A BILL FOR AN ACT

RELATING TO MAUNA KEA.

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

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

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

Native Hawaiians consider Mauna Kea to be an ancestor, a living family member, born of Wākea (Sky Father) and Papa (Earth Mother), progenitors of the native Hawaiian people. Mauna Kea is the home of Nā Akua (the Divine Deities), Nā ‘Aumākua (the Divine Ancestors), and is where sky and earth separated to form the Great-Expanse-of-Space and the Heavenly Realms. Many native Hawaiian traditional and customary religious practitioners consider the summit a place dedicated to the Supreme Being and
perform temple ceremonies including those that honor the time of
the Mauiki'iki'i (solstice) and Māuiili (equinox) throughout the
year. Mauna Kea, therefore, represents the zenith of the native
Hawaiian people's ancestral ties to Creation itself.

The Mauna Kea summit area is a wahi pana (sacred place) and
wao akua (the place where spirits reside), and the realm of
ancestral akua (gods, goddesses, spirits). These akua take
earthly form as the pu'u (hill, peak), the waters of Lake Waiau,
and other significant landscape features. According to Native
Hawaiian Environment by Kumu Hula Pualani Kanaka'ole Kanahele,
"Mauna Kea is also the piko, or navel, of the island, and this
is another reason the mountain and the area around it is
considered sacred" by native Hawaiians. The large number of
ho'okupu (gift offering) on and near the summit of Mauna Kea
indicate that the summit was and continues to be used as a place
of worship for the snow goddess Poli'ahu and other akua and
'aumakua, such as Kūkahau, Līlīnoe, and Waiau. Native Hawaiian
traditional and customary practices are derived from these
beliefs. For these reasons, any further development would
impede native Hawaiian rights to access the Mauna Kea summit for
traditional, customary, and subsistence purposes. Article XII,
section 7 of the Hawaii Constitution gives the State a duty to "protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes."

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

The legislature further finds that the Mauna Kea summit area is comprised of Hawaiian kingdom crown and government lands, also known as ceded lands, which are now part of the public land trust. Native Hawaiians have an unrelinquished and undivided ownership interest in the summit of Mauna Kea and as
such have additional special customary and traditional rights to cultural practices and access to the summit.

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

The legislature finds that any future development or construction on the Mauna Kea summit will put rare and endangered plants, animals, arthropods, and fragile ecological environments on Mauna Kea at risk. Destruction of specific and
subtle features of the terrestrial environment, found on the Mauna Kea summit, may lead to reduced populations of any one of these unique, rare, or endangered organisms. Continued research leading to a detailed understanding of these life forms is necessary to establish meaningful conservation standards.

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

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

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

SECTION 3. New statutory material is underscored.

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

INTRODUCED BY: [Signature]  JAN 2 3 2019
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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