

MOANA M. LUTEY  
County Clerk



RICHELLE M. THOMSON  
Deputy County Clerk

**DEPT. COMM. NO. 515**

**OFFICE OF THE COUNTY CLERK**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/county/clerk](http://www.mauicounty.gov/county/clerk)

November 22, 2023

Honorable Scott K. Saiki, Speaker  
State of Hawaii  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear Sir:

Transmitted herewith is a copy of Resolution No. 23-230, which was adopted by the Council of the County of Maui, State of Hawaii, on November 20, 2023.

Respectfully,

  
MOANA M. LUTEY  
County Clerk

/lks

Enclosure

# Ka ‘Ōlelo Ho‘oholo

Helu. 23-230

KA HO‘OMANA‘O ‘ANA I KA LĀ HO‘OMANA‘O  
30 O KA HO‘OHOLA ‘ANA I KE KĀNĀWAI  
AUPUNI 103-150, KA “‘ŌLELO HO‘OHOLA  
MIHI”

‘OIAI, i ka mahina o Nowemapa, ma ka lā 23, i ka makahiki 1993, ua ho‘oholo ka Pelekikena ‘o Bill Clinton i ke Kānāwai Aupuni 103-150, “ka ‘Ōlelo Ho‘oholo Hui e hō‘oia ai i ka lā ho‘omana‘o 100 o ka ho‘okahuli aupuni o ke Aupuni Mō‘ī o Hawai‘i nei i ka mahina o Ianuali ma ka lā 17, i ka makahiki 1893, a e mihi i nā kānaka Hawai‘i no ‘Amelika Hui Pū ‘Ia, no ka ho‘okahuli aupuni o ke Aupuni Mō‘ī Hawai‘i, ‘ike laulaha ‘ia ‘o “Ka ‘Ōlelo Ho‘oholo Mihi”; a

‘OIAI, ua ha‘i kā‘oko‘a ka PAUKŪ 1 o ka ‘Ōlelo Ho‘oholo Mihi:

“O Ka ‘Aha‘ōlelo Lāhui—

- (1) i ka wā o ka lā ho‘omana‘o 100 o ka ho‘okahuli aupuni kū ‘ole i ke kānāwai o ke Aupuni Mō‘ī o Hawai‘i, i ka mahina o Ianuali ma ka lā 17, i ka makahiki 1893, hō‘oia i kēia hanana nui i kāohi aku ai i ke ea o nā Kānaka Hawai‘i;
- (2) ‘ike a ho‘āpono i nā hana ho‘oku‘ikahi i ho‘omaka ‘ia e ka Moku‘āina o Hawai‘i a me ka Hale Pule Hui Pū ‘Ia o Kristo me nā Kānaka Hawai‘i;
- (3) mihi i nā kānaka Hawai‘i, no nā kānaka o ‘Amelika Hui Pū ‘Ia, no ka ho‘okahuli aupuni o ke Aupuni Mō‘ī o Hawai‘i i ka mahina o Ianuali ma ka lā 17, i ka makahiki 1893, me ka hana pū ‘ana o nā ‘ākena a me nā kupa o ‘Amelika Hui Pū ‘Ia, a me ka ho‘onele ‘ana i nā pono o nā kānaka Hawai‘i e ho‘okū‘oko‘a iho;
- (4) hō‘oia i nā hopena o ka ho‘okahuli aupuni o ke Aupuni Mō‘ī o Hawai‘i, i mea e ho‘okumu ai i kekahi kahua kūpono no ka ho‘oku‘ikahi ‘ana o ‘Amelika Hui Pū ‘Ia a me nā Kānaka Hawai‘i; a
- (5) koi aku i ka Pelekikena o ‘Amelika Hui Pū ‘Ia e hō‘oia i nā hopena o ka ho‘okahuli aupuni o ke Aupuni Mō‘ī o Hawai‘i a e kāko‘o i nā hana ho‘oku‘ikahi o ‘Amelika Hui Pū ‘Ia a me nā Kānaka Hawai‘i”; a

‘OIAI, ‘o nā mea kū‘i‘o i ka ‘Ōlelo Ho‘oholo Mihi, ua hō‘oia ‘ole ‘ia ka hapa nui e ‘Amelika Hui Pū ‘Ia ma mua, ua hō‘ike ‘ia nā mea a ka ‘aha‘ōlelo lāhui i loa‘a ai i ke kāko‘o o ke kānāwai pekelala a i ka ho‘opi‘i

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'ana ma ka 'Aha Ho'okolokolo Ki'eki'e o Hawai'i a me ka 'Aha Ho'okolokolo Ki'eki'e o 'Amelika Hui Pū 'Ia, a ua ho'ololi nui 'ia ka hapanui o nā pilikia o nā Kānaka Hawai'i; a

