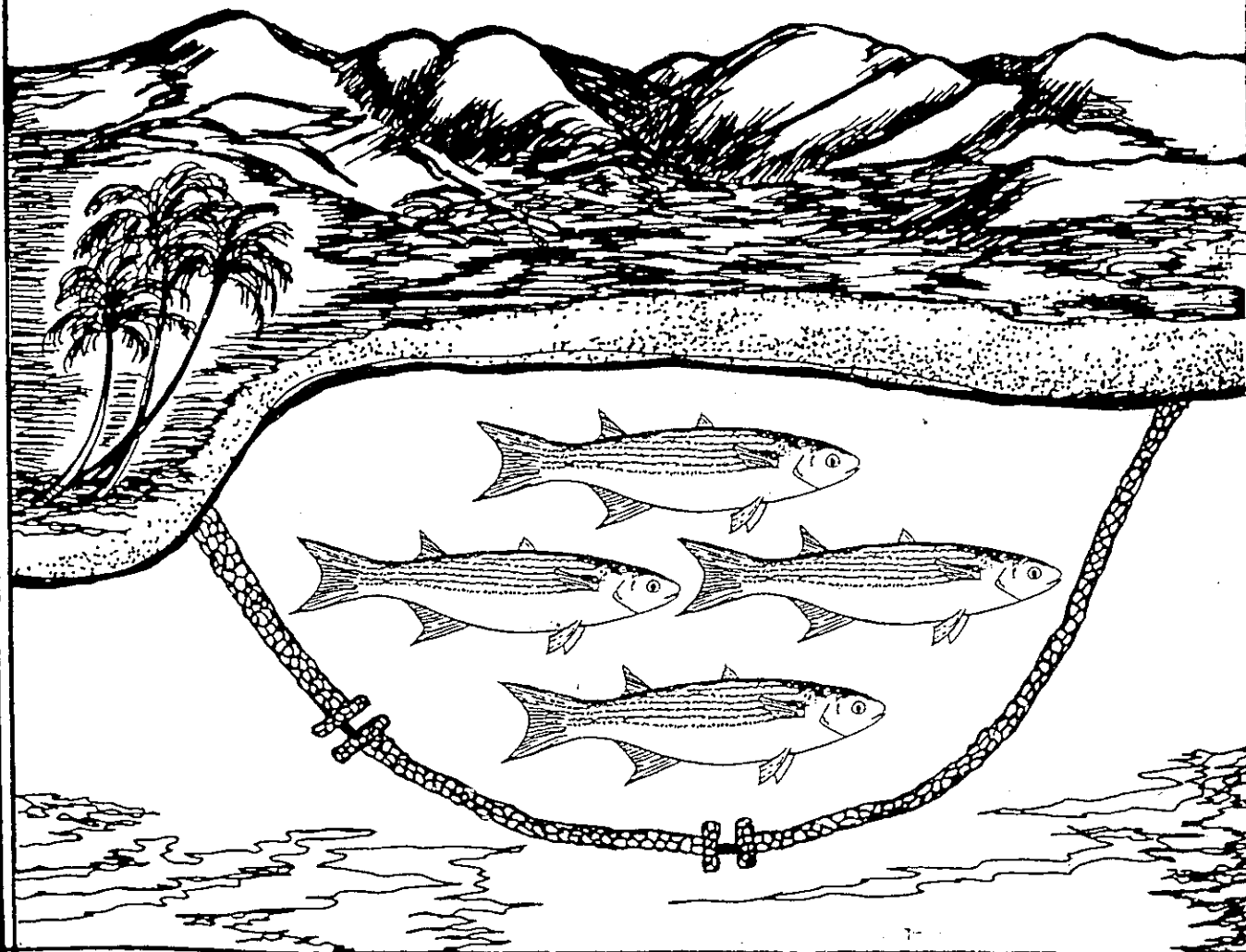


Report of the Governor's Task Force on Moloka'i Fishpond Restoration

May 1993



Report of the
Governor's Task Force on
Moloka'i Fishpond Restoration

*Prepared for the State of Hawaii,
Department of Business,
Economic Development & Tourism,
Moloka'i Office*

May 1993

*compiled and edited by:
Carol Araki Wyban*

Foreword

The ancient fishponds of Hawai'i represent the oldest form of aquaculture in the United States and are among the first examples of successful fish farming in the world. There were 488 ponds scattered throughout the Islands. They were a major source of protein, and played a significant role in the spiritual and cultural lives of the people.

