
20 is new development, which would endanger endemic organisms; and
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22 WHEREAS, continued research leading to a detailed
23 understanding of these life forms is necessary for establishing
24 conservation parameters; now, therefore,
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26 BE IT RESOLVED by the House of Representatives of the
27 Thirtieth Legislature of the State of Hawaii, Regular Session of
28 2019, the Senate concurring, that the Department of Land and
29 Natural Resources is requested to provide additional protections
30 to the Mauna Kea summit from 6,000 feet (Saddle Road) to 13,796
31 feet above sea level due to its environmental significance and
32 cultural importance to the Native Hawaiian people; and
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34 BE IT FURTHER RESOLVED that the Department of Land and
35 Natural Resources is requested to prohibit new development on
36 the Mauna Kea summit because such development would adversely
37 affect the fragile cultural and natural resources of the summit
38 of Mauna Kea and would violate the State's constitutional
39 obligation to protect the public trust, natural resources, and
40 Native Hawaiian customary and traditional rights; and



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1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Governor, the
3 Director of the Office of Mauna Kea Management, University of
4 Hawai'i President, University of Hawai'i Board of Regents,
5 Chairperson of the Board of Land and Natural Resources, and
6 Chairman of the Department of Hawaiian Home Lands.

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OFFERED BY:

Amy Peruso

MAR 08 2019

