
HOUSE CONCURRENT RESOLUTION

EXPRESSING THE SUPPORT OF THE STATE OF HAWAII FOR THE RIGHTS OF
THE INDIGENOUS PEOPLE OF NORTH DAKOTA TO PRESERVE THEIR
CULTURAL HERITAGE AND ACCESS TO CLEAN WATER.

1 WHEREAS, the Dakota Access Pipeline, known in the popular
2 press as DAPL, is a nearly 1,200-mile long pipeline designed to
3 transport 470,000 barrels of crude oil daily across four states,
4 from North Dakota to Illinois, where it links to another
5 pipeline that transports crude oil to terminals and refineries
6 along the Gulf of Mexico; and

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8 WHEREAS, the Pipeline's developer, Texas-based Energy
9 Transfer Partners, asserts that this is a more cost-effective,
10 efficient means of transporting crude oil than the usual method
11 of train transport; and

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13 WHEREAS, it is projected that transport via the Pipeline
14 will allow oil drilling and refinery interests to claim
15 increased profit margins, even when other economic factors would
16 otherwise keep crude prices low; and

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18 WHEREAS, a section of the Dakota Access Pipeline is
19 designed to cross lands claimed by the Standing Rock Sioux
20 Tribe, which contain sacred sites and Lake Oahe, the primary
21 source of clean drinking water for the Standing Rock Sioux
22 Tribe's reservation land; and

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24 WHEREAS, construction of the Dakota Access Pipeline
25 according to this design requires that a portion of the Pipeline
26 be situated underneath Lake Oahe and cross the Missouri River;
27 and

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29 WHEREAS, the construction, maintenance, and operation of
30 the Dakota Access Pipeline are projected to have major
31 disruptive effects on the supply of clean water and the



1 preservation and use of lands and sites that are historically
2 and culturally important to indigenous peoples located on or
3 originating from the areas surrounding the Pipeline's route; and
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5 WHEREAS, the critical importance of access to clean water,
6 for both practical and spiritual reasons, is a value that is
7 shared between the indigenous peoples of the American West and
8 Native Hawaiians; and
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10 WHEREAS, historical Hawaiian tradition and the
11 jurisprudence of the contemporary State of Hawaii recognize the
12 right to access clean water as fundamental and subject to the
13 highest standards of protection for present and future uses; and
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15 WHEREAS, in *Robinson v. Ariyoshi*, 65 Haw. 641 (1982), a
16 seminal decision that set the course of Hawaii's water law, the
17 Hawaii State Supreme Court held that, by the reservation to the
18 King of ownership of the surface waters in the Hawaiian kingdom,
19 "a public trust was imposed upon all the waters of the kingdom"
20 and "the public interest in the waters of the kingdom was
21 understood to necessitate a retention of authority and the
22 imposition of a concomitant duty to maintain the purity and flow
23 of our waters for future generations and to assure that the
24 waters of our land are put to reasonable and beneficial uses.
25 This is not ownership in the corporeal sense where the State may
26 do with the property as it pleases; rather, we comprehend the
27 nature of the State's ownership as a retention of such authority
28 to assure the continued existence and beneficial application of
29 the resource for the common good."; and
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31 WHEREAS, the Legislature recognizes the kinship and shared
32 essential cultural value of the protection of water between the
33 indigenous peoples of North America and the Hawaiian
34 archipelago; now, therefore,
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36 BE IT RESOLVED by the House of Representatives of the
37 Twenty-ninth Legislature of the State of Hawaii, Regular Session
38 of 2017, the Senate concurring, that the Legislature expresses
39 its support of the Standing Rock Sioux Tribe and its opposition
40 to any actions, including the construction of the Dakota Access
41 Pipeline, that threaten the Tribe, its access to clean water,
42 the preservation of its sacred and important lands, and the
43 continued existence of its culture, people, and nation; and
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1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Chairman of the
3 Standing Rock Sioux Tribal Council, President of the United
4 States, Assistant Secretary - Indian Affairs of the Department
5 of the Interior, Omaha District Commander of the Army Corps of
6 Engineers, and members of Hawaii's Congressional delegation.