Most fortunately, many of the old ponds remain and are capable of being revitalized. By utilizing traditional and modern methods, aquaculturists have placed several in active production. The island of Moloka'i, with its extensive, protected reef, is blessed with the highest percentage of restorable fishponds. A recent study identified 74 fishponds ranging in size from less than an acre to 73 acres, with the majority located on the southeast side.

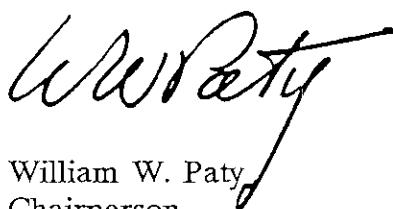
Over the last 10 years, Moloka'i has experienced economic hardship, with a low average income and a high rate of unemployment. The island has, therefore, been the focus of numerous assistance efforts. The most successful of these have emphasized the special needs and lifestyles of the residents. A recent survey of the community indicated that fishpond restoration should be given high priority in developing the economy of the island.

Because of strong community interest, Moloka'i offered an exceptional opportunity to launch a major restoration effort through the Governor's Task Force on Moloka'i fishpond Restoration.

The Task Force drew upon both community resources and off-island expertise in confronting the numerous obstacles to revitalizing the ponds. Many complex issues were researched and discussed. Significantly, the members initiated two demonstration projects--at Kahinapohaku Fishpond and at Honouliwai Fishtrap--that will unite government and Moloka'i "ohana" in unique restoration partnerships that will serve as models for rebuilding other fishponds on the island and throughout the state.

I would like to thank the Task Force members for the interest and energy they brought to their assignment. I would also like to thank the Moloka'i community, whose undaunted enthusiasm provided considerable inspiration for the committee.

We look forward, all of us, to implementing the recommendations of this report.



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1.5 Mahalo

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- * Department of Business, Economic Development & Tourism (DBEDT), Moloka'i
- * Aquaculture Development Program, Department of Land & Natural Resources
- * The County of Maui

Federal and State funds were acquired from State Coastal Zone Management, Office of State Planning, to hire a consultant to facilitate community input and regulatory compliance for the demonstration ponds.

The following people provided information to the Task Force and Committees:

Bob Agres, Community-Based Economic Development, DBEDT; Steve Chang and Edward Chen, Clean Water Branch, Department of Health; Roger Evans, Office of Conservation and Environmental Affairs, DLNR; Annie Griffin, Preservation Division, DLNR; Dave Parsons, Harbors Division, Dept. of Transportation; Bill Tam, Office of the Attorney General; Keoni Fairbanks, Robbie Ann Guard and Clayton Yoshida, Maui County; Jim Maragos and Tom Rosser, Kaneohe Bay Task Force; Nahoia Lucas, Native Hawaiian Legal Corporation; Vince Nunes, Maui Economic Development Board; and Daviana McGregor, University of Hawaii, Ethnic Studies Program.

The following people were helpful throughout the course of the Task Force operations:

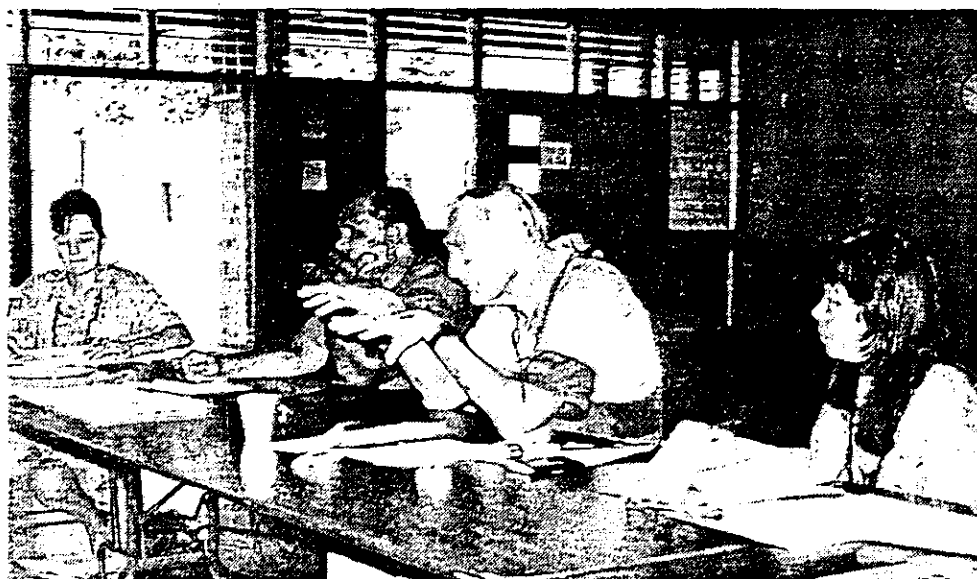
Steve Chaikin, Billy Kalipi, Sr., Billy Kalipi, Jr., Ted Takamiya, Lani Caparida, Stanley Halama and Bobby Alcain.

