



Native Hawaiian Law - A Treatise, Chapter 12: Papahānaumokuākea - The Northwestern Hawaiian Islands

Melody Kapilaloha MacKenzie, Wayne Chung Tanaka

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Papahānaumokuākea, or the Northwestern Hawaiian Islands, is a vast archipelago that begins 140 miles northwest of the main Hawaiian Islands and extends across 1,200 miles of the Pacific Ocean. It contains more than five thousand square miles of pristine coral reefs and supports more than seven thousand marine species, approximately half of which are unique to the Hawaiian Island chain. Ancient Hawaiians explored, utilized, and even inhabited some of these islands prior to Western contact, and the archipelago remains a source of great cultural significance to Native Hawaiians today.

This chapter describes the changing legal status of Papahānaumokuākea from the mid-nineteenth century to the present day. It focuses particularly on the policies resulting from the archipelago's designation in 2007 as the Northwestern Hawaiian Islands Marine National Monument. The chapter outlines elements of Papahānaumokuākea's current Monument Management Plan that are designed to incorporate traditional Native Hawaiian knowledge and practices in the preservation of the archipelago's ecosystems.

Also discussed are laws affecting the islands' surrounding waters. These laws, many of which are specialized in scope and coverage, have created a complex and often overlapping jurisdictional web in which the boundaries between state and federal authority are sometimes unclear. However, Monument Management Plan has made strides in promoting Native Hawaiians' customary rights of access to both the waters and the islands of Papahānaumokuākea. This chapter explains the criteria under which permits for Native Hawaiian activities in Papahānaumokuākea are now granted.

"Papahānaumokuākea: The Northwestern Hawaiian Islands" is Chapter 12 of *Native Hawaiian Law: A Treatise*, a volume that updates and expands on the seminal work of the 1991 *Native Hawaiian Rights Handbook*. The publication is a collaborative effort of the Native Hawaiian Legal Corporation, Ka Huli Ao Center for Excellence in Native Hawaiian Law at the William S. Richardson School of Law – University of Hawai'i at Mānoa, and Kamehameha Publishing.

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