PHONE (808) 594-1888 FAX (808) 594-1938

STATE OF HAWAIʻI
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HWY., SUITE 200
HONOLULU, HAWAIʻI 96817

July 18, 2025

Via Email and Mail
Secretary Howard Lutnick
U.S. Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230
thesec@doc.gov

Via Mail
Secretary Doug Burgum
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Re: Executive Order 14726 (Apr. 17, 2025): Restoring American Seafood Competitiveness

Aloha e Secretary Lutnick and Secretary Burgum:

The Office of Hawaiian Affairs (OHA) and the Native Hawaiian Cultural Working Group (CWG) send this letter in response to a request made by an administration representative at the June 10th meeting of the Western Pacific Fishery Council (WESPAC) to hear from the Native Hawaiian community concerning Executive Order 14726, specifically with respect to the question of whether the nation's marine national monuments should be opened to commercial fishing. Mahalo (thank you) to the administration for extending this request for input directly to the Native Hawaiian community—an important step in honoring the federal government's longstanding trust responsibilities to Native Hawaiians and other Indigenous peoples, and in respecting local voices in federal decision-making.

Established pursuant to the terms of Section 5 of the Admissions Act, Pub. L. No. 86–3, § 5 (1959), and the Hawai'i State Constitution, Article XII, sections 4, 5, and 6, OHA serves as a semiautonomous agency and trust vehicle for the betterment of the conditions of Native Hawaiians. Pursuant to a Memorandum of Agreement with the Department of Commerce (DOC), Department of Interior (DOI), and the State of Hawai'i, OHA is also one of the Co-Trustees of Papahānaumokuākea Marine National Monument (PMNM). In executing its management duties with respect to PNMN, OHA consults with the CWG as a recognized group of cultural practitioners, including lawai'a (fishers), whose advocacy for protection of marine resources in the Northwest Hawaiian Islands (NWHI) predates creation of the monument. CWG members regularly access PMNM under existing permit regulations to exercise traditional practices within Papahānaumokuākea, and have deep cultural knowledge with respect to this place.

OHA and CWG oppose opening PMNM to commercial fishing for the reasons outlined below, not least of which is that the fishing community also benefits from Papahānaumokuākea's protected status. The benefits marine protected areas generate for fishers were recently verified through a scientific study describing the "spillover" effects of protections in Papahānaumokuākea for ahi (bigeye tuna) catch and yellowfin tuna catch.[1] Moreover, as recommended by OHA, the PMNM boundary was explicitly established to ensure continued access by fishers to the most well-used fishing ground in the areas during the boundary expansion negotiations. PMNM represents a proud part of our national and cultural heritage and should remain protected, while common sense, state-led solutions—like enhancing "country of origin" labeling—are advanced to strengthen support for U.S. commercial fishers.

Native Hawaiian Support for Protecting Papahānaumokuākea

PMNM, established by President George Bush in 2006, encompasses the NWHI that were ceded to the United States after the overthrow of the Hawaiian Kingdom in 1893, and returned to the State of Hawai'i in 1959, except for Midway Atoll (Kuaihelani) which is federal property.[2] *See* Presidential Proclamation 8031, 71 Fed. Reg. 36,443 (Jun. 26 2006), as amended by Presidential Proclamation 8112 of February 28, 2007. 72 Fed. Reg. 10,031 (Mar. 6, 2007) (renaming the monument). On August 26, 2016, President Barack Obama expanded PMNM's boundaries to the limits of the United States Exclusive Economic Zone (EEZ), or 200 miles, through Presidential Proclamation 9478, further protecting this unique open ocean ecosystem, which constitutes an important cultural, physical, and spiritual landscape for Native Hawaiians. *See* Presidential Proclamation 9478 of August 26, 2016. 81 Fed. Reg. 60,227 (Aug. 31, 2016).

Early efforts to limit commercial fishing in Papahānaumokuākea were led by Native Hawaiian fishers who had fished in the NWHI as early as the 1940s, and personally observed the negative impacts even a small number of commercial fishers can cause in this highly nutrient constricted environment. In an oral history compiled in 2003, Uncle Louis "Buzzy" Agard (one of the original members of WESPAC who observed the collapse of multiple fisheries and fish populations in the NWHI) explained his support for establishing a refuge and later the monument stating:

---

[1] Sarah Medoff et al., *Spillover benefits from the world's largest fully protected MPA*, 378 SCIENCE 313, (2022); *see also* John Lynham et al., *Impact of two of the world's largest protected areas on longline fishery catch rates,* 11 NATURE COMMUNICATIONS 979 (2020).

[2] OFFICE OF HAWAIIAN AFFAIRS, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. FISH AND WILDLIFE SERVICE, AND STATE OF HAWAI'I. MAI KA PŌ MAI: A NATIVE HAWAIIAN GUIDANCE DOCUMENT FOR PAPAHĀNAUMOKUĀKEA MARINE NATIONAL MONUMENt 17 (2021) (hereinafter "Monument Management Plan").