'OIAI, i ka 'āpono 'ana i ka 'Ōlelo Ho'oholo Mihi, ua ho'opai 'ia a kāko'o 'ia nā lālā o ke kaiāulu Hawai'i e ho'ihō'i iho i ke ea, e kauoha i ka ho'ēmi 'ana i nā mea 'ino i ho'omau 'ia mai ka ho'okahuli aupuni o ke Aupuni Mō'i o Hawai'i a me ka ho'ēmi 'ia 'ana i nā 'āina, a e ho'omau i nā hana a lākou e ho'okū'oko'a iho ai; a

'OIAI, i ka makahiki 1994, ma muli o nā kekeke o nā hana i ho'okō 'ia e Ka 'Ohana Ho'omalua iā Kaho'olawe a me ke kaiāulu Hawai'i, ua ho'olilo 'ia ke kumu kuleana 'āina o ka Mokupuni o Kaho'olawe e Ka Pū'ali Kāua Moana o 'Amelika Hui Pū 'Ia i ka Moku'āina o Hawai'i, kau 'ia i ka waiwai noho kahu a hiki i ka ho'okumu 'ana i kekahi hui ea Hawai'i i 'āpono pekelala 'ia; a

'OIAI, i ka makahiki 1995, i ke kūkā 'ana me ke Komikina 'Āina Ho'opulapula Hawai'i, ua 'āpono 'ia ke kānāwai e ka 'Aha'ōlelo Kau Kānāwai o ka Moku'āina o Hawai'i a me ka 'Aha'ōlelo Lāhui o 'Amelika Hui Pū 'Ia, e ho'onā i nā palapala kumu kuleana 'āina i hā'awi 'ia i ka Moku'āina a me nā aupuni pekelala no ka ho'ohana 'ana i nā 'āina o ka 'Oihana 'Āina Ho'opulapula Hawai'i, ma waho o ka mana a me ka uku pāna'i; akā na'e, ho'okō 'ole 'ia ka hapa nui o nā 'ōlelo ho'ohiki e ho'olilo ai a i 'ole e uku ai i nā 'āina i ka Waiwai Noho Kahu o Ka 'Oihana 'Āina Ho'opulapula Hawai'i; a eia hou aku,

- 1) Ua ho'oholo 'ia ke Kānāwai 14 (1995) e ka 'Aha'ōlelo Kau Kānāwai o ka Moku'āina o Hawai'i, a ua ho'onā 'ia nā palapala kumu kuleana 'āina i ho'ohana 'ia e ka Waiwai Noho Kahu o Ka 'Oihana 'Āina Ho'opulapula Hawai'i, no ka hana kū'ē kānāwai a ka Moku'āina, 'oia nō ka ho'ohana 'ana i nā 'āina waiwai noho kahu i nā makahiki 1959 a hiki i ka makahiki 1988; ua ho'ohana 'ia e ka Waihona Kālā o Ko Ka 'Oihana 'Āina Ho'opulapula Hawai'i Waiwai Noho Kahu no nā hana a ka 'Oihana 'Āina Ho'opulapula Hawai'i ("DHHL"), i mea e kāko'o ai i kā lākou mau papahana; ua koi aku 'ia ka Moku'āina e ho'okomo i ke kālā i ka waihona kālā i kēlā me kēia makahiki; a ua ho'olilo 'ia kekahi mau 'āina Moku'āina i ka waiwai noho kahu; a

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- 2) 'O ke Kānāwai Ho'opulapula 'Āina Hawai'i (*Hawaiian Home Lands Recovery Act*), ke Kānāwai Aupuni 104-42 (1995), ua ho'oholo 'ia, a koi aku ka 'Aha'ōlelo Lāhui i Ka 'Oihana Kālai'āina (*Department of Interior*), e hō'ōia i nā 'āina pekelala, ho'okomo pū 'ia 'o Lualualei, O'ahu, ka mea i ho'okomo mua 'ia i ka Waiwai Noho Kahu o Ka 'Oihana 'Āina Ho'opulapula Hawai'i a e ho'i hou i nā 'āina, e kuka'i i nā 'āina, a i 'ole e uku pāna'i iā DHHL, ka luna o ka waiwai noho kahu, a ua ho'āmana ka 'Aha'ōlelo Lāhui i kekahi ka'ina hana i mea e ho'oholo ai i nā kuleana o ke aupuni pekelala ma lalo o ke Kānāwai o ke Komikina 'Āina Ho'opulapula Hawai'i; a

'OIAI, i ka makahiki 2000, ma muli o ke kāhea a ka 'Ōlelo Ho'oholo Mihi e ho'oku'ikahi ai, ua mālama ka 'Oihana Kānāwai Kaulike o 'Amelika Pū 'Ia (*U.S. Department of Justice*) a me ka 'Oihana Kālai'āina i kekahi mau hālāwai a me kekahi mau hālāwai ho'olohe ma Hawai'i nei a ua ho'opuka 'ia kekahi hō'ike ne'epapa, kapa 'ia 'o "From Mauka to Makai: The River of Justice Must Flow Freely," 'ike 'ia 'o "Reconciliation Report," ka hō'ike 'ana i ke kākō'o no ka ho'okū'oko'a 'ana iho o nā Kānaka Hawai'i i ka 'oloke'a o nā kānāwai pekelala a me ka 'āpono 'ana i kekahi ka'ina hana e ho'oku'ikahi; a

