

JAN 20 2023

A BILL FOR AN ACT

RELATING TO FISHPONDS.

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

1 SECTION 1. Historically, government-owned fishponds were
2 subjected to an extensive permitting process that required large
3 amounts of resources and time to secure. To resolve this
4 problem, in 2015, the department of land and natural resources'
5 office of conservation and coastal lands and other
6 collaborators, including Conservation International Hawaii and
7 Honua Consulting, developed a master permit for traditional
8 Hawaiian fishponds that encompassed the main permits required at
9 that time. The programmatic general permit helped streamline
10 the process for the repair, restoration, maintenance, and
11 operation of traditional Hawaiian fishponds, or loko ia.

12 Although great progress has been made to streamline the
13 permitting process for fishponds in the State, the leasing
14 process remains complex, confusing, and difficult to navigate.

15 Accordingly, the purpose of this Act is to require the
16 board of land and natural resources to create a standard lease
17 application and programmatic environmental impact statement to



1 further streamline the process for leasing government-owned
2 Hawaiian fishponds.

3 SECTION 2. Section 171-28, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§171-28 Government-owned Hawaiian fishponds; sale**
6 **prohibition.** (a) The board may investigate and develop
7 scientific commercial management practices for government-owned
8 Hawaiian fishponds and reconstruct, rehabilitate, improve, and
9 stock the fishponds; and expend moneys from the special land and
10 development fund. All revenues derived from any government-
11 owned Hawaiian fishpond shall be deposited in the fund.

12 (b) The board may lease government-owned Hawaiian
13 fishponds with legislative authorization as provided under
14 section 171-53(c); provided that in lieu of legislative
15 authorization, the board may lease such fishponds if:

- 16 (1) A public hearing is conducted on the proposed lease on
17 the island where the fishpond is located;
- 18 (2) The board finds that the proposed lease does not cause
19 a substantial adverse environmental or ecological
20 impact on the fishpond or surrounding area; and



1 (3) The proposed lease is not in violation of applicable
2 federal, state, or county laws.

3 (c) The board shall implement a standard lease application
4 and programmatic environmental impact statement to streamline
5 the process of leasing government-owned Hawaiian fishponds.

6 ~~[(e)]~~ (d) Any law to the contrary notwithstanding, the
7 board may not sell the fee interest in public lands on which
8 government-owned Hawaiian fishponds are located."

9 SECTION 3. (a) The board of land and natural resources
10 shall create a standard lease application and programmatic
11 environmental impact statement to streamline the process for
12 leasing government-owned Hawaiian fishponds.

13 (b) The board shall:

14 (1) Create a standard lease application that complies with
15 relevant state and federal requirements;

16 (2) Create a programmatic environmental impact statement
17 for leasing government-owned fishponds;

18 (3) Study the feasibility of either establishing a full-
19 time permanent staff position to assist lease
20 applicants in navigating the process or contracting



1 with an entity that can provide similar assistance;
2 and

3 (4) Establish a statewide inventory or database of loko ia
4 and a mechanism to make that information available to
5 the public.

6 (c) The board of land and natural resources shall consult
7 with industry stakeholders and other Native Hawaiian
8 organizations, who are encouraged to cooperate and provide
9 information or input.

10 (d) The board of land and natural resources may request
11 assistance and feedback from the National Oceanic and
12 Atmospheric Administration of the United States, the department
13 of land and natural resources and department of the attorney
14 general, and any other department that the board deems
15 appropriate, to provide expertise in establishing the standard
16 lease application and programmatic environmental impact
17 statement.

18 SECTION 4. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$ or so
20 much thereof as may be necessary for fiscal year 2023-2024 to
21 create a standard lease application and programmatic



1 environmental impact statement to streamline the process of
2 leasing government-owned Hawaiian fishponds.

3 The sum appropriated shall be expended by the department of
4 land and natural resources for the purposes of this Act.

5 SECTION 5. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 6. This Act shall take effect on July 1, 2023;
8 provided that section 2 of this Act shall take effect on July 1,
9 2024.

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INTRODUCED BY: *Mike Gabbard*



S.B. NO. 513

Report Title:

Loko Ia; Traditional Hawaiian Fishponds; Board of Land and Natural Resources; Programmatic Environmental Impact Statement; Appropriation

Description:

Requires the Board of Land and Natural Resources to create a standard lease application and programmatic environmental impact statement to streamline the process for leasing government-owned Hawaiian fishponds. Appropriates funds.

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