
HOUSE RESOLUTION

URGING THE PRESIDENT OF THE UNITED STATES TO AMEND PRESIDENTIAL PROCLAMATION 8031, AS AMENDED BY PROCLAMATION 8112, TO INCLUDE CUSTOMARY EXCHANGE AS A PERMITTED ACTIVITY WITHIN THE PAPA HANAUMOKUAKEA MARINE NATIONAL MONUMENT.

1 WHEREAS, in June 2006, the President of the United States
2 signed Presidential Proclamation 8031, establishing the
3 Northwestern Hawaiian Islands Marine National Monument; and
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5 WHEREAS, Proclamation 8031 authorizes the issuance of
6 permits for Native Hawaiian practices; and
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8 WHEREAS, Presidential Proclamation 8112, signed by the
9 President of the United States in 2007, amended Proclamation
10 8031, renaming the Northwestern Hawaiian Islands Marine National
11 Monument as the Papahānaumokuākea Marine National Monument and
12 requiring that any living monument resource harvested from the
13 monument be consumed or utilized in the monument; and
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15 WHEREAS, the Native Hawaiian practice permits are intended
16 to benefit the resources of the Northwestern Hawaiian Islands
17 and the Native Hawaiian community; and
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19 WHEREAS, the Native Hawaiian practice permits strictly limit
20 harvest, consumption, and utilization of marine resources within
21 the monument area, denying traditional practitioners the
22 opportunity to participate in customary exchange; and
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24 WHEREAS, the Native Hawaiian practice permits severely
25 limit traditional access and benefits from these lands to the
26 Native Hawaiian community, demonstrating contempt for traditional
27 cultural practices, ignoring the beneficial purposes of the ceded
28 lands, and undermining the intent of the creation of the ceded
29 lands trust; and
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31 WHEREAS, the Native Hawaiian practices permit process
32 outlined in the Proclamation, which assigns the values of
33 "appropriate" and "necessary" to the determination of pono



1 practices, is patronizing and condescending to Native Hawaiian
2 cultural practices and lacks understanding of cultural practices
3 in general; and
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5 WHEREAS, the issuance of the Native Hawaiian practice
6 permits is subject to discriminatory and arbitrary criteria; and
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8 WHEREAS, subsequent marine national monuments established in
9 the United States Pacific islands allow for fishing by the
10 indigenous people; and
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12 WHEREAS, customary exchange is a traditional practice that
13 is not a commercial or recreational activity and, in the case of
14 fishing, does not result in fish or fish products entering
15 commerce; and
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17 WHEREAS, customary exchange is a result of non-commercial
18 fishing activity in which the gifting of fish and other marine
19 resources to related and unrelated persons, 'ohana and extended
20 'ohana, strengthens cultural and social bonds in Pacific island
21 communities; and
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23 WHEREAS, customary exchange is an important traditional
24 practice that protects and maintains the social fabric and
25 cultural continuity of Pacific island communities; and
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27 WHEREAS, customary exchange contributes to social cohesion
28 and community resilience in Pacific island communities; and
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30 WHEREAS, customary use and customary trade are recognized as
31 legitimate subsistence practices in Alaska fisheries; and
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33 WHEREAS, fishing shrines at Nihoa and Mokumanamana (Necker
34 island), as well as fishing implements and luhe'e, indicate that
35 fishing was traditionally practiced in the Northwestern Hawaiian
36 islands; and
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38 WHEREAS, numerous oli, mele, and stories indicate that
39 fishing and other extractive activities occurred in the
40 Northwestern Hawaiian Islands; and
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42 WHEREAS, submerged lands are ceded lands and are held in
43 trust for the benefit of Native Hawaiians; and
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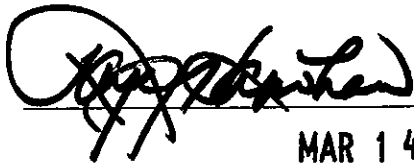
1 WHEREAS, these lands in the Northwestern Hawaiian Islands
 2 were taken without proper compensation to, or consultation with,
 3 the Native Hawaiian community and the State Legislature, which
 4 has oversight over the disposition of ceded lands; and

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 6 WHEREAS, the Hawaii Supreme Court, in *Kalipi v. Hawaiian*
 7 *Trust Co.*, *Pele Defense Fund v. Paty*, and *Public Access*
 8 *Shoreline Hawaii v. Hawaii County Planning Commission*, ruled
 9 that it is the responsibility of state agencies to protect
 10 Hawaiian customary and traditional rights; now, therefore,

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 12 BE IT RESOLVED by the House of Representatives of the
 13 Twenty-sixth Legislature of the State of Hawaii, Regular Session
 14 of 2012, that the President of the United States is urged to
 15 amend Presidential Proclamation 8031, as amended by Presidential
 16 Proclamation 8112, to include customary exchange as a permitted
 17 activity within the Papahānaumokuākea Marine National Monument;
 18 and

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 20 BE IT FURTHER RESOLVED that certified copies of this
 21 Resolution be transmitted to the President of the United States,
 22 Executive Director of the White House Executive Initiative on
 23 Asian Americans and Pacific Islanders, Chairperson of the Board
 24 of Land and Natural Resources, Chairperson of the Western Pacific
 25 Regional Fishery Management Council, Regional Administrator
 26 of the Pacific Islands Region of the National Marine
 27 Fisheries Services, and the Co-Trustees of the Papahānaumokuākea
 28 Marine National Monument.

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OFFERED BY:  _____
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