In addition, the residents of Moloka'i participated at meetings, filled out and returned the survey and gave feedback to the Task Force and its committees. Richard Fassler of ADP provided editorial assistance for this report.

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Meetings on Moloka'i at the Mitchell Pauole Center welcomed audience participation.



Pearl Hodgins, Billy Kailipi, Sr., Chairperson Bill Paty and staff, Carol Wyban at a Task Force meeting.

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Organization/Committee Acronyms

ADP:	Aquaculture Development Program (DLNR)
BLNR:	Board of Land & Natural Resources
CHC:	Cultural, Historic and Community Committee
CORPS:	Army Corps of Engineers
CZM:	Coastal Zone Management
DBEDT:	Department of Business, Economic Development & Tourism
DLNR:	Department of Land and Natural Resources
OHA:	Office of Hawaiian Affairs
SHPD:	State Historic Preservation Division (DLNR)
DOH:	Department of Health

Permit-Related Acronyms

CDUA:	Conservation District Use Application
EA:	Environmental Assessment
EIS:	Environmental Impact Statement
SMA:	Special Management Area
HRS:	Hawaii Revised Statutes

Executive Summary

In January 1992, Governor John Waihee appointed a group of individuals from government, the Moloka'i community and the private sector to a Task Force on Moloka'i Fishpond Restoration. The Task Force was developed as a result of community interest in the cultural and economic revitalization of ancient Hawaiian fishponds on Moloka'i.

The Task Force explored the opportunities and constraints for native Hawaiian fishponds in the modern world. Issues of tenure, permits, environmental concerns, appropriate use, historic preservation and community input were at the forefront of discussion. In recognition of these areas of concern, Chairperson William Paty appointed the following committees to field the issues: the Regulations Committee, Economics Committee, Cultural, Historic, and Community (CHC) Committee, and the Demonstration Project Committee.

Task Force members reviewed legal and regulatory issues with counsel from the Attorney General's Office; Department of Health, Native Hawaiian Legal Corporation; Kaneohe Bay Task Force; Maui Economic Development Board; Department of Transportation; Office of Conservation and Environmental Affairs; DLNR; and Preservation Division, DLNR; and the County of Maui. These groups were invited to answer specific questions about fishpond restoration and revitalization. Meetings were held on Moloka'i to receive input from the community and to inform interested residents of the progress of the Task Force. The Moloka'i sessions inevitably helped shaped the path of the Task Force, as resident input brought forth issues and formed some of the initiatives. The Task Force worked toward the resolution of additional fishpond-related problems of utilities access for 'Ualapu'e fishpond and affordable liability insurance for volunteers working at fishponds.

The activities of the Task Force were furthered by funds acquired through the Coastal Zone Management Program in the Office of State Planning. Permits for the demonstration project were facilitated by the Aquaculture Development Program. The broader areas of Master permits and generic Environmental Assessments were studied by MBA International which was contracted to fulfill seven specific tasks which are discussed in the appendix of this report. To further ensure that adequate input from Moloka'i residents was obtained, the consultant conducted a community survey on various fishpond issues.

The Task Force found that fishponds on Moloka'i serve as a foundation of Hawaiians' cultural heritage and could offer a possible solution to some of the island's long-standing economic problems. The community is highly active and wants to be the driving force behind any fishpond movement. The Task Force is a unique government effort to be sensitive to the rural lifestyle of Moloka'i and the special historic fishpond resources.

The Cultural, Historic and Community (CHC) Committee, composed of Moloka'i residents, reviewed the concept of a Moloka'i Fishpond Commission as a way to continue the work of the Task Force. Because words are often subject to varied interpretation, it is important that important terms be defined. The CHC Committee developed working definitions for the key terms, "subsistence" and "traditional." The Committee made recommendations for the roles and actions that the State of Hawaii, the Office of Hawaiian Affairs and Maui County can take in the revitalization of the fishponds. It identified the need to actively restore fishponds to productivity and protect adjacent land and water resources.