'OIAI, ua wehewehe ka Hō'ike Ho'oku'ikahi i ka ho'okele waiwai lawa pono 'ole, ka nele o nā hana 'imi ho'ona'auao, ke kūlana olakino lawa pono 'ole, ka nele o nā hale, a me ka ho'ololi 'ana i ke kaiapili o nā Kānaka Hawai'i; me ka pōmaika'i 'ole, ho'omau nō nā pilikia a 'oi aku paha ka nui o nā pilikia i kēia mau lā; a

'OIAI, i ka makahiki 2004, 'o Ke Ke'ena O Nā Pilina Hawai'i (*Office of Native Hawaiian Relations*), he ke'ena ma loko o ka 'Oihana Kālai'āina, ua ho'okumu 'ia ua ke'ena nei ma o kekahi pila ha'awina a me ke Kānāwai Ho'opulapula 'Āina Hawai'i (*Hawaiian Homes Recovery Act*): i mea e ho'okumu ai i ka pilina kū i ke kānāwai o nā Kānaka Hawai'i a me 'Amelika Hui Pū 'Ia, e ho'omau i ke ka'ina hana o ka ho'oku'ikahi 'ana, a me ke kūkā 'ana me nā Kānaka Hawai'i e pili ana i nā hana pekelala e ho'ololi nui i nā kumuwaiwai, nā pono a i 'ole nā 'āina o Hawai'i nei; a

'OIAI, i ka makahiki 2009, ma muli o ka ho'opi'i 'ana ma ka 'Aha Ho'okolokolo Ki'eki'e o Hawai'i a me ka 'Aha Ho'okolokolo Ki'eki'e o 'Amelika Hui Pū 'Ia e pili ana i ka ho'ohana 'ana a me ke 'ano o nā 'Āina Ka'ahemo, ua ho'oholo ka 'Aha'ōlelo Kau Kānāwai o ka Moku'āina o

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Hawai‘i i Ke Kānāwai 176 (2009), ua ho‘okumu ‘ia kekahi kānāwai, kapa ‘ia ‘o *de facto moratorium*, no ka ho‘olilo ‘ana i nā ‘Āina Ka‘ahemo (eia nā ‘āina Lei Ali‘i, nā ‘āina Aupuni, a me nā ‘āina lehulehu o ke Aupuni Mō‘ī o Hawai‘i i ka‘ahemo ‘ia iā ‘Amelika Hui Pū ‘Ia ma muli o ka lilo ‘ana o Hawai‘i i Panalā‘au o ‘Amelika Hui Pū ‘Ia i ka makahiki 1898); a

‘OIAI, i ka makahiki 2011, i ke Kūkala Kāko‘o o ‘Amelika Hui Pū ‘Ia i Ke Kuahaua o Nā Lāhui Hui Pū ‘Ia no Nā Pono o Nā Kānaka Maoli, ua kāko‘o ‘o ‘Amelika Hui Pū ‘Ia i ka ho‘okū‘oko‘a ‘ana iho o nā Hawai‘i a ua hō‘oia i ka nui o nā papa hana pekelala i ho‘oholo ‘ia e ka ‘Aha‘ōlelo Lāhui i mea e kāko‘o ai i nā Kānaka Hawai‘i; a

‘OIAI, i ka makahiki 2016, ua ho‘opuka aku ka ‘Oihana Kālai‘āina (DOI) i nā ka‘ina hana i mea e ho‘okumu hou ai i kekahi pilina, kekahi aupuni i kekahi aupuni, me ‘Amelika Hui Pū ‘Ia a me ke kaiāulu Hawai‘i, no ka hō‘oia ‘ana i ke kāhea o ka ‘Ōlelo Ho‘oholo Mihi e kāko‘o i ka ho‘oku‘ikahi ‘ana a me ka hō‘oia ‘ana i nā kānaka Hawai‘i, he mau kānaka maoli lākou o ‘Amelika Hui Pū ‘Ia, ho‘omau ke ea, a mālama i kekahi pilina hilina‘i me ‘Amelika Hui Pū ‘Ia; a

‘OIAI, kāko‘o ka ‘Aha Kalana o Maui i ka ho‘oku‘ikahi ‘ana me nā kānaka Hawai‘i a me ka ho‘oponopono ‘ana i nā pilikia laha ‘ole o nā kānaka Hawai‘i, ‘o ke kumu o ka nui o kēia mau pilikia, hiki ke ‘imi hala ‘ia ka ho‘okahuli aupuni o Ke Aupuni Mō‘ī o Hawai‘i i ka makahiki 1893, e like me nā mea i ‘ike ‘ia i kēia mau hana hou:

