

APT Committee

From: County Clerk
Sent: Tuesday, November 1, 2022 1:47 PM
To: APT Committee
Subject: FW: OHA Testimony on Bill 154 (2022)
Attachments: OHA Testimony - Maui County Council_Agriculture and Public Trust Committee - Bill 154_Cultural Overlay Districts.pdf

From: Zuri Aki <zurica@oha.org>
Sent: Tuesday, November 1, 2022 1:22 PM
To: County Clerk <County.Clerk@mauicounty.us>
Cc: Shane M. Sinenci <Shane.Sinenci@mauicounty.us>
Subject: OHA Testimony on Bill 154 (2022)

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Aloha, please find attached OHA's Testimony on Bill 154 (2022).

Zuri "Z" Ka'apana Aki
Public Policy Manager (Advocacy)
Office of Hawaiian Affairs

Email: zurica@oha.org
Mobile: 808-554-1011
Office : 808-594-1908

560 N Nimitz Hwy #200, Honolulu, HI 96817

www.oha.org

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Agriculture and Public Trust Committee

Bill 154 (2022)

A BILL FOR AN ORDINANCE AMENDING TITLES 18, 19 AND 20, MAUI COUNTY CODE, TO ESTABLISH CULTURAL OVERLAY DISTRICTS

November 1, 2022

1:30 pm

Council Chamber

The Office of Hawaiian Affairs (OHA) offers the following COMMENTS on Bill 154 (2022), which would establish a framework for cultural overlay districts with the intent to preserve and protect Native Hawaiian traditions, practices, culture, cultural resources, and the integrity of the ‘āina to which these facets (and more) of Native Hawaiian identity have become affixed.

OHA wishes to emphasize its support for the thrust of the measure to proactively protect the broad scope of interests that interconnect and intersect with constitutionally protected Native Hawaiian rights. Such a measure has the potential to prove itself as an equitable solution in addressing long-standing systemic issues that have undermined Native Hawaiian existence in these islands.

In the hope of realizing the far-reaching benefit of this measure’s purpose, OHA expresses concerns that the absence of a cultural overlay district designation may suggest that that district has no cultural significance, or that the Native Hawaiian cultural practices therein are not significant enough to warrant protections. OHA strongly believes that all the lands, seas, and atmospheric spaces of the Hawaiian Islands, whether remaining pristine or resting beneath modern urban expanse, are of ongoing cultural significance, especially to the Native Hawaiian people.

OHA also expresses concerns with this measure’s quantification of significance, moreover, OHA is deeply concerned that this quantification is based on the determination of the county’s principal archaeologist, who is essentially granted the sole authority – over the Native Hawaiian community – in determining the level of cultural importance. Quantifying the importance of a culturally significant practice or place, potentially over another, would be destructive where the totality of Native Hawaiian cultures have come to define the extent of Native Hawaiian identity.

Finally, the ‘ōlelo no‘eau (Native Hawaiian proverb), *mai kaula‘i wale i ka iwi o nā kupuna* (never dry out, in the sun, the bones of your ancestors), figuratively and literally expresses a traditional rule in cultural sensitivity associated with countless Native Hawaiian

traditional and customary cultural practices. The rule holds that one shouldn't discuss, too freely, certain matters of significance. In accordance with this rule, many Native Hawaiian cultural practitioners are reluctant to reveal detailed information about their cultural practices, including the location of wahi pana/wahi kapu (storied and sacred sites). Any framework that requires Native Hawaiian cultural practitioners to reveal more than they are comfortable, would serve to erode the integrity of those practices and their respective places.

OHA appreciates the opportunity to provides comments on this measure.