The Committee held a series of public community meetings for input, identification of issues and problem solving. In response to another key issue of the day, the Committee explored the question of Hawaiian sovereign rights and developed a position statement. Information gathered from the Governor's Workshop on Moloka'i Fishpond Restoration, the Moloka'i meetings and the consultant survey was used by the members of the Committee to develop their conclusions and recommendations.

The Regulations Committee researched and synthesized information about the many permits required under Federal, State, and Maui County laws and ordinances. Meetings were held with regulators who identified issues and two types of projects: the low-key traditional project, which required the hand building of fishponds, and intensive development, which required use of machinery, modern technology and sometimes alternatives to traditional use. Concerns were raised at these meetings about pollution of adjacent resources and proper procedures to ensure historic preservation.

The Regulations Committee developed solutions with near-term and long-term options. The Committee received fact sheets from the State Historic Preservation Division, DLNR, the Conservation District Use Application (CDUA) from the Office of Conservation and Environmental Affairs, DLNR, and the Maui County Special Management Area (SMA) permit. Midway through the Committee's deliberations, a consultant, MBA International, was hired and some of the proposed actions for resolution of permit problems were initiated through "Master Permits" and a generic environmental assessment. The consultant's completed scope of work and recommendations were reviewed and used in the development of the Task Force recommendations.

The Economics Committee explored the potential for fishponds as resources for economic productivity. The Moloka'i meetings of the Task Force provided feedback as to appropriate use of fishponds and targeted species for aquaculture. Traditional fishpond crops and native species were cited as the main priorities. Community preference for development of certain species crops was one factor taken into consideration. Adequate seedstock and the technology of rearing the aquatic animals was another. Modern aquaculture has the capability to spawn and rear some of these aquatic species. Other species have not been attempted or are in preliminary stages of experimentation. The Economics Committee identified which species and activities were practical in the near-term, and which were longer-term, requiring more research and development. The Committee fielded issues of appropriate use and incentives, with inputs from the Cultural, Historic and Community Committee. In addition, funding and technical assistance resources were identified by the Economics Committee.

At the Task Force meetings, Moloka'i residents expressed their sentiments about fishponds. Speakers addressed a need to revive spiritual, cultural and community aspects of fishponds as well as a need to get into the ponds and start working. Since the fishponds are either privately owned or State-owned, they are available only through complex leasing and permit procedures. Residents stated their frustration at not being able to access the ponds, care for them and practice their culture in a manner consistent with the traditions of sharing the resources of land and water with *'ohana* (family or community groups). Strong sentiments were expressed to revive the fishponds as part of the Hawaiian cultural and spiritual heritage. In response, Task Force Chairman Paty recommended that a demonstration project "jump start" activities.

The demonstration project, with its hands-on approach will serve several purposes. It will allow people to work in fishponds, it will develop working models. The project involved the Task Force in actual problems and constraints related to fishpond revitalization. The demonstration project committee, consisting wholly of the Moloka'i members of the Task Force, looked at various State-owned fishponds as possible candidates for restoration. They talked to adjacent community groups and families and selected six fishponds for review. Site visitations were made, and two ponds, Kahinapohaku fishpond and Honouliwai fishtrap, were selected based upon anticipated ease of compliance with regulatory constraints and the existence of active *'ohana* family groups to rebuild the fishponds. These two ponds gave the Task Force a basis from which to view the broader issues of fishpond revitalization.

Revitalizing the State-owned fishponds on Moloka'i requires community and government cooperation. The Moloka'i community has requested assistance to develop an active fishpond industry to enhance the island's economic productivity and Hawaiian traditions.

To achieve the goals of restoration and revitalization of Moloka's fishponds, the following recommendations have been developed: (For more details on these recommendations, please refer to Chapter 7.)