> So, I guess I'm one of the guys who thought I was going to be smart and go out there where it was pristine, and found out otherwise. And actually, I fished myself out of a job. So I can bring that back and tell people, "This is what happened." ... Maly (Oral Interview).[3]

Uncle Buzzy lived long enough to see Papahānaumokuākea protected first as refuge and reserve by President Bill Clinton, and later as a monument established by President George Bush.

On January 29, 2015, a group of seven prominent Native Hawaiian community leaders, including former OHA Chief Executive Officer Kamana'o Crabbe and CWG member Kekuewa Kikiloi, sent a letter to President Barack Obama asking him to expand the monument, helping to galvanize momentum in support of expansion to the full extent of the EEZ. As highlighted in the letter, "[w]hile the current boundary of Papahānaumokuākea includes vital habitat for a number of species, it does not fully protect habitat and travel routes for several species including Hawaiian Monk Seals, green sea turtles, sharks, whales, Black-footed and Laysan Albatrosses as well as other species."[4] These species are not only central to traditional Native Hawaiian navigation and cultural practices, but also play a vital role in supporting Hawai'i's nature-based tourism economy and broader maritime heritage.

On May 26, 2016, the OHA Board of Trustees voted to conditionally support the proposed expansion of Papahānaumokuākea provided that: (1) OHA was elevated to a Co-Trustee position; (2) the cultural significance of the expansion area to Native Hawaiians was recognized; and, (3) there was no boundary expansion southeast towards the islands of Ni'ihau and Kaua'i. OHA imposed the final condition explicitly to protect fishers from these islands who have the most direct lineal and historical connections to fishing in the NWHI, and who wanted to ensure continued access to the most well-used fishing grounds in the area. The current boundaries and management structure for PMNM are compliant with the conditions OHA expressed in 2016 and meet the express demands of the small-scale fishers most directly affected by the monument expansion.

The Monument Management Plan, *Mai Ka Po Mai*, memorializes the foundational role of Native Hawaiian knowledge in modern management activities while recognizing the unique significance that Papahānaumokuākea holds for Native Hawaiians:

---

[3] MALY, KEPA & MALY, ONAONA, VOLUME II–ORAL HISTORY INTERVIEWS: KA HANA LAWAI'A A ME NĀ KO'A O NA KAI 'EWALU: A HISTORY OF FISHING PRACTICES AND MARINE FISHERIES OF THE HAWAIIAN ISLANDS 1127-1207 (The Nature Conservancy of Hawai'i & Kumu Pono Associates, LLC 2003).

[4] The full text of the letter is publicly available in an online news article (https://www.civilbeat.org/2016/02/should-obama-expand-papahanaumokuakea/).

> Papahānaumokuākea is a sacred place that supports a diversity of life, including hundreds of native species and the largest extent of coral reefs in the archipelago. The ancient belief system of Hawai'i still exists and acknowledges the island of Mokumanamana [Necker Island] as the potent portal that presides at the boundary between pō and ao. This boundary is the northern limit of the sun's journey on the horizon, the Tropic of Cancer, reverently referred to as Ke Alanui Polohiwa a Kāne, the dark glistening path of Kāne . . . Kānaka Maoli believe that when people pass away, their spirits travel to portals, called leina, located on each inhabited island of Hawai'i. From these portals spirits embark on a journey out of ao and west to pō.

Monument Management Plan, *supra* note 2, at 8. All permittees granted access to PMNM receive a brief training on the cultural and historical significance of the area to the Native Hawaiian community prior to entering the monument.

Limited Historical Fishing in the NWHI

Traditionally, Native Hawaiians traveled to the NWHI for sustenance fishing on rare occasions.[5] Pelika Andrade, member of the CWG, explains "Native Hawaiian relationships with the world around us are familial and based on reciprocity. Fishing outside of the ahupua'a (land division) and the localized areas we call home is not Hawaiian."

In more modern times, before the establishment of PMNM, fishing in the NHWI was extremely limited, yet highly destructive. The lobster population of the NHWI faced a massive decline during 1983 and 1987 due to the lobster fishery, forcing an emergency closure in 1991 and permanent closure in 2000.[6] In that same year, shark populations also took a massive hit by a single commercial fishing vessel that pursued a short-lived operation in the NWHI. Within just 21-days, the vessel killed 990 sharks.[7]

As of 2014, only 5% of longline fishing was taking place in the NWHI.[8] Not surprisingly, the Hawaiian longline tuna fishery experienced no measurable negative economic impact from expansion of PMNM. On the contrary, studies show that key performance metrics—such as Catch Per Unit Effort and total revenue—increased by approximately 13.7% in the period from 2014 to 2017 compared to the years 2010 through

---

[5] MALY, KEPA & MALY, ONAONA, *supra* note 3, at 1148–78.

