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# A BILL FOR AN ACT

RELATING TO MOKAUEA ISLAND.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. In Keehi Lagoon, between Honolulu harbor and  
2 the Honolulu International Airport and less than half a mile  
3 from the bustling metropolis of downtown Honolulu, lies the  
4 small, ten acre Mokauea island. Maps dating as far back as 1817  
5 show the fishing village at Mokauea island, the site of Oahu's  
6 last Hawaiian fishing village and one of hundreds that thrived  
7 in pre-European times. These villages were a repository of an  
8 impressive and significant body of maritime skills including  
9 knowledge of the sea, currents, tides, seasonalities, and the  
10 building and handling of finely crafted canoes and fishing  
11 equipment.

12           Mokauea island's fishing community was once entirely self-  
13 sufficient due to a functional fishpond, cultivation of  
14 vegetable and medicinal plants, as well as limu, and a healthy  
15 supply of reef fish in the surrounding area. However, in 1972,  
16 the State attempted to evict the remaining seventeen families  
17 from Mokauea in order to build an airport runway extension.

18 Several fishermen were arrested for trespassing on land their



1 families had lived on for generations. In June of 1975, in a  
2 final eviction attempt, the State burned down five fishermen's  
3 homes. These actions were recorded by local media and,  
4 following a public outcry, the State negotiated a sixty-five  
5 year lease with the islanders in 1978, agreeing to let them stay  
6 if they would rebuild their houses according to the building  
7 code and establish an educational program for local students to  
8 learn about traditional fishing and the reef environment. The  
9 United States Navy provided labor and machinery to construct a  
10 fishpond on the eastern side of the island and consultants from  
11 the University of Hawaii helped island residents stock it.

12 The fishermen and their families rebuilt their homes, and  
13 the Mokauea Fishermen's Association began their work restoring  
14 and reviving the fishing village with the cooperation of the  
15 United States Army and groups of students, teachers, scholars,  
16 and scientists. Over the next thirty years, the fishpond faced  
17 challenges ranging from invasive species to pollution and was  
18 ultimately abandoned. Similarly, the Mokauea community's plans  
19 to rejuvenate the island have faced many obstacles since that  
20 time. Costs of rebuilding together with the high cost of living  
21 in Honolulu generally have forced many families off the island.  
22 By 2005, only a handful of families remained on the island and



1 none possessed the financial or time resources needed to set up  
2 an educational program or the needed facilities without  
3 assistance.

4       Since 2005, Kai Makana, a not-for-profit, tax exempt  
5 corporation, has been leading the effort to environmentally and  
6 culturally restore Mokauea Island. Adopting the original vision  
7 of the Mokauea Fishermen's Association, its goal is to recreate  
8 a living example of a traditional Hawaiian subsistence fishing  
9 village as a learning center that will allow for scientific  
10 studies and the perpetuation and practice of Hawaiian fishing  
11 and seafaring culture. Projects planned or underway include  
12 clearing of invasive species, identification and reintroduction  
13 of appropriate native plants, restoration of the fishpond, and  
14 regular removal of marine debris. Infrastructure is also being  
15 planned, including renewable energy systems, water production,  
16 wastewater and solid waste management, a community organic  
17 garden, telecommunications, and security. These efforts are  
18 being supported by a diverse collection of community members,  
19 schools, private businesses, and government agencies, who share  
20 an interest in preserving Mokauea as a unique Hawaiian fishing  
21 village.



1           The purpose of this Act is to facilitate creation of an  
2 educational center where students, teachers, and other members  
3 of the public can learn the traditional methods used in a self  
4 sustaining Hawaiian fishing village.

5           SECTION 2. Notwithstanding any other law to the contrary,  
6 including chapter 171, Hawaii Revised Statutes, the department  
7 of land and natural resources is authorized to renegotiate and  
8 enter into long-term residential leases for lands comprising the  
9 entirety of what is commonly known as Mokauea Island, Keehi  
10 Lagoon, Oahu, not to exceed sixty-five years in duration, with  
11 persons who reside and have continuously resided on Mokauea  
12 Island, or the lineal descendants of those who reside and have  
13 continuously resided on Mokauea Island, since July 25, 1978,  
14 pursuant to a lease between the State and the Mokauea  
15 Fishermen's Association, now known as the Mokauea Fishing  
16 Village Association.

17           SECTION 3. In consideration of the leases granted by the  
18 State pursuant to this Act, in cooperation with the department  
19 of land and natural resources and with the guidance of the  
20 Mokauea island advisory committee established pursuant to  
21 section 5, lessees agree to participate in, and become an  
22 essential part of, an educational center where students,



1 teachers, and other members of the public can learn the  
2 traditional methods used in a self sustaining Hawaiian fishing  
3 village. The department of land and natural resources shall  
4 establish a monitoring system and enforcement mechanism to  
5 insure compliance with these agreements and may adopt rules  
6 pursuant to chapter 91, Hawaii Revised Statutes, for these  
7 purposes.

8 SECTION 4. The leases under this Act shall be exempt from  
9 all statutes, ordinances, charter provisions, and rules of any  
10 governmental agency related to zoning and construction standards  
11 for subdivisions, the development and improvement of land, and  
12 the construction of units thereon; provided that the department  
13 of land and natural resources determines that the exemptions are  
14 consistent with the purposes of this Act and the leases meet  
15 minimum requirements for health and safety.

16 SECTION 5. (a) There is established the Mokauea island  
17 advisory committee, which shall:

18 (1) Advise the department of land and natural resources on  
19 matters related to the management of leases under this  
20 Act, including eligibility requirements for applicants  
21 for leases and the monitoring of lessee compliance  
22 with participation in the interpretive programs; and



1           (2) Provide guidance to the lessees in fulfilling their  
2           obligation to participate in the interpretive and  
3           caretaking programs on Mokauea island.

4           (b) The advisory committee shall consist of seven members  
5 appointed without regard to section 26-34, Hawaii Revised  
6 Statutes, as follows:

7           (1) One member representing the department of land and  
8           natural resources, as designated by the chairperson of  
9           the board of land and natural resources;

10          (2) Two members of the Mokauea Fishing Village  
11          Association, as designated by the association;

12          (3) One member representing Kai Makana, as designated by  
13          the governor;

14          (4) One member of the Native Hawaiian Legal Corporation,  
15          as designated by the corporation; and

16          (5) One member of the board of trustees of the office of  
17          Hawaiian affairs, as designated by the board.

18          SECTION 6. The department of land and natural resources  
19 shall have exclusive authority on Mokauea island to enforce  
20 criminal laws, except as that authority may be delegated to, or  
21 shared with, another state or county law enforcement agency  
22 pursuant to a memorandum of understanding or other agreement.



# H.B. NO. 1675

1 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:

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**Report Title:**

Mokauea Island

**Description:**

Authorizes DLNR to renegotiate leases with residents of Mokauea island to facilitate creation of an educational center where students, teachers, and other members of the public can learn the traditional methods used in a self sustaining Hawaiian fishing village. Establishes the Mokauea island advisory committee.