Cultural, Historic, Community

It is recommended that:

- * the State fund a Fishpond Restoration and Revitalization Plan
- * the State form a Moloka'i Fishpond Commission
- * the State assist the Commission to physically rebuild all State fishponds
- * the State rebuild two fishponds per year for the next five years
- * Moloka'i residents have first preference to lease State-owned fishponds
- * the State and Maui County collect and provide a stockpile of rocks and coral
- * the State encourage traditional stewardship of fishponds by *ahupua'a* tenants or those who have established customs, use, practices, and traditional rights of access
- * OHA provide funding and services for restoration of Hawaiian fishponds
- * OHA provide training for fishpond operators
- * OHA fund an oral history project on the Moloka'i fishponds
- * Maui County develop Kaoaini fishpond park for culture, education and science

Permit/Regulatory

It is recommended that the:

- * Moloka'i Fishpond Commission act on the following items regarding Federal, State and County regulations:
 - develop a general permit for the Army Corps requirement or
 - amend Federal rules to include fishponds in the Nationwide permits or
 - amend Federal law to exempt fishponds from the Clean Water and the Rivers and Harbors Acts
 - develop a master CDUA plan and general CDUA permit or
 - amend State law to enable the County to implement the State's Laws
 - amend the Maui County General Plan/Moloka'i Community Plan regarding fishponds

Economics and Incentives

It is recommended that:

- * the State make fish and *limu* (seaweed) production be made the top priority for fishponds
- * the State and OHA help fund a hatchery

- * the State conduct research, development, and training for fishpond aquaculture production
- * the State provide tax Incentives to individuals
- * the State improve its leasing program
- * the State conduct a pre-survey of metes and bounds be conducted for State-owned ponds
- * OHA relinquish its ceded lands income from fishponds leased by Hawaiians
- * the State provide a trust account to assist in loans, grants, and to receive funds
- * the State develop a support infrastructure

Chapter 1. Introduction

Fishponds were once a vital part of food production on the island of Moloka'i. They were built and used under the authority of the ruling chiefs, or *ali'i*. Because of its many fishponds, the island is historically known as "the land of plenty."

After the Hawaiian Kingdom was annexed by a provisional government of the United States, fishponds moved into the private domain of individuals and the Territorial government. At that time, the government ponds were sometimes leased to individuals, though many were left fallow to become gathering grounds for fish and *limu* (seaweeds). Even, into the early 1900s, there was an active commercial industry based on Hawaiian fishponds. But with the rise of commercial fisheries, fishponds saw a rapid decline. Many fishponds were not maintained. Storms, tsunamis and other environmental activities caused degeneration. In some instances, fishponds were damaged by modern development projects. Most of the State-owned fishponds of Moloka'i were not maintained and were subject to decay and neglect. Residents of the island once known for its prolific fishponds are seeking action to repair the ponds while they are still capable of being revitalized.

Fishponds are unique cultural resources that can be a an important source of food production on the economically depressed island of Moloka'i. Because of the special nature of these cultural resources and the traditional rural atmosphere of Moloka'i, any effort to revive of fishponds must be community-driven and approached with special attention. The Governor's Task Force on Moloka'i Fishpond Restoration was conceived and developed in response to community initiative. That drive and cooperative action is the basis and the motivating force of the Task Force.

Cooperative efforts between government and community where initiated when Governor John Waihee released the *'ama'ama* (mullet) into the waters of 'Ualapu'e fishpond on March 28, 1991. The ceremony and the pond blessing signaled the return of fishpond works to the island of Moloka'i. In his address to the people of the Moloka'i community, the Governor stated his intent to ease the permit process and to restore the fishponds of Moloka'i once again to productivity.

Six months later, the Governor's Moloka'i Fishpond Restoration Workshop was held. The workshop brought together experts on fishponds, officials from State and County agencies, and members of the Moloka'i community for productive discussion about Moloka'i fishpond revitalization. The workshop proceedings were recorded and published, and served as a basis for the understanding the complex issues surrounding the productive use of these valuable cultural and aquaculture resources.

The Task Force conducted a series of fourteen meetings which extended over a fifteen month period, beginning on January 28, 1992 and ending on March 5, 1993. The meetings were held on the O'ahu and Moloka'i. In addition, the Task Force Committees held numerous meetings for discussion, development of goals, receipt of feedback, and formulation of conclusions and recommendations.

Fishponds evoke strong sentiment and evoke much cultural symbology for the people of Moloka'i. However, because of a lack of access to fishponds, much of the culture and history of these resources has diminished over time. It is the intent of the people to reclaim their native Hawaiian fishponds and their culture by actively revitalizing the work of aquaculture in the ancient fishponds. On Moloka'i, there is great respect for the works of the *kūpuna* (ancestors) and today, as in ancient days, fishponds have special significance.