[6] OFFICE OF NATIONAL MARINE SANCTUARIES, PAPAHĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT CONDITION REPORT 2009 at 17 (2009) .

[7] *Id.* at 18.

[8] PACIFIC ISLAND FISHERIES SCIENCE CENTER, THE HAWAII-BASED LONGLINE LOGBOOK SUMMARY REPORT FOR JANUARY THROUGH DECEMBER 2014, at 1 (2015), *available at* https://www.fisheries.noaa.gov/resource/data/hawaii-longline-logbook-reports-2014 (hereinafter 2014 Logbook).

2013.[9] These findings directly contradict earlier predictions from longline advocates of significant economic harm and instead highlight the benefits of responsible marine stewardship.

Opposition to Reopening the Monument to Commercial Fishing

As a matter of first principles, OHA and the CWG oppose reopening PMNM for commercial fishing but are not opposed to fishing as a practice. Importantly, Native Hawaiian stewardship models recognize that human activity, when conducted in a pono (proper and responsible) manner, can strengthen ecosystems—offering a practical, values-based alternative to conventional conservation models that often view human activity as inherently harmful and dangerous to nature. Nonetheless, in this instance, Papahānaumokuākea more appropriately serves the Native Hawaiian community and the State of Hawai‘i as a pu‘uhonua (a place of refuge) rather than a commercial fishing ground for the following primary reasons:

1. The NWHI is a unique ecosystem, which untouched may help serve as a seed population to restore depleted fish populations in the MHI (which is also uniquely vulnerable to collapse);
2. Threatened and endangered species with significance to Native Hawaiian culture depend upon the NWHI as a breeding ground and have separate economic value in Hawai‘i’s nature-based tourism economy; and,
3. There are other less harmful ways to support Hawai‘i’s struggling longline fleets than allowing access to fishing grounds that were historically not highly utilized by the longline fishing industry.

A Pu‘uhonua for Overfished Species

As noted above, recent scientific papers have documented the benefits of marine protected areas for population replenishment of migratory fish like tuna, which benefits the commercial fishing industry through the spillover effects of fish moving outside the protected area. However, while the NWHI can serve as a seeding ground for large migratory fish under the right conditions, this ecosystem is also uniquely vulnerable to collapse. Early fisheries in lobster and bottomfish resulted in severely depleted populations and were not viable for long term sustainable yield.[10]

---

[9] John Lynham et al., *Impact of two of the world’s largest protected areas on longline fishery catch rates,* 11 NATURE COMMUNICATIONS 979 (2020).

[10] *See, e.g.*, Fisheries off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; 2001 Bank-specific Harvest Guidelines, 66 Fed. Reg. 11,156 (Feb. 22, 2001) (noting closure of lobster fishery in 2000); Fisheries Off West Coast States and in the Western Pacific; Western Pacific Bottomfish and Seamount Groundfish Fishery; Fishing Moratorium**,** 69 Fed. Reg. 51400 (Aug. 19, 2004) (extending moratorium on fishing in NWHI Bottomfish and Seamount Groundfish Fishery).

Commercial fishing—particularly longlining and the significant amounts of bycatch caused thereby—poses measurable risks to the unique ecosystem of Papahānaumokuākea. The Hawaii-based Longline Logbook Summary Report for January through December 2014, a few years before the monument expansion was implemented, shows that for every three tuna caught in the NWHI fishery, one shark was hooked as bycatch.[11] For bigeye tuna, the bycatch rate increases to 2:1, showing the immense harm caused by longlining in this environment.[12] Papahānaumokuākea's fish biomass is 54% apex predator, compared to only 3% in the MHI, where commercial fishing has occurred more intensely and for a longer period of time. Papahānaumokuākea is an important biological and cultural reservoir which we are only beginning to understand, as historically recognized by WESPAC in recommending a no fishing zone within 50 nautical miles of the shoreline.[13] Preserving this balance is not only vital for long-term ecosystem health, but also for future economic opportunities tied to science, education, and tourism.

Threatened Species Benefit Hawai'i's Tourism Economy

Many other species that depend on the NWHI for breeding grounds (monk seals, turtles) are keystone species in Hawai'i's tourism-based economy which is driven by both Hawai'i's renowned natural beauty and unique host culture. Ninety percent of green sea turtles nest in the NWHI[14] and the overwhelming majority of the monk seal population still lives and reproduces there as well.[15] Both of these "charismatic" species are well-known and highly visible tourist attractions. Tourism comprises approximately **roughly 23%** of Hawai'i's economy—generating around **$20.87 billion** in visitor spending annually (based on 2023 data with continued growth in 2025).[16] In contrast, the entire Hawai'i-based

---

[11] 2014 Logbook, *supra* note 8, at 5.

