

[CHAPTER 183B]
HAWAIIAN FISHPONDS

Section

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`Aha moku system (expires June 30, 2011). L 2009, c 39, §1.

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[\S183B-1] Definitions. As used in this chapter:

"Hawaiian fishponds" means the unique, traditional system and methodology of aquaculture practiced by the aboriginal people of Hawaii, and found nowhere else in the world. Generally referred to as "loko i`a", the system mastered by ancient Hawaiians includes but is not limited to loko kuapa, loko umeiki, and loko pu`uone. Loko i`a are natural or artificial enclosures; loko kuapa are enclosures built upon a reef, loko umeiki are a type of permanent fish-trap structure, and loko pu`uone are enclosed by sand. The term does not include any fishpond designed in a manner or constructed for purposes other than those associated with traditional loko i`a management and culture. [L 1995, c 177, pt of §2]

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[\$183B-2] Exemption from environmental impact statement

law. The proposed reconstruction, restoration, repair, or use of any Hawaiian fishpond shall be exempt from the requirements of chapter 343; provided that it will comply with the following conditions:

- (1) The fishpond is not adjacent to a sandy beach;
- (2) The fishpond stocks only native aquatic organisms;
- (3) The fishpond does not operate as an intensive culture system in which cultured organisms require frequent or periodic artificial feeding, artificial aeration of water, or artificial pumping of water through the fishponds for their growth and survival;
- (4) Bulk chemicals are not added to the water for the control of pathogens or parasites;
- (5) Coastal access is allowed to any person mauka of the fishpond and makai of walls;
- (6) The fishpond and its operations do not harm any threatened or endangered species; and
- (7) The fishpond is not used for water recreational purposes except those recreational activities customarily and traditionally practiced in Hawaiian fishponds prior to 1778. [L 1995, c 177, pt of §2]

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[§183B-3] Department assistance. The department of land and natural resources shall actively assist applicants applying for permits, certifications, and approvals to reconstruct, restore, repair, and use Hawaiian fishponds. The program shall assist applicants in sending permit applications to all affected agencies. [L 1995, c 177, pt of §2]

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