1. Ua ‘āpono ka ‘Aha Kalana i ka ‘Ōlelo Ho‘oholo 22-182, ka ‘āpono ‘ana i ka ho‘onoho ‘ana i kekahi Laekahi Ka‘a‘ike ‘Ōlelo Hawai‘i no ke Kalana, ka ho‘onoho ‘ana i ka ‘Ōlelo Hawai‘i i kekahi kaiapuni no nā ho‘olaha lehulehu o ka ‘Aha;
2. Ua kāko‘o i nā pāku‘i ho‘ololi i ka Palapala Ho‘okumu o ke Kalana O Maui (1938), me nā pāku‘i i ho‘ololi ‘ia, ‘āpono ‘ia ma ke Koho Pāloka Laulā o ka makahiki 2022 e:
  - Ho‘okumu i ka ‘Oihana Kumuwaiwai ‘Ōiwi (*Department of ‘Ōiwi Resources*), e ho‘omaka ana i ka mahina o Iulai ma ka lā 1, i ka makahiki 2024, a e hō‘oia e mālama ana Ke Kalana O Maui i ke aupuni ma ke ‘ano he aupuni ‘ōlelo pālua ma o ka ho‘ohana ‘ana i ka ‘Ōlelo Hawai‘i i nā manawa kūpono; a

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- Ho'opālua i ka 'Oihana Hale a me Nā Kuleana Kānaka (*Department of Housing and Human Concerns*) a e ho'okumu i kekahi mea ka'a'ike i ka 'Oihana 'Āina Ho'opulapula Hawai'i (DHHL) no nā mea e pili ana i ka hana kūkulu hale i ke kalana, a e ho'ohikiwawe i ka ho'olālā 'ana a me ka 'ae 'ana i nā hale kumu kū'ai kūpono;
3. I ka makahiki 2022, ua 'āpono ka 'Aha Kalana, ma o ka Mo'ohelu Kālā o ka makahiki 2023, \$43 mau miliona no ka 'Oihana Ho'oholo (*Department of Management*) a ua loa'a 'ia kekahi ha'awina kālā \$11 mau miliona e ke Kenekoa o 'Amelika Hui Pū 'Ia 'o Brian Schatz no ke kūkulu 'ana iā Hālau of 'Ōiwi Arts, he hālau no ka ho'opa'a ha'awina, ka ho'oma'ama'a, ka ho'olaule'a, a me ka ho'omau 'ana i ka Hula a me nā hana no'eau like, 'o ka mea mua loa ma Hawai'i nei;
  4. Ua ho'oholo ka 'Aha i ke Kānāwai Kūloko 5313, ka hō'ōia 'ana a me ka 'ae 'ana aku i ka wai, 'ōia ho'i he kumuwaiwai kūlohelohe a he kumuwaiwai mo'omeheu, a pono e ho'omalua, e mālama, a e ho'oholo i ka wai ma ke 'ano he waiwai noho kahu o ka lehulehu a me ka ho'ololi 'ana i ka Paukū 14.12.030, Kānāwai o Ka 'Aha Kalana, e ho'oku'u i ka hana kūkulu hale a ka 'Oihana 'Āina Ho'opulapula Hawai'i (DHHL) i ke kulekele wai i mea e holomua ai i nā papahana hale kumu kū'ai kūpono;
  5. Ua ho'oholo ka 'Aha Kalana i ke Kānāwai Kūloko 5551 (2023), koi aku 'ia 20 pākēneka o nā mea a pau i hō'ili'ili 'ia e ka 'auhau, kapa 'ia 'o *General Excise and Use Tax Surcharge*, no nā papahana e kāko'o ai i ka hana kūkulu hale a ka 'Oihana 'Āina Ho'opulapula Hawai'i (DHHL), no ka mea ke kali nei 28,000 mau Kānaka Hawai'i no nā ha'awina 'āina;
  6. Ua 'āpono ka 'Aha Kalana i ka 'Ōlelo Ho'oholo 21-168 a ua 'ane'ane e kū'ai mai i 500 mau 'eka no \$10.5 mau miliona mai Alexander & Baldwin, LLC ma Waikapū, kahi i loa'a 'ia ai nā iwi kūpuna, a ua ho'onoho 'ia kekahi 'āpana 'āina i kekahi wahi mālama mo'omeheu, hō'ike 'ia ka 'ōlelo ho'ohiki a ka 'Aha e mālama ai i nā 'āina me ka waiwai mo'omeheu;
  7. Ua ho'ololi ka 'Aha i ke Kānāwai o ke Kalana o Maui, e ho'oku'u i nā 'auhau 'āina kū'i'o no:

