
HOUSE CONCURRENT 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 PAPAHAUUMOKUAKEA 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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1 WHEREAS, the Native Hawaiian practices permit process
2 outlined in the Proclamation, which assigns the values of
3 "appropriate" and "necessary" to the determination of pono
4 practices, is patronizing and condescending to Native Hawaiian
5 cultural practices and lacks understanding of cultural practices
6 in general; and
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8 WHEREAS, the issuance of the Native Hawaiian practice
9 permits is subject to discriminatory and arbitrary criteria; and
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11 WHEREAS, subsequent marine national monuments established in
12 the United States Pacific islands allow for fishing by the
13 indigenous people; and
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15 WHEREAS, customary exchange is a traditional practice that
16 is not a commercial or recreational activity and, in the case of
17 fishing, does not result in fish or fish products entering
18 commerce; and
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20 WHEREAS, customary exchange is a result of non-commercial
21 fishing activity in which the gifting of fish and other marine
22 resources to related and unrelated persons, 'ohana and extended
23 'ohana, strengthens cultural and social bonds in Pacific island
24 communities; and
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26 WHEREAS, customary exchange is an important traditional
27 practice that protects and maintains the social fabric and
28 cultural continuity of Pacific island communities; and
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30 WHEREAS, customary exchange contributes to social cohesion
31 and community resilience in Pacific island communities; and
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33 WHEREAS, customary use and customary trade are recognized as
34 legitimate subsistence practices in Alaska fisheries; and
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36 WHEREAS, fishing shrines at Nihoa and Mokumanamana (Necker
37 island), as well as fishing implements and luhe'e, indicate that
38 fishing was traditionally practiced in the Northwestern Hawaiian
39 islands; and
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41 WHEREAS, numerous oli, mele, and stories indicate that
42 fishing and other extractive activities occurred in the
43 Northwestern Hawaiian Islands; and
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1 WHEREAS, submerged lands are ceded lands and are held in
2 trust for the benefit of Native Hawaiians; and
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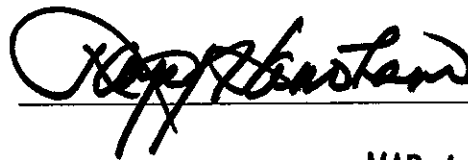
4 WHEREAS, these lands in the Northwestern Hawaiian Islands
5 were taken without proper compensation to, or consultation with,
6 the Native Hawaiian community and the State Legislature, which
7 has oversight over the disposition of ceded lands; and
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9 WHEREAS, the Hawaii Supreme Court, in *Kalipi v. Hawaiian*
10 *Trust Co., Pele Defense Fund v. Paty*, and *Public Access*
11 *Shoreline Hawaii v. Hawaii County Planning Commission*, ruled
12 that it is the responsibility of state agencies to protect
13 Hawaiian customary and traditional rights; now, therefore,
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15 BE IT RESOLVED by the House of Representatives of the
16 Twenty-sixth Legislature of the State of Hawaii, Regular Session
17 of 2012, the Senate concurring, that the President of the United
18 States is urged to amend Presidential Proclamation 8031, as
19 amended by Presidential Proclamation 8112, to include customary
20 exchange as a permitted activity within the Papahānaumokuākea
21 Marine National Monument; and
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23 BE IT FURTHER RESOLVED that certified copies of this
24 Concurrent Resolution be transmitted to the President of the
25 United States, Executive Director of the White House Executive
26 Initiative on Asian Americans and Pacific Islanders, Chairperson
27 of the Board of Land and Natural Resources, Chairperson of the
28 Western Pacific Regional Fishery Management Council, Regional
29 Administrator of the Pacific Islands Region of the National
30 Marine Fisheries Services, and the Co-Trustees of the
31 Papahānaumokuākea Marine National Monument.
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OFFERED BY:



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