

A Resolution of the Office of Hawaiian Affairs

Resolution Urging the Board of Land and Natural Resources to Exercise the Highest Possible Level of Stewardship and to Afford the Strongest Consideration to the Rights and Practices of Native Hawaiians and Sacred Sites Affected by Proposed Developments, Including Those on Mauna Kea, in the Conservation District Use Application Process

WHEREAS, Mauna Kea is an important sacred site in traditional accounts; it is referred to as Mauna a Wākea—Mountain of Wākea, the Sky Father who is personified in the atmosphere and heavenly realm that envelops Papahānaumoku (Mother Earth)—and is revered as a sacred mountain that pierces above the clouds into the realm of Wākea and creates the piko kapu, or sacred center of Hawai‘i Island; and

WHEREAS, the physical prominence of Mauna Kea as well as its stationing nearest to the heavens holds a spiritual significance for Native Hawaiians, a significance that can be expressed in likening the mountain to a sacred altar; and

WHEREAS, the summit of Mauna Kea is known as the piko of Hawai‘i and this understanding is reflected in the traditional Hawaiian concept of the “triple piko” of a person, with the piko on the summit of the mountain comparable to the piko located on the top of one’s head at the fontanel; and

WHEREAS, Native Hawaiians still remember their ancestral connections to Mauna Kea and their ancestral akua and kūpuna, and Native Hawaiians still continue their cultural traditions and practices connected to this sacred mountain; and

WHEREAS, the Board of Land and Natural Resources has an affirmative obligation to preserve and protect the reasonable exercise of Native Hawaiian traditional and customary rights, and must conduct detailed inquiries to make specific findings and conclusions about the identity and scope of natural and cultural resources in a relevant area where an action is proposed, including: the extent to which Native Hawaiian traditional and customary rights are exercised in the area; the extent to which the resources and Native Hawaiian traditional and customary rights will be impaired by a proposed action; and the feasible action to be taken by the agency to reasonably protect existing Native Hawaiian rights; and

WHEREAS, the Board of Land and Natural Resources, as steward of numerous parcels in the conservation district that are considered sacred sites by Native Hawaiians, must pay particularly close attention to the impacts of projects and the mitigation proposed for said projects; and

WHEREAS, the Conservation District Use Application process includes mechanisms, such as the environmental review process, designed specifically to protect Native Hawaiian traditional and customary practices and sacred sites as well as natural resources and fragile environments integral in Hawaiian history and culture from potential adverse impacts of development; and

WHEREAS, the Conservation District Use Application process also has a specific contested case hearing process, the purpose of which is to allow stakeholders directly affected by proposed development in the conservation district to inform and/or challenge the Board of Land and Natural Resources permitting decisions; and

WHEREAS, these processes are important not only to inform the public of the potential effects of proposed development in the conservation district but also to allow the public to assist the Board of Land and Natural Resources as well as potential developers in uncovering issues of concern that may not have come to light through previous research and in prior proposals; and

WHEREAS, in its ideal form, the contested case hearing process is meant to inform the Board of Land and Natural Resources’ decisions to issue permits for proposed developments, but, in some cases, permits are issued prior to the full exploration and completion of the environmental review process; and

WHEREAS, in a contested case, Native Hawaiians have raised deep concerns about the adequacy of the Conservation District Use Application and supporting Environmental Impact Statement for the Thirty Meter Telescope proposed to be developed at the summit of Mauna Kea to fully disclose the impacts of

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the development upon the integrity of the historic properties and cultural resources within the vicinity of the proposed development site and to propose appropriate mitigation measures; and

WHEREAS, abundant evidence establishes the existence of natural and cultural resources and associated Native Hawaiian traditional and customary practices on Mauna Kea as well as the sacredness of the mountain to Native Hawaiians;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Office of Hawaiian Affairs urges the Board of Land and Natural Resources to aspire to and exercise the highest possible level of stewardship by ensuring that the Conservation District Use Application process for all proposed developments, including developments on Mauna Kea, is administered effectively to protect Native Hawaiian traditional and customary practices and sacred sites; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Office of Hawaiian Affairs urges the Board of Land and Natural Resources to afford the strongest consideration to the affected rights and practices identified in the contested case regarding the Thirty Meter Telescope, and to incorporate a recognition of these rights and practices connected to the mountain, as well as appropriate mitigation measures, into the final decision and order.

ADOPTED this 3rd day of January, 2013, island of O'ahu, State of Hawai'i, by the Board of Trustees of the Office of Hawaiian Affairs in its regular meeting assembled.

Colette Y. Machado

Colette Y. Machado
Chairperson, Trustee, Moloka'i and Lāna'i

Peter Apo
Peter Apo
Vice Chair, Trustee, O'ahu

Dan Ahuna
Dan Ahuna
Trustee, Kaua'i and Ni'ihau

Robert K. Lindsey Jr.
Robert K. Lindsey Jr.
Trustee, Hawai'i

Rowena Akana
Rowena Akana
Trustee, At-large

Oswald K. Stender
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Trustee, At-large

John D. Waihe'e IV
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Trustee, At-large

Carmen Hulu Lindsey
Carmen Hulu Lindsey
Trustee, Maui

Date: January 3, 2013