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- Nā 'āpana 'āina i ho'onoho 'ia, 'oia ho'i he mau 'āina Kuleana a me he mau 'āina Kānāwai Kuleana (Kuleana Act) o ke aupuni, me "Kekahi Kānāwai e Hō'ōia i Kekahi Mau 'Ōlelo Ho'oholo o ka Mō'i a me ka 'Aha Kūkā Malū, 'Āpono 'ia ma ka Lā 21 i ka Mahina o Kēkēmapa, A.D. i ka Makahiki 1849, ka Hā'awi 'Ana Aku i nā Maka'āinana i ke Kumu Kuleana 'Āina no Ko Lākou Mau 'Āpana 'Āina Pono'i a me Ko Lākou Mau Pā Hale, a me Kekahi Mau Kuleana Hou Aku," e like me nā mea i ho'oholo 'ē 'ia a ho'ololi 'ia;
  - Nā 'āpana 'āina i ho'ohana 'ia no ka mahi 'ai 'ana, a 'oi aku ka 'u'uku o ka 'auhau 'āina kū'i'o ma mua o ka waiwai helu 'ia (*assessed value*) i ho'onui 'ia e ka 'auhau 'oihana mahi 'ai; a
  - Nā 'āina i ho'onoho 'ia i nā 'āina kūpuna, no ka 'āina kū'i'o i kū'ai 'ia ma ke 'ano he 'āpana 'āina holo'oko'a a i 'ole he hapa o ka 'āpana 'āina ma o kekahi a 'oi mamo o ke kānaka i kū'ai mai i ka 'āpana 'āina i 80 mau makahiki ma mua o ka palapala noi; a
8. Ua kāko'o ka 'Aha Kalana i ka lilo 'ana o Kauka Janet L. Six i mea 'ike hana lima o ke au i hala i ka makahiki 2020, e hana no ke Kalana o Maui i kekahi kūlana hana i ho'okumu 'ia i mea e ho'omalū ai i nā kumuwaiwai kūlohelohe, nā kumuwaiwai mo'omeheu a me nā mo'olelo o ke Kalana; a
9. Ua ha'apili ka 'Aha i ke kālailai 'o Ka Pa'akai a me ke ka'ina hana kūkā, kuhikuhi 'ia e "Ka Pa'akai O Ka 'Āina v. Land Use Commission (2000)," 'oia i ka ho'ohana 'ana i ka Ho'olālā Wai o Maui (*Maui Island Water Use and Development Plan*) i mea e hō'ōia a ho'omalū ai i nā kumuwaiwai mo'omeheu, nā mo'olelo, a me nā kumuwaiwai kūlohelohe o Hawai'i nei a e ho'opa'a i nā pono Hawai'i ku'una; a

'OIAI, kakaha ka Ho'olālā Kulekele o ke Kalana Holo'oko'a (*Countywide Policy Plan*) i nā loina ma lalo:

- "Pono loa ka mālama 'ana i nā wahi kūlohelohe a me nā kumuwaiwai mo'omeheu"; a

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- “E ho‘ohanohano i nā ku‘una a me nā mo‘olelo a pau”; a

‘OIAI, i ka mahina o Nowemapa ma ka lā 1, i ka makahiki 2023, ua ‘āpono ka ‘Aha o Ko Honolulu Kūlanakauhale i ka ‘Ōlelo Ho‘oholo 23-255, FD1, ka ho‘omana‘o ‘ana i ka lā ho‘omana‘o 30 o ka “‘Ōlelo Ho‘oholo Mihi”; a

‘OIAI, ua ho‘ololi laulā ka ‘Ōlelo Ho‘oholo Mihi i ka lāhui ma o ke kāko‘o ‘ana i ke kāmāwai pekelala no nā Hawai‘i, i ka lawelawe ‘ana i kekahi kahua no ke ka‘ina hana ho‘oku‘ikahi i ho‘omau ‘ia, a i ka ho‘omaopopo ‘ana o ka lehulehu i nā hanana i ka makahiki 1893, eia kekahi, ka ho‘omaopopo ‘ana i ka ho‘okahuli aupuni kū ‘ole i ke kāmāwai o ke Aupuni Mō‘ī o Hawai‘i; a

‘OIAI, ‘o ka ho‘oku‘ikahi ‘ana, ‘oia nō kekahi ka‘ina hana liliuewe i ho‘omau ‘ia i mea e hō‘oia ai i ke kūlana kālai‘āina a me nā pono o nā kāmāwai Hawai‘i, a holo mana‘o ‘ia nā ‘Āina Ho‘oku‘u ‘Aelike e ka ‘ōlelokikē o ke aupuni pekelala a me ke aupuni Moku‘āina, nā Hawai‘i, a me nā luna maka‘āinana o ka ‘Aha‘ōlelo Lāhui o Hawai‘i a ma o nā hana hou a ‘Amelike Hui Pū ‘Ia; i kēia manawa, no laila,

HO‘OHOLO ‘IA e ka ‘Aha o ke Kalana o Maui:

