

JAN 22 2010

S.B. NO. 2485

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.



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

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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.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

