

JAN 23 2015

A BILL FOR AN ACT

RELATING TO HAWAIIAN FISHPONDS.

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

1 SECTION 1. The legislature finds that the repair of many
2 Hawaiian fishponds may require permits from the department of
3 land and natural resources, department of health, office of
4 planning, and federal and county governments.

5 The process of obtaining permits for the restoration of
6 Hawaiian fishponds is time consuming, complicated, confusing,
7 and varies depending on the circumstances of the applicant for
8 the permit. The existing regulations and permit requirements
9 often preclude community organizations and native Hawaiian
10 aquaculturists from restoring and maintaining Hawaiian
11 fishponds.

12 The State has the ability to streamline the permitting
13 process and promote interagency cooperation to facilitate
14 efforts to restore fishponds and lease fishponds to cultural and
15 familial descendants. However, for the past thirty years, the
16 State has not led a comprehensive initiative to streamline the
17 permitting process for restoration of Hawaiian fishponds.



1 The restoration and reuse of Hawaiian fishponds provide an
2 opportunity to increase supplies of certain fish, which will
3 make Hawaii more food secure and increase sustainable economic
4 development opportunities for rural communities.

5 The legislature further finds that it has taken up to ten
6 years to obtain a water clarification certification from the
7 department of health that is required before the restoration of
8 a Hawaiian fishpond pursuant to section 91-13.5, Hawaii Revised
9 Statutes. Ten years is unreasonable, is inconsistent with the
10 intent of section 91-13.5, Hawaii Revised Statutes, and results
11 in delaying the State's initiatives.

12 In 2013, the department of land and natural resources
13 completed a programmatic environmental assessment and issued a
14 finding of no significant impact with regard to the restoration,
15 repair, maintenance, and reconstruction of traditional Hawaiian
16 fishponds. This study found that the Hawaiian fishpond program
17 would have minor to negligible adverse effects to water quality.
18 Additionally, the department of land and natural resources
19 office of coastal and conservation lands would be tasked with
20 oversight of the Hawaiian fishpond project. That office would
21 work closely with the United States Army Corps of Engineers to



1 monitor the approved best management practices and conditions
2 approved by the department of land and natural resources in 2014
3 with regard to the master conservation district use permit
4 requirements.

5 The purpose of this Act is to improve the State
6 government's efficiency in the water clarification certification
7 process, without diminishing the State's environmental controls
8 on water pollution.

9 SECTION 2. Section 342D-6.5, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "[+]§342D-6.5[+] **Hawaiian fishponds.** (a) The department
12 shall process applications for permits and water quality
13 certifications for the reconstruction, restoration, repair, or
14 reuse of any Hawaiian fishpond as defined in section 183B-1
15 before all other permits and certifications. The director shall
16 render a decision on the completeness of any application for
17 that permit or water quality certification within thirty days of
18 receipt. Applications for fishpond reconstruction, restoration,
19 or repair that are incomplete shall be denied without prejudice.
20 The director shall render a decision on any complete application



1 for a permit or water quality certification for any fishpond
2 within one hundred fifty days.

3 (b) Any project for which a notice of authorization to
4 proceed has been issued by the department under a statewide
5 programmatic general permit for the reconstruction, restoration,
6 repair, or reuse of a traditional fishpond system shall be
7 exempt from being required to obtain a permit under this
8 chapter.

9 (c) As used in this section, "water quality certification"
10 means certification from the State pursuant to section 401 of
11 the Federal Water Pollution Control Act of 1972, P.L. 92-500 (33
12 U.S.C. §§1251-1387), as amended."

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.
16

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S.B. NO. 537

Report Title:

Hawaiian Fishpond Projects; Waiver of Permitting Requirements

Description:

Provides that a project possessing a notice to proceed pursuant to a permit issued for the reconstruction, restoration, repair, or reuse of a Hawaii fishpond shall be exempt from the permit requirements of chapter 91, Hawaii Revised Statutes.

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