1. E ho‘omana‘o i ka lā ho‘omana‘o 30 o ka ho‘oholo ‘ana i ke Kāmāwai Aupuni 103-150, ka “‘Ōlelo Ho‘oholo Mihi”;
2. E mana‘o‘i‘o, ‘oia i ua ho‘ā‘o ke Kalana, ka Moku‘āina a me nā aupuni pekelala, pono ka ho‘omau ‘ana i ke ka‘ina hana ho‘oku‘ikahi i mea e ho‘oponopono ai i nā pilikia he nui i ke kaiāulu Hawai‘i i kēia lā;
3. E koi aku i ke Kalana, ka Moku‘āina a me nā aupuni pekelala e holomua i nā hana ho‘oku‘ikahi me nā kāmāwai Hawai‘i, pane aku a hō‘emi i nā hana ‘ino i ho‘omau ‘ia mai ka ho‘okahuli aupuni o ke Aupuni Mō‘ī o Hawai‘i, a e kāko‘o i nā hana a ke kaiāulu e holomua i ka ho‘okū‘oko‘a ‘ana iho o nā Hawai‘i; a
4. E ho‘ouna i nā kope kūhelu o kēia ‘Ōlelo Ho‘oholo i Ka Mea Hanohano ‘o Joseph R. Biden, Jr., Ka Pelekikena, ‘Amelika Hui Pū ‘Ia; Ka Mea Hanohano ‘o Deb Haaland, Ke Kākau



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'Ōlelo o Ka 'Oihana Kālai'āina, 'Amelika Hui Pū 'Ia; Ka Mea Hanohano 'o Merrick B. Garland, Ka Loio Kenelala, 'Amelika Hui Pū 'Ia; Ka Mea Hanohano 'o Antony J. Blinken, Ke Kākau 'Ōlelo o Ka Moku'āina, 'Amelika Hui Pū 'Ia; Ka Mea Hanohano 'o Mazie K. Hirono, Ke Kenekoa, Ka 'Aha Kenekoa o 'Amelika Hui Pū 'Ia; Ka Mea Hanohano 'o Brian Schatz, Ke Kenekoa, Ka 'Aha Kenekoa o 'Amelika Hui Pū 'Ia; Ka Mea Hanohano 'o Ed Case, Ka Luna Maka'āinana, Ka Hale o Nā Luna Maka'āinana o 'Amelika Hui Pū 'Ia; Ka Mea Hanohano 'o Jill Tokuda, Ka Luna Maka'āinana, Ka Hale o Nā Luna Maka'āinana o 'Amelika Hui Pū 'Ia; Ka Mea Hanohano 'o Josh Green, M.D., Ke Kia'āina, Moku'āina o Hawai'i; Ka Mea Hanohano 'o Ronald D. Kouchi, Ka Pelekikena, Ka 'Aha Kenekoa o Ka Moku'āina o Hawai'i; Ka Mea Hanohano 'o Scott K. Saiki, Ka Ha'i'ōlelo, Ka Hale o Nā Luna Maka'āinana o Ka Moku'āina o Hawai'i; a me Ka Mea Hanohano 'o Richard T. Bissen, Jr., Meia, Kalana o Maui.

HĀPAI 'IA E:

  

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KEANI N.W. RAWLINS-FERNANDEZ

# Resolution

No. 23-230

COMMEMORATING THE 30TH ANNIVERSARY  
OF THE ENACTMENT OF PUBLIC LAW 103-150,  
THE "APOLOGY RESOLUTION"

WHEREAS, on November 23, 1993, President Bill Clinton enacted Public Law 103-150, "Joint Resolution to acknowledge the 100<sup>th</sup> anniversary of the January 17, 1893, overthrow of the Kingdom of Hawaii, and to offer an apology to Native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawai'i," commonly known as the "Apology Resolution"; and

WHEREAS, the Apology Resolution's SECTION 1 stated in its entirety:

"The Congress—

(1) on the occasion of the 100th anniversary of the illegal overthrow of the Kingdom of Hawaii on January 17, 1893, acknowledges the historical significance of this event which resulted in the suppression of the inherent sovereignty of the Native Hawaiian people;

(2) recognizes and commends efforts of reconciliation initiated by the State of Hawaii and the United Church of Christ with Native Hawaiians;

(3) apologizes to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawaii on January 17, 1893 with the participation of agents and citizens of the United States, and the deprivation of the rights of Native Hawaiians to self-determination;

(4) expresses its commitment to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii, in order to provide a proper foundation for reconciliation between the United States and the Native Hawaiian people; and

(5) urges the President of the United States to also acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and the Native Hawaiian people"; and

WHEREAS, the factual statements in the Apology Resolution, many of which had not been previously acknowledged by the United States, have since been cited in congressional findings in support of federal legislation

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and in litigation at the Hawai'i Supreme Court and U.S. Supreme Court, and have had a significant influence on many issues affecting Native Hawaiians; and

WHEREAS, passage of the Apology Resolution encouraged and supported members of the Native Hawaiian community to reassert their inherent sovereignty, demand mitigation of ongoing harms from the overthrow of the Kingdom of Hawai'i and loss of lands, and further their efforts towards self-determination; and

WHEREAS, in 1994, following decades of effort by the Protect Kaho'olawe 'Ohana and the Native Hawaiian community, title to the Island of Kaho'olawe was officially transferred by the U.S. Navy to the State of Hawai'i to be held in trust until the formation of a federally recognized, sovereign Native Hawaiian entity; and