The Moloka'i community has great independence and has been outspoken in its desire for self-determination and preservation of its rural lifestyle. The community realizes, however, that even in its need for homerule, the important fishpond revitalization cannot be accomplished without help. The community needs the help of government and the private sector. Throughout the proceedings of the Task Force, the community stressed the importance of cultural and spiritual issues as part of the regeneration effort. The faith, hope, and aloha for cooperation in fishpond revitalization were expressed by Kūpuna Clara Ku at the opening prayer for the Governor's Moloka'i Fishpond Restoration Workshop:

"...You can travel the world, and there is no place like the island of Moloka'i, the home of love...home of our great *kūpuna*. We are part of many great and beautiful things. We are here to restore our fishponds again. Touch all the big people who have been to college to tell us what to do. You have created many beautiful things, and as man, we cannot see them all. Open hearts and let us preserve our fishponds because fishponds have so much meaning to the Hawaiians. Let us live together as one *'ohana*. No matter what you are, white, red, yellow, brown, or black, we are all one *'ohana*."

There are references in the text to the concepts of *'ohana* and *ahupua'a*. These words reflect the tradition of working together in community groups, or *'ohana*. The group may be a familial group or a group within a land district which gathers together to share work and resources. *Ahupua'a* refers to the land and water divisions reaching from mountain to sea, which provide the resources to sustain the traditional Hawaiian lifestyle. The concept of people belonging to the land is alive in Moloka'i. There is community respect for districts and a strong need for people within these areas to control the local resources, or at least have a say in how they are developed. These factors are persistent among the people of Moloka'i and form the basis for their desire for self-determination and cultural revival.

The Task Force was faced with the challenge of integrating these cultural factors with the existing laws and realities of modern commerce. In determining the future of the fishponds, it is important to remember that the culture and the ties that bind the fishponds to the people of land existed for many generations before the coming of the modern law. The Task Force has completed its objectives with an awareness and respect for both the traditional and modern issues which must be integrated to move fishponds toward revitalization in today's complex society.

Chapter 2. Cultural, Historic and Community

2.1 List of Committee Members

The Committee consisted of Moloka'i residents:

Colette Machado-Chairperson
Billy Akutagawa
Kip Dunbar
Pearl Hodgins
Billy Kalipi Sr

2.2 Goals and Objectives

The Committee's role was to assure that important cultural, historic and spiritual aspects of fishponds were included in the planning process for fishpond revitalization. Because of a centuries-old history and importance of fishponds to the ancestors of the land, the committee felt strongly that fishponds must be used with respect.

In the past, some fishponds were developed in a manner which many residents considered inappropriate to their traditional heritage. Many Moloka'i residents, particularly those of Hawaiian descent, have continued to be disturbed by the consequences of inappropriate development. Such development has left some fishponds damaged or partially filled. The history of use and abuse which fishponds have suffered in the past creates a situation which requires sensitivity to the needs of the community. The community wishes to retain its unique rural lifestyle, respect its fishpond heritage and be vitally involved in the planned use of fishponds for the future. Because of the importance of community input, the CHC Committee worked with the other Task Force committees to give feedback and establish definitions of key concepts.

An important motivation for the group was the need for local inhabitants of an area to develop that area's fishponds in keeping with Hawaiian tradition. *The kama'āina*, or native born of an area were summoned to work on the fishponds by their rulers. The practice has both practical and long-range implications. People of the area understand the special aspects of a resource in a long-term perspective and they have a commitment and interest in protecting the land and water resources for future generations.

2.3 Community Input

Community input was assured by including Moloka'i residents in the Task Force membership. Also, the Task Force was preceded by the Governor's Moloka'i Fishpond Workshop in Kaunakakai which gathered interested community members to explore, discuss and identify key issues. The workshop served as an interactive forum where problems, potentials and issues were openly explored and documented. The workshop was recorded and a transcript of the proceedings was published.

The Task Force was appointed following the workshop. All meetings of the Task Force were public and approximately half of the meetings were held on Moloka'i at the Mitchell Pau'ole Center Conference Room and the Kalaekamanuhou Church Meeting Hall. In addition, the Cultural, Historic and Community Committee held several public meetings to inform the community of the progress of the Task Force, clarify issues, receive feedback and report progress on Task Force activities.

