

**Papahānaumokuākea**  
**Native Hawaiian Cultural Working Group**  
Hui Manamana

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192nd CM

August 30, 2022

Western Pacific Regional Fishery Management Council  
1164 Bishop St., Suite 1400  
Honolulu, HI 96813

Re: Fishing regulations for the Papahānamokuākea Marine National Monument (PMNM)  
Expansion Area and proposed sanctuary

Aloha mai e WPRFMC,

This letter is written testimony submitted by the Papahānaumokuākea Native Hawaiian Cultural Working Group (CWG) for the drafting of fishing regulations by WPRFMC for the Papahānamokuākea Marine National Monument (PMNM) Expansion Area and proposed sanctuary. The CWG is a group of Native Hawaiians that have deep connections and historical ties to PMNM through a living pilina (relationship) bound by genealogy, cultural protocols, and values building contemporary multi-disciplinary research and practice. Our group is made up of kūpuna (elders), researchers, cultural practitioners, educators, and community members. We have been actively engaged in caring for these islands and waters for the past 22 years as the Native Hawaiian community voice for the region giving advice to the Monument Management Board through the Monument co-manager and co-trustee, the Office of Hawaiian Affairs. The development of the proposed fishing regulations for the PMNM expansion areas –especially with regard to how fishing is defined in PMNM–raises some important issues and concerns for us. In particular, we are concerned about how non-commercial fishing in the Monument might potentially take the form of Customary Exchange, a non-traditional form of fishing for Hawai‘i, especially when considering the region of the Northwestern Hawaiian Islands. Additionally, we offer comments on the use of “Research Fishing” also being defined under non-commercial fishing.

**DISCUSSION:**

Customary Exchange is the practice used to describe the non-commercial trade of fish for other goods and services between community members in the Pacific Islands (Severance 2010). It is defined as the “non-market exchange of marine resources between fishermen and community residents... for goods, and/or services for cultural, social, or religious reasons... [It] may include cost recovery through monetary reimbursements and other means for actual trip expenses... that may be necessary to participate in fisheries in the western Pacific.” (Leong 2021). It is often argued by proponents of this idea that it serves as a way for island peoples to maintain a sense of cultural continuity from their past into the present. Viewed as a form of traditional fishing, there are two areas from which this concept is codified in the Pacific: Rose Atoll Marine National Monument and the Marianas Trench Marine National Monument. In both of these situations, researchers have argued that there are traditional fishing practices that historically occurred for personal, cultural, and community benefit. These practices led to the informal exchange of

marine resources and a variety of types of transactions that fit the customary exchange definition (Kotowicz & Richmond 2013).

Noting the use of Customary Exchange in those regions of the Pacific, we commend the Council's effort to include the needs of those areas' native communities. With regards to Papahānaumokuākea, the idea of Customary Exchange is an extractive process considered harmful and incompatible with the known traditions specific to this region—an area customarily deemed kapu or off-limits to fishing other than for the traditional practice of harpooning ulua or giant trevally from shore to be dried and shared with the aboriginal communities on Ni‘ihau and Kaua‘i.

Specifically, within the definition of Customary Exchange that is of particular concern is the idea of cost recovery through monetary reimbursement. It is stated in the proposed language that it “shall not exceed the actual fishing trip expenses related to ice, bait, fuel, or food.” While this definition is non-market it still involves financial transactions allowing for potential, unscrupulous exploitation. According to 50 C.F.R. § 665.12, Commercial fishing means fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter, or trade.

The way the proposed language is written allows for any Hawai‘i resident to fish in this region. The Hawaiian historical record and oral histories suggest that this region was considered “‘āina akua,” or lands of our ancestral gods, which people only visited for important traditions, and spiritual purposes (Kikiloī 2010, 2012). Due to the deep spiritual significance and marginal nature of this remote region, people visiting exercised a higher degree of restraint to not leave a lasting impact on the land and sea. Moreover, travel to this region was not motivated by the need to fish and bring back resources that could be then shared among home communities. Fishing in this region was noted to be a sustenance practice incidental to the primary purpose of these trips which the kūpuna termed- holo moana (the practice and lifestyle of seafaring) (Maly 2003).

With regards to the proposed “Research Fishing”, we would like to comment that there is already a permit category for Research activities, governed by the rules, regulations, and policies set forth by the Monument Management Board and the Findings of 50 C.F.R. § 404. It is recommended that any Research activity, including those related to fishing, be discussed with PMNM Co-managers and their advisory bodies to determine if the activity meets the research needs of management. Under this structure, if there is any fishing conducted under a Research permit, any consumption of fish must be done in conjunction with Research or a Native Hawaiian Practices permit, and be consumed in PMNM only. We currently agree with this system and would like to see it continue in its entirety or similar form.

With this in mind, we support the current definition of sustenance fishing as a Native Hawaiian practice. It is a specific concept applied to the original PMNM boundary waters described as “... fishing for bottom or pelagic species in which all catch is consumed within the Monument, and that is incidental to an activity permitted under this part” (50 C.F.R Sect. 404.3). This definition was developed through consultation and interviews with many of the kūpuna who had connections to the region, many of which were early members of the CWG. In that spirit, it is the most appropriate form of non-commercial fishing for the region.

## CONCLUSION:

In closing, it is our position that the current sustenance fishing definition is the closest to meeting Native Hawaiian traditions and values for this place. Recently, this position was reaffirmed in a Native Hawaiian community workshop organized with OHA in November 2021 (Papahānaumokuākea CWG 2021 NH Workshop 2021 Report). Of the 60 participants that represented different organizations and gave input at the workshop, all supported these ideas:

- Traditionally this region was seen as ‘āina akua (lands of the ancestral gods). This defines a different relationship we need to maintain with this place.
- Any fishing that occurs there must be non-commercial and align with Native Hawaiian traditions for this specific region.
- The idea of Cultural Exchange is not appropriate for this specific region.
- The relationship with the ocean must be reciprocal with the place and more focus should be on the symbolic “feeding” and making it abundant (hānai a ‘ai), rather than extraction.
- It is appropriate for any fish caught through traditional fishing to be eaten in the place but it should not be brought back home.

In addition, we emphasize that any extraction of fish, including those caught for research, be led by Native Hawaiians conducting activities in Papahānaumokuākea; whether it occurs under the current permitting structure of a Native Hawaiian Practices permit, or similar permitting system.

Kānaka ‘Ōiwi voices have always shared how fragile these ecosystems are despite the appearance of abundant fish stocks. The rich legacy of protecting the northwestern Hawaiian region has shaped conversations about Native Hawaiian fishing rights within the Sustainable Resources Group, the Reserve Advisory Council, as well as at numerous Native Hawaiian workshops over the years. On many of these occasions, it has been emphasized in spades that *“kuleana is a responsibility and a privilege, not a right.”* And those same sentiments were accentuated during the most recent workshop in 2021. This kuleana (privilege) is anchored in the maintenance of accountable and sustainable practices that uphold a balanced and thriving community. We affirm this approach as it most appropriately aligns with the genealogy of these ancestral islands.

Please e-mail [huiamanamana@gmail.com](mailto:huiamanamana@gmail.com) if there are any questions regarding this testimony.

Sincerely,  
Hui Manamana, Papahānaumokuākea Native Hawaiian CWG  
Kekuewa Kikilo  
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Kaipulaumakaniolono Baker  
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