WHEREAS, in 1995, in consultation with the Hawaiian Homes Commission, the Hawai'i State Legislature and United States Congress passed legislation to help settle longstanding claims against the State and federal governments for unauthorized and uncompensated use of Hawaiian Home Lands; however, many of the commitments to transfer lands to or otherwise compensate the Hawaiian Home Lands Trust remain unfulfilled; more specifically,

1. Act 14 (1995) was enacted by the Hawai'i State Legislature, which settled claims made on behalf of the Hawaiian Home Lands Trust against the State for the illegal conveyance or use of trust lands between 1959 and 1988; created the Hawaiian Homes Lands Trust Fund to be used by the Department of Hawaiian Home Lands ("DHHL") to support its projects; required the State to make annual deposits into the trust fund; and transferred certain State land to the trust; and
2. The Hawaiian Home Lands Recovery Act, Public Law 104-42 (1995), was enacted in which Congress required the U.S. Department of the Interior ("DOI") to identify federal lands, including Lualualei, O'ahu, that had originally been part of the Hawaiian Home Lands Trust and to either return them, provide lands in exchange for them, or provide compensation for them to the DHHL, as administrator of the trust, and in which Congress authorized an administrative process to oversee the federal government's responsibilities under the Hawaiian Homes Commission Act; and

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WHEREAS, in 2000, spurred by the Apology Resolution's call for reconciliation, the U.S. Department of Justice and the DOI held a series of meetings and hearings in Hawai'i and issued a joint report entitled "From Mauka to Makai: The River of Justice Must Flow Freely," known as the "Reconciliation Report," expressing support for the self-determination of Native Hawaiians within the framework of federal law and recommending a series of actions to facilitate reconciliation; and

WHEREAS, the Reconciliation Report described the economic deprivation, low educational attainment, poor health status, substandard housing, and social dislocation disproportionately affecting the Native Hawaiian people; unfortunately, these challenges persist and are perhaps even more acute today; and

WHEREAS, in 2004, the Office of Native Hawaiian Relations, an office within the DOI, was established via an appropriations bill and the Hawaiian Home Lands Recovery Act to: effectuate the special legal relationship between the Native Hawaiian people and the United States, continue the process of reconciliation, and implement consultation with the Native Hawaiian people regarding any federal actions that may significantly affect Native Hawaiian resources, rights, or lands; and

WHEREAS, in 2009, following litigation at the Hawai'i Supreme Court and the U.S. Supreme Court regarding the use and disposition of Ceded Lands, the Hawai'i State Legislature enacted Act 176 (2009), which established a de facto moratorium on any transfer of Ceded Lands (former Crown, Government, and public lands of the Kingdom of Hawai'i ceded to the United States upon Hawai'i becoming a U.S. Territory in 1898); and

WHEREAS, in 2011, in the Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples, the United States articulated its support for Native Hawaiian self-determination and recognized the plethora of federal programs that Congress has enacted to support the Native Hawaiian people; and

WHEREAS, in 2016, the DOI issued procedures to reestablish a formal government-to-government relationship between the United States and the Native Hawaiian community, thus recognizing the Apology Resolution's call for executive support of reconciliation and recognizing that Native Hawaiians are indigenous people of the United States, retain inherent sovereignty, and are in a special trust relationship with the United States; and

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WHEREAS, the Maui County Council supports reconciliation with the Native Hawaiian people and addressing the unique challenges facing the Native Hawaiian people, the origin of many of which can be traced to the 1893 overthrow of the Kingdom of Hawai'i, as seen through these recent efforts:

1. The Council adopted Resolution 22-182, approving the appointment of a Hawaiian Language Communications Specialist for the County, providing 'Ōlelo Hawai'i as a medium for the Council's public information;
2. Supported amendments to the Charter of the County of Maui (1983), as amended, approved at the 2022 General Election to:
  - Create the Department of 'Ōiwi Resources, effective July 1, 2024, and affirm that Maui County will operate as a bilingual government by implementing opportunities to include the Hawaiian language; and
  - Bifurcate the Department of Housing and Human Concerns and create a liaison to the DHHL on all matters involving housing development in the County, ensuring that planning and permitting for affordable housing are expedited;
3. In 2022, the Council approved via the Fiscal Year 2023 Budget \$43 million for the Department of Management and received an \$11 million grant delivered by U.S. Senator Brian Schatz for the construction of the Hālau of 'Ōiwi Arts, a facility dedicated to the study, practice, celebration, and perpetuation of Hula and associated arts, the first of its kind in Hawai'i;
4. The Council enacted Ordinance 5313, acknowledging and affirming that water is a natural and cultural resource that must be protected, preserved, and managed as a public trust and amending Section 14.12.030, Maui County Code, to exempt development by DHHL from the water-availability policy to advance affordable-housing projects;
5. The Council enacted Ordinance 5551 (2023) requiring 20 percent of all revenue generated by the General Excise and Use Tax Surcharge to be for projects that directly support the DHHL homestead development, as there are approximately 28,000 Native Hawaiians waiting for land awards;

