

ACT 124

H.B. NO. 2626

A Bill for an Act Relating to Fishponds.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 171-28, Hawaii Revised Statutes, is amended to read as follows:

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

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

- (1) A public hearing is conducted on the proposed lease on the island where the fishpond is located;
- (2) The board finds that the proposed lease does not cause a substantial adverse environmental or ecological impact on the fishpond or surrounding area; and
- (3) The proposed lease is not in violation of applicable federal, state, or county laws.

(c) For lease of a government-owned Hawaiian fishpond, the board shall find:

- (1) That the applicant has provided a management plan demonstrating the use and knowledge of traditional native Hawaiian practices and protocols as the primary component of the applicant's tenancy, including kilo, kia'i loko, and uhaul humu pōhaku (for rock walled fishponds); and
- (2) The proposed lease does not cause a substantial adverse environmental or ecological impact on the fishpond or surrounding areas.

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

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 28, 2024.)