

FEB 02 2009

SENATE CONCURRENT RESOLUTION

REQUESTING A STUDY OF THE ESTABLISHMENT OF A COMMUNITY-BASED
CARETAKING AND EDUCATIONAL PROGRAM FOR AREAS OF STATE PARKS
THAT CONTAIN HEIAU AND OTHER SACRED SITES.

1 WHEREAS, the Department of Land and Natural Resources,
2 through its Division of State Parks, manages fifty-three state
3 parks, comprising roughly twenty-five thousand acres over five
4 major islands; and

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

8
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;
16
17 (2) On Maui: Haleki'i and Pihana Heiau in Wailuku, 'Iao
18 Valley, and Pi'ilani Trail in Wai'anapanapa;
19
20 (3) On Hawai'i: 'Akaka Falls, Mo'okini Heiau in Kohala,
21 Mauna Kea, and Wailuku River;
22
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; and
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27 WHEREAS, each island has different protocols and ways and
28 means of care for sacred sites; and

29
30 WHEREAS, each sacred site has different purposes, which
31 require different protocols and ways and means of care; and



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2 WHEREAS, all sacred sites listed in this concurrent
3 resolution pre-date foreign arrival to Hawaii and were
4 consecrated under different spiritual laws, namely the tapu
5 system; and
6
7 WHEREAS, while the political tapu system was abolished,
8 spiritual tapu, much like that afforded to existing churches in
9 Hawai'i (for example, the Church of Jesus Christ of Latter-day
10 Saints temple in La'ie), still exist and are an integral part of
11 Native Hawaiian sacred-site care; and
12
13 WHEREAS, due to the dismantling of Native Hawaiian
14 spirituality upon foreign contact, the Native Hawaiian has been
15 and remains separated from sacred sites; and
16
17 WHEREAS, Article XII, Section 7 of the Hawaii State
18 Constitution states, "The State reaffirms and shall protect all
19 rights, customarily and traditionally exercised for subsistence,
20 cultural and religious purposes and possessed by ahupua`a
21 tenants who are descendants of native Hawaiians who inhabited
22 the Hawaiian islands prior to 1778, subject to the State to
23 regulate such rights" (emphasis added); and
24
25 WHEREAS, the state parks are heavily utilized, underfunded,
26 and understaffed; and
27
28 WHEREAS, a study would be helpful in assessing the current
29 standard and level of care actually given to Native Hawaiian
30 sacred sites under the jurisdiction of the Division of State
31 Parks and determining any changes needed to uphold the State's
32 obligation under Article XII, Section 7 of the Hawaii State
33 Constitution; now, therefore,
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35 BE IT RESOLVED by the Senate of the Twenty-fifth
36 Legislature of the State of Hawaii, Regular Session of 2009, the
37 House of Representatives concurring, that the Office of Hawaiian
38 Affairs is requested to study the establishment of a community-
39 based caretaking and educational program for areas of state
40 parks that contain heiau and other sacred sites; and
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1 BE IT FURTHER RESOLVED that the Legislature requests that
2 the study include, but not necessarily be limited to the
3 following:

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- 5 (1) A cultural assessment of how effectively three
6 selected sacred sites at state parks are being cared
7 for, with the Office of Hawaiian Affairs selecting the
8 sacred sites to be studied;
- 9
- 10 (2) The development of possible solutions to caretaking
11 problems that are discovered, including describing the
12 basic elements of a community-based caretaking and
13 educational program; and
14

15 BE IT FURTHER RESOLVED that all government agencies
16 involved in Hawaii's cultural and natural preservation,
17 including but not limited to the Department of Land and Natural
18 Resources, are requested to provide their full cooperation and
19 all relevant data and other information to the Office of
20 Hawaiian Affairs during the planning and conduct of the study;
21 and
22

23 BE IT FURTHER RESOLVED that the cooperation of the
24 Department of Land and Natural Resources is requested to include
25 but not be limited to providing the Office of Hawaiian Affairs,
26 cultural practitioners who are of the faith of Native Hawaiians
27 who inhabited the Hawaiian Islands prior to 1778, and other
28 appropriate members of the Native Hawaiian community, with
29 unfettered access to the sacred sites for a sufficient time
30 period during the planning and conduct of the study to assess
31 existing conditions and formulate appropriate educational and
32 curatorship programs; and
33

34 BE IT FURTHER RESOLVED that the Office of Hawaiian Affairs
35 is requested to submit, not later than twenty days prior to the
36 convening of the Regular Session of 2010, findings and
37 recommendations, including any proposed legislation, for the
38 proper and appropriate caretaking of, and education concerning,
39 sacred sites held by the Division of State Parks; and
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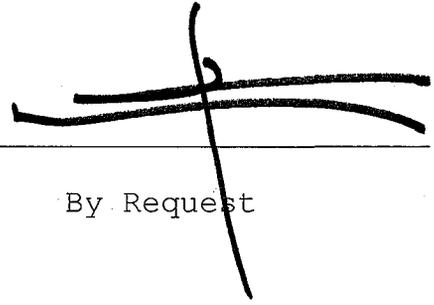


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1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Governor, the
3 Chairperson of the Board of Trustees of the Office of Hawaiian
4 Affairs, the Chairperson of the Board of Land and Natural
5 Resources, and the Administrator of the Division of State Parks.

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OFFERED BY: _____



By Request