[12] *Id.* at 5.

[13] WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL, HISTORY OF THE FISHERIES IN THE NWHI, https://www.coris.noaa.gov/activities/resourceCD/resources/nwhi_fisheries_b.pdf.

[14] George H. Balazsa et al., *Thirty-year recovery trend in the once depleted Hawaiian green sea turtle stock,* 117 BIOLOGICAL CONSERVATION 491 (2004).

[15] NOAA Fisheries, Hawaiian Monk Seal, https://www.fisheries.noaa.gov/species/hawaiian-monk-seal (last visited Jul. 18, 2025).

[16] STATE OF HAWAI'I DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, 2023 ANNUAL VISITOR RESEARCH REPORT 2 (2024), *available at* https://www.hawaiitourismauthority.org/media/13190/2023-annual-report-final.pdf; STATE OF HAWAI'I DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, Tourism and Hawaii Economy 1 (2024), *available at* https://files.hawaii.gov/dbedt/economic/data_reports/download/Tourism%20and%20Hawaii%20Economy_Dec2024.pdf.

longline fishery brings in about **$120 million** annually[17]—supporting only a small share of jobs and economic output compared to tourism (149 boats currently registered with permits). [18]

Other Approaches to Support Commercial Fishing

OHA and the CWG support approaches to assisting Hawai‘i’s commercial fishers consistent with time and area restrictions that protect vulnerable species and ecosystems, including the ban on commercial fishing in Papahānaumokuākea. One of the most promising policy approaches is to ensure country of origin labeling so that American flagged fishing vessels (operating in both state and federal waters) are not forced to compete with foreign fleets that are not subject to the same health, safety, and environmental regulations as American fleets.

The Hawai‘i State legislature passed one such bill this past session to ensure country of origin labeling for processed raw ahi (namely poke) so that residents and visitors to Hawai‘i can choose to spend their money on fish landed in Hawai‘i by local fishers, rather than foreign fleets.[19] Additional federal efforts to support country of origin labeling could help Hawai‘i’s fishing fleets capture the significant value-add of American caught fish in markets outside the State where Hawai‘i-landed fish is also sold. Significantly, revenue dropped for the deep-set (tuna) longline fleet in 2023 despite catching more fish due to a drop in prices widely attributed to competition with foreign fleets.[20]

In conclusion, OHA and the CWG support the development of economic policies grounded in local knowledge and representative of the unique set of concerns that arise with respect to natural resource management in the Hawaiian Islands. Given the significant concerns that OHA and the CWG have with the position taken by WESPAC as outlined above we ask that the Secretaries undertake formal consultation with the Native Hawaiian community as part of the review process for Executive Order 14726. We believe that formal public consultation is important and appropriate given the gravity of our concerns

---

[17] WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL, STATUS OF THE FISHERIES 2023, https://www.wpcouncil.org/wp-content/uploads/2024/08/WPRFMC_StatusoftheFisheries_2023_WEB.pdf.

[18] *See* NOAA Fisheries, Pacific Islands Current Fishing Permit Holders, https://www.fisheries.noaa.gov/pacific-islands/resources-fishing/pacific-islands-permit-holders#hawaii-longline-limited-entry.

[19] Act 238 will prohibit the sale of “raw processed” tuna (yellow tail or bigeye) without a label stating where it was landed. *See* HB 534 HD1 SD1 CD 1, 33rd Leg, Reg. Sess. (2025).

[20] Press Release, Western Pacific Regional Fishery Council, Hawai‘i Longline Fishery Sees Revenue Decline in 2023 Due to Drop in Fish Prices at Honolulu Fish Auction (Jun. 7 2024), https://www.wpcouncil.org/press-release-hi-longline-fishery-sees-revenue-decline-in-2023-due-to-drop-in-fish-prices-7-june-2024/.

and the breadth and depth of community interests that the decision to open Papahānaumokuākea to commercial fishing would affect. We also welcome further direct consultation with OHA and the CWG.

Very Sincerely,

Kaialiʻi Kahele
Chairperson, Board of Trustees
Office of Hawaiian Affairs
Co-Trustee, Papahānaumokuākea
Marine National Monument

/s/Kekuewa Kikiloi
/s/Pelika Andrade
Co-Chairs, Native Hawaiian Cultural
Working Group

CC: Eugenio Piñeiro Soler, Director, NOAA, National Marine Fisheries Services,
Vice Admiral Nancy Haan, Deputy Undersecretary for Operations, NOAA
Paul Souza, Acting Director, U.S. Fish and Wildlife Service
Eric Roberts, Superintendent, Papahānaumokuākea Marine National Sanctuary
Jared Underwood, Superintendent, Papahānaumokuākea Marine National Monument
Dawn Chang, Chair, Hawaiʻi Board of Land and Natural Resources