



2018 OHA Legislative Package

## **OHA-7**

### **HB1744/SB2133**

#### **Native Hawaiian Cultural Reserves: Maintaining Connection to Place**

**OHA-7 seeks to restore and maintain cultural connections to ‘āina, by requiring county rulemaking to set aside land in certain developments for Native Hawaiian cultural reserve purposes.**

Hawai‘i residents appreciate and value Native Hawaiian history and culture, which may hold the key to Hawai‘i’s future sustainability, and which continue to be actively perpetuated by cultural practitioners, scholars and students, and kīpuka communities throughout the islands. ‘āina is of particular importance to Native Hawaiian cultural perpetuation: Hawaiian cultural practices are often specific to place, and are critically dependent on the availability of and access to natural and cultural resources; Native Hawaiians’ health and well-being is also recognized to be “intrinsically tied to their deep feelings and attachment to the land.”

Unfortunately, over the last 150 years, the widespread use of land for industrial agriculture, urban development, and other intensive uses has contributed to a significant loss of native ecosystems, natural and cultural resources, and access to sites of cultural significance. The resulting decline in the active practice of Native Hawaiian culture continues to this day, as areas of natural and cultural significance continue to be proposed for land uses that may likewise sever Native Hawaiians’ connection to place.

This measure would help to perpetuate Native Hawaiian culture and connections to place, by requiring counties to determine when certain subdivision and condominium property regime (CPR) proposals should set aside land for Native Hawaiian Cultural Reserve purposes. Such Reserves would allow for the exercise of Native Hawaiian traditional and customary practices, honor wahi pana (legendary places), and/or restore Native Hawaiian plant and animal habitat. By supporting cultural connections to place, this bill would help to protect and even restore Native Hawaiian cultural practices, knowledge, and values of critical importance to all who call Hawai‘i home.

#### **Why is this bill needed?**

While the Hawai‘i State Constitution provides for the protection of Native Hawaiian traditional and customary rights, case law and other protective mechanisms focus on reducing impacts to natural and cultural resources that already exist. There is no mechanism that would explicitly restore resources that have already been lost, or recognize the intrinsic value of ‘āina itself to Native Hawaiian culture and cultural practices. By setting aside land that may be used and cared for by Native Hawaiian practitioners and community groups, this measure may also allow for the cultivation, demonstration, and perpetuation of traditional ecological knowledge, and the keys it holds for the future sustainability of our islands.

#### **How else could Native Hawaiian Cultural Reserves benefit Native Hawaiians and others in Hawai‘i?**

With each Reserve tailored to their place, their benefits can be both varied and innumerable. For example, with land dedicated for use as a Native Hawaiian Cultural Reserve, a Native Hawaiian community organization could cultivate kalo, 'uala, and other traditional produce for local families, perpetuating time-tested agricultural knowledge and even encouraging the culinary exploration of these sustainable and healthy crops. A Hawaiian-focused charter school could utilize a Reserve in its culturally-enriched curriculum, and likewise explore how traditional and Western science can best address local food production needs, protect our threatened ecosystems, and/or increase our climate change resiliency. Managing and stewarding Hawaiian Cultural Reserves could even increase job and other economic opportunities for Hawai'i residents, while bolstering other economic sectors and elevating Hawai'i's worldwide reputation as an incubator of invaluable indigenous wisdom. Finally, maintaining connection to 'āina, can have immeasurable positive impacts to Native Hawaiians' self-image and well-being, which in turn can contribute to improved Native Hawaiian social systems.