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6. The Council adopted Resolution 21-168 and purchased nearly 500 acres for \$10.5 million from Alexander & Baldwin, LLC in Waikapū, where iwi kupuna were found, and dedicated a portion as a cultural preserve, demonstrating the Council's commitment to preserving lands with cultural significance;
7. The Council amended the Maui County Code to provide real property tax exemptions for:
  - Property designated as Kuleana land and Kuleana Act government land, in accordance with "An Act Confirming Certain Resolutions of the King and Privy Council, Passed on the 21st Day of December, A.D. 1849, Granting to the Common People Allodial Titles for Their Own Lands and House Lots, and Certain Other Privileges," as originally enacted and as amended;
  - Parcels used for farming taro where the assessed value times the current agricultural class tax rate is less than the minimum real property tax; and
  - Land dedicated as 'āina kūpuna, for real property owned in whole or in part in fee simple by one or more descendants of the person who owned the property at least eighty years prior to the application; and
8. The Council supported in 2020 Dr. Janet L. Six becoming the first archaeologist to work for Maui County in a position created to protect the County's significant natural, cultural, and historical resources; and
9. The Council applied the Ka Pa'akai analysis and consultation process, as directed by "Ka Pa'akai O Ka 'Aina v. Land Use Commission (2000)" during the creation of the Maui Island Water Use and Development Plan to identify and protect Native Hawaiian cultural, historical, and natural resources and to help ensure Native Hawaiian customary and traditional rights; and

WHEREAS, the Countywide Policy Plan notes the following core principles:

- "Excellence in the stewardship of the natural environment and cultural resources"; and

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- “Honor for all cultural traditions and histories”; and

WHEREAS, on November 1, 2023, the Honolulu City Council adopted Resolution 23-255, FD1, commemorating the 30th Anniversary of the “Apology Resolution”; and

WHEREAS, the Apology Resolution has had a profound nationwide impact in supporting federal legislation benefitting Native Hawaiians, in serving as a foundation for the ongoing process of reconciliation, and on the public’s understanding of the events of 1893, including the understanding that the Kingdom of Hawai‘i was illegally overthrown; and

WHEREAS, reconciliation is an evolving and continuing process to address the political status and rights of the Native Hawaiian people, and the future of Ceded Lands is based on dialogue among the federal and State governments, Native Hawaiians, and Hawai‘i’s Congressional delegation and on further action by the United States; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it commemorates the 30th anniversary of the enactment of Public Law 103-150, the “Apology Resolution”;
2. That it believes, although the County, State, and federal governments have made efforts, further progress in the reconciliation process is direly needed to address the many challenges affecting the Native Hawaiian community today;
3. That it urges the County, State, and federal governments to advance reconciliation efforts with the Native Hawaiian people, respond to and mitigate ongoing harms from the overthrow of the Kingdom of Hawai‘i, and support community-led initiatives to further Native Hawaiian self-determination; and
4. That certified copies of this Resolution be transmitted to the Honorable Joseph R. Biden, Jr., President, United States of America; the Honorable Deb Haaland, Secretary of the Interior, United States of America; the Honorable Merrick B. Garland, Attorney General, United States of America; the Honorable Antony J. Blinken, Secretary of State, United States of America; the Honorable Mazie K. Hirono,



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Senator, United States Senate; the Honorable Brian Schatz, Senator, United States Senate; the Honorable Ed Case, Representative, United States House of Representatives; the Honorable Jill Tokuda, Representative, United States House of Representatives; the Honorable Josh Green, M.D., Governor, State of Hawai'i; the Honorable Ronald D. Kouchi, President, Hawai'i State Senate; the Honorable Scott K. Saiki, Speaker, Hawai'i State House of Representatives; and the Honorable Richard T. Bissen, Jr., Mayor, County of Maui.

paf:kmat:23-337a

INTRODUCED BY:

*Keani Rawlins-Fernandez*  

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KEANI N.W. RAWLINS-FERNANDEZ

**COUNCIL OF THE COUNTY OF MAUI**

**WAILUKU, HAWAII 96793**

**CERTIFICATION OF ADOPTION**

**It is HEREBY CERTIFIED that RESOLUTION NO. 23-230, was adopted by the Council of the County of Maui, State of Hawaii, on the 20th day of November, 2023, by the following vote:**

<b>MEMBERS</b>	<b>Alice L. LEE Chair</b>	<b>Yuki Lei K. SUGIMURA Vice-Chair</b>	<b>Tom COOK</b>	<b>Gabriel JOHNSON</b>	<b>Natalie A. KAMA</b>	<b>Tamara A. M. PALTIN</b>	<b>Keani N. W. RAWLINS-FERNANDEZ</b>	<b>Shane M. SINENCI</b>	<b>Nohelani U'U-HODGINS</b>
<b>ROLL CALL</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>

  
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COUNTY CLERK