
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 i'a.

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 prioritizing projects involving community co-management
7 activities, projects, and organizations.

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

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

15 (b) The board shall:

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

18 (2) Create a programmatic environmental impact statement
19 for leasing government-owned Hawaiian fishponds;

20 (3) Study the feasibility of either establishing a full-
21 time permanent staff position to assist lease



1 applicants in navigating the process or contracting
2 with an entity that can provide similar assistance;
3 and

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

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

11 (d) The board of land and natural resources may request
12 assistance and feedback from the United States National Oceanic
13 and Atmospheric Administration, department of land and natural
14 resources, department of the attorney general, and any other
15 department that the board deems appropriate, to provide
16 expertise in establishing the standard lease application and
17 programmatic environmental impact 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. In accordance with section 9 of article VII of
6 the Hawaii State Constitution and sections 37-91 and 37-93,
7 Hawaii Revised Statutes, the legislature has determined that the
8 appropriations contained in H.B. No. , will cause the state
9 general fund expenditure ceiling for fiscal year 2024-2025 to be
10 exceeded by \$ or per cent. In addition, the
11 appropriation contained in this Act will cause the general fund
12 expenditure ceiling for fiscal year 2024-2025 to be further
13 exceeded by \$ or per cent. The combined total
14 amount of general fund appropriations contained in only these
15 two Acts will cause the state general fund expenditure ceiling
16 for fiscal year 2024-2025 to be exceeded by
17 \$ or per cent. The reasons for exceeding the
18 general fund expenditure ceiling are that:

- 19 (1) The appropriation made in this Act is necessary to
20 serve the public interest; and



H.B. NO. 2626

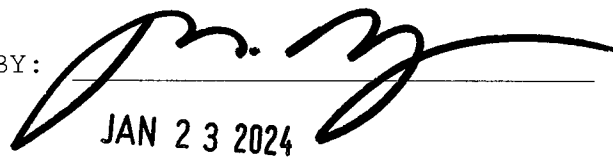
1 (2) The appropriation made in this Act meets the needs
2 addressed by this Act.

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

5 SECTION 7. This Act shall take effect on July 1, 2024.

6

INTRODUCED BY: _____

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to be the name of the legislator who introduced the bill.

JAN 23 2024



H.B. NO. 2626

Report Title:

Loko I'a; Hawaiian Fishponds; Board of Land and Natural Resources; Standard Lease Application; Programmatic Environmental Impact Statement; Appropriation; Expenditure Ceiling

Description:

Appropriates funds to the Board of Land and Natural Resources to create a standard lease application and programmatic environmental impact statement to streamline the process of leasing government-owned Hawaiian fishponds, prioritizing community co-managed organizations and projects.

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

