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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 fishers 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 fisher'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 fishers and their families rebuilt their homes, and the  
13 Mokauea Fishermen's Association began their work restoring and  
14 reviving the fishing village with the cooperation of the United  
15 States Army and groups of students, teachers, scholars, and  
16 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 the  
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  
4 self-sustaining Hawaiian fishing village.

5           SECTION 2. Within sixty days of the effective date of this  
6 Act, the governor shall designate the state agency that shall  
7 have jurisdiction over Mokauea island for the purposes of this  
8 Act. Upon designation by the governor, "state agency" as used  
9 in this Act shall mean the state agency so designated by the  
10 governor.

11           SECTION 3. Notwithstanding any other law to the contrary,  
12 including chapter 171, Hawaii Revised Statutes, the state agency  
13 is authorized to renegotiate and enter into long-term  
14 residential leases for lands comprising the entirety of what is  
15 commonly known as Mokauea island, Keehi Lagoon, Oahu, not to  
16 exceed sixty-five years in duration, with persons who reside and  
17 have continuously resided on Mokauea island, or the lineal  
18 descendants of those who reside and have continuously resided on  
19 Mokauea island, since July 25, 1978, pursuant to a lease between  
20 the State and the Mokauea Fishermen's Association, now known as  
21 the Mokauea Fishing Village Association.



1 SECTION 4. In consideration of the leases granted by the  
2 State pursuant to this Act, in cooperation with the state agency  
3 and with the guidance of the Mokauea island advisory committee  
4 established pursuant to section 6, lessees shall agree to  
5 participate in, and become an essential part of, an educational  
6 center where students, teachers, and other members of the public  
7 can learn the traditional methods used in a self-sustaining  
8 Hawaiian fishing village. The state agency shall establish a  
9 monitoring system and enforcement mechanism to ensure compliance  
10 with these agreements and may adopt rules pursuant to chapter  
11 91, Hawaii Revised Statutes, for these purposes.

12 SECTION 5. The leases under this Act shall be exempt from  
13 all statutes, ordinances, charter provisions, and rules of any  
14 governmental agency related to zoning and construction standards  
15 for subdivisions, the development and improvement of land, and  
16 the construction of units thereon; provided that the state  
17 agency determines that the exemptions are consistent with the  
18 purposes of this Act and the leases meet minimum requirements  
19 for health and safety.

20 SECTION 6. (a) There is established the Mokauea island  
21 advisory committee, which shall:



- 1           (1) Advise the state agency on matters related to the  
2           management of leases under this Act, including  
3           eligibility requirements for applicants for leases and  
4           the monitoring of lessee compliance with participation  
5           in the interpretive programs; and
- 6           (2) Provide guidance to the lessees in fulfilling their  
7           obligation to participate in the interpretive and  
8           caretaking programs on Mokauea island.
- 9           (b) The advisory committee shall consist of six members  
10          appointed without regard to section 26-34, Hawaii Revised  
11          Statutes, as follows:
- 12           (1) One member representing the state agency, as  
13           designated by the director or chairperson of that  
14           state agency;
- 15           (2) Two members of the Mokauea Fishing Village  
16           Association, as designated by the association;
- 17           (3) One member representing Kai Makana, as designated by  
18           the governor;
- 19           (4) One member of the Native Hawaiian Legal Corporation,  
20           as designated by the corporation; and
- 21           (5) One member of the board of trustees of the office of  
22           Hawaiian affairs, as designated by the board.



1           SECTION 7. The state agency shall have exclusive authority  
2 on Mokauea island to enforce criminal laws, except as that  
3 authority may be delegated to, or shared with, another state or  
4 county law enforcement agency pursuant to a memorandum of  
5 understanding or other agreement.

6           SECTION 8. This Act shall take effect upon its approval.

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**Report Title:**

Mokauea Island

**Description:**

Authorizes a state agency, to be designated by the governor, 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.  
(SD1)

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