

---

---

## HOUSE 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 to terminals and refineries along  
6 the Gulf of Mexico; and  
7

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  
12

13           WHEREAS, it is projected that transport via the Pipeline  
14 would 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  
17

18           WHEREAS, a section of the Dakota Access Pipeline is  
19 designed to cross lands claimed by the Standing Rock Sioux Tribe  
20 which contain both sacred sites and Lake Oahe, the primary  
21 source of clean drinking water for the Standing Rock Sioux  
22 Tribe's reservation land; and  
23

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  
28

29           WHEREAS, the construction, maintenance, and operation of  
30 the Dakota Access Pipeline are projected to have major  
31 disruptive effects on both the supply of clean water and the  
32 preservation and use of lands and sites that are historically



1 and culturally important to indigenous peoples located on or  
2 originating from the areas surrounding the Pipeline's route; and  
3

4 WHEREAS, the critical importance of access to clean water,  
5 for both practical and spiritual reasons, is a value that is  
6 shared between the indigenous peoples of the American West and  
7 Native Hawaiians; and  
8

9 WHEREAS, historical Hawaiian tradition and the  
10 jurisprudence of the contemporary State of Hawaii both recognize  
11 the right to access clean water as fundamental and subject to  
12 the highest standards of protection for present and future uses;  
13 and  
14

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 State Supreme Court found that, by the reservation to the King  
18 of ownership of the surface waters in the Hawaiian kingdom, "a  
19 public trust was imposed upon all the waters of the kingdom" and  
20 "the public interest in the waters of the kingdom was understood  
21 to necessitate a retention of authority and the imposition of a  
22 concomitant duty to maintain the purity and flow of our waters  
23 for future generations and to assure that the waters of our land  
24 are put to reasonable and beneficial uses. This is not  
25 ownership in the corporeal sense where the State may do with the  
26 property as it pleases; rather, we comprehend the nature of the  
27 State's ownership as a retention of such authority to assure the  
28 continued existence and beneficial application of the resource  
29 for the common good."; and  
30

31 WHEREAS, in recognition of the kinship and shared essential  
32 cultural value of the protection of water between the indigenous  
33 peoples of North America and the Hawaiian archipelago; now,  
34 therefore,  
35


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, that the Legislature expresses its support of the  
39 Standing Rock Sioux Tribe and its opposition to any actions,  
40 including the construction of the Dakota Access Pipeline, that  
41 threaten the Tribe, its access to clean water, the preservation



1 of its sacred and important lands, and the continued existence  
2 of its culture, people, and nation; and

3  
4 BE IT FURTHER RESOLVED that certified copies of this  
5 Resolution be transmitted to the Chairman of the Standing Rock  
6 Sioux Tribal Council, President of the United States, Assistant  
7 Secretary - Indian Affairs of the Department of the Interior,  
8 Omaha District Commander of the Army Corps of Engineers, and  
9 members of Hawaii's Congressional delegation.

10  
11  
12

OFFERED BY:   
Richard Lujan  
Mark Syrett  
Chen Loh  
Wade E. Lunn  
Tom B...  
OO

MAR - 9 2017