In addition to what has been done by the Task Force, MBA International, a consultant was hired to survey an adequate cross-section of community on fishpond use and revitalization. One hundred surveys were mailed out, with a remarkably good return rate of 54 percent. The returns showed a high rate of consensus among respondents regarding, appropriate methods of rebuilding and appropriate use of fishponds. The results of the survey, available in the consultant's final report, were also published in a local Moloka'i newspaper.

Longstanding frustrations were revealed at the workshop and in community meetings. Many Hawaiians on Moloka'i have questioned the need to adhere to the County, State, and Federal rules and regulations regarding use of Hawaiian fishponds. They say that government has not distinguished between a developer wanting hotels and housing built on top of fishponds and Hawaiians trying to work their traditional fishponds. Many feel that government has created so much "red tape" that their traditional rights to these ponds have been jeopardized.

In trying to revive their cultural heritage at fishponds, they are frustrated with CZM, water quality, public navigable servitude and other restrictions to the point they feel they should "just do it."

2.4 Fishponds and Hawaiian Sovereignty

The Task Force activities coincided with the 100th anniversary of the overthrow of the Hawaiian monarchy, an important time for reflection on Hawaiian cultural heritage and the Hawaiian Kingdom. The issues of Hawaiian rights are at the forefront and there is a pressing need to resolve land and water rights for the Hawaiian people today. The CHC Committee deliberated on fishponds in relation to Hawaiian sovereignty and Hawaiian rights and incorporated some of these thoughts in their statements regarding the State-owned fishponds which once belonged to the Hawaiian Kingdom.

The ancient Hawaiian fishponds can play an important role in the re-establishment of a sovereign Hawaiian nation. In the one hundred years since the overthrow of the Hawaiian monarchy, Hawaiians have suffered serious health, social and economic problems which are rooted in the historical repression of their sovereignty.

Hawaiians find it increasingly difficult to integrate Hawaiian traditions with economic productivity under the existing social system. Hawaiian traditional lifestyles and the Hawaiian practice of sharing the resources from land and water, from mountain to sea, have all but disappeared. Traditional rights to access and use of land, water and ocean resources are diminishing as development increases. The staple foods of fish and poi are not affordable or available as a daily diet.

Fishponds are unutilized food production systems which can be revived for subsistence and economic production utilizing Hawaiian cultural customs and practices. They are means by which the Hawaiian culture can advance, develop, and actively participate in the modern economy. Hawaiians want to rebuild and revitalize the fishponds so they can once more be filled with fish to feed their people. The Hawaiian fishponds of Moloka'i are a unique resource which can provide fish and *limu*, or seaweed. They are sometimes adjacent to taro *lo'i* (irrigated terraces) which should also be restored.

Some Hawaiian people are seeking to re-establish a governing structure and regain formal recognition of their sovereign nation. The primary land base for the sovereign Hawaiian nation will be the former Crown and Government lands of the Kingdom of Hawai'i which were incorporated by the Provisional Government, turned over to the self-declared Republic of Hawai'i, ceded to the U.S. Government, and are currently managed by the State of Hawai'i as a public lands trust. The State of Hawaii has shown little interest in these fishponds. Over the past 100 years since the overthrow of the monarchy, the fishponds have been allowed to decay and crumble. Fishponds can be an important part of the economic base of a sovereign Hawaiian nation. Therefore, Hawaiians may seek to have the State-owned fishponds, originally part of the land base of the Hawaiian Kingdom, turned over a sovereign Hawaiian nation.

In light of this, Hawaiian sovereign claims of title to the fishponds as part of their ancestral national land base should be considered in the future restoration of the State-owned fishponds.

Policies for the use and management of the ponds should be framed so as not to inhibit the eventual transfer of title of the fishponds to the sovereign Hawaiian nation. In the immediate future, the Task Force should encourage traditional stewardship of the fishponds by ahupua'a tenants, 'ohana or community groups who have exercised traditional and customary uses and practices in the fishponds. Such stewardships of fishponds can be initiated by the Task Force and may continue under a sovereign Hawaiian nation.

2.5 Definition of Terms

Fishponds are historical resources that were developed for a traditional Hawaiian subsistence economy. These issues were part of the discussion and planning process regarding appropriate use. However, the terms "subsistence" and "traditional" are subject to varied interpretation. Regulators and members of committees requested that the CHC Committee develop working definitions.

Subsistence means the customary and traditional uses by Moloka'i residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, transportation, culture, