
A BILL FOR AN ACT

RELATING TO HAWAIIAN FISHPONDS.

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

1 PART I

2 SECTION 1. Chapter 183B, Hawaii Revised Statutes, is
3 amended by adding a new section to be appropriately designated
4 and to read as follows:

5 "§183B- East Honolulu fishpond heritage area;
6 established. (a) The department of land and natural resources
7 shall establish the east Honolulu fishpond heritage area to:

8 (1) Preserve existing Hawaiian fishponds and related
9 cultural and historical sites, including traditional
10 fishpond structures, including traditional rock walls,
11 fishpond gates, and auwai, while making it permissible
12 and desirable to repair, strengthen, and maintain
13 these structures;

14 (2) Preserve existing native Hawaiian fish and fish
15 habitat, plants and plant habitat, and endangered
16 birds that presently inhabit the area;



1 shall provide preferences for the reconstruction, restoration,
2 repair, or use of Hawaiian fishponds, generally referred to as
3 loko i'a, and subject to chapter 183B, when issuing leases for
4 state land suitable for Hawaiian fishponds.

5 (b) The board shall adopt rules pursuant to chapter 91 to
6 effectuate this section, including rules to streamline the
7 application approval process for applicants for leases for the
8 purpose of reconstruction, restoration, repair, or use of
9 Hawaiian fishponds or loko i'a.

10 (c) No lease for public land containing an existing
11 Hawaiian fishpond or loko i'a or the site of an identifiable
12 historic Hawaiian fishpond or loko i'a shall be granted if the
13 terms of the lease preclude or foreclose the reconstruction,
14 restoration, repair, or use of the fishpond or site as a
15 Hawaiian fishpond or loko i'a.

16 (d) For the purposes of this section, "Hawaiian fishpond
17 or loko i'a" has the same meaning as "Hawaiian fishpond" as
18 defined in section 183B-1."



1 PART III

2 SECTION 3. Chapter 171, Hawaii Revised Statutes, is
3 amended by adding a new section to be appropriately designated
4 and to read as follows:

5 "§171- Traditional names of kanaka maoli fishponds, or
6 loko i'a. (a) Notwithstanding any other law to the contrary,
7 the board shall provide preference to the retention of the
8 traditional name of a kanaka maoli fishpond or loko i'a, when
9 issuing leases for public land suitable for reconstruction,
10 restoration, repair, or use of kanaka maoli fishponds or loko
11 i'a. The board shall adopt rules pursuant to chapter 91 to
12 effectuate this section.

13 (b) For the purposes of this section, "kanaka maoli
14 fishponds or loko i'a" has the same meaning as "Hawaiian
15 fishponds" as defined in section 183B-1."

16 PART IV

17 SECTION 4. All Hawaiian fishponds held as public lands
18 under the jurisdiction of the department of land and natural
19 resources shall be held in trust and transferred to a Native
20 Hawaiian government upon the establishment of such a government.



1 PART V

2 SECTION 5. If any provision of this Act, or the
3 application thereof to any person or circumstance, is held
4 invalid, the invalidity does not affect other provisions or
5 applications of the Act that can be given effect without the
6 invalid provision or application, and to this end the provisions
7 of this Act are severable.

8 SECTION 6. New statutory material is underscored.

9 SECTION 7. This Act shall take effect on July 1, 2012.



Report Title:

DLNR; East Honolulu Fishpond Heritage Area; State Leases;
Hawaiian Fishponds; Kanaka Maoli Fishponds

Description:

Directs Department of Land and Natural Resources to establish the east Honolulu fishpond heritage area. Provides state lease preferences for the reconstruction, restoration, repair, or use of Hawaiian and kanaka maoli fishponds. Creates a preference for the use of traditional names of Hawaiian fishponds. Effective July 1, 2012. (HB2820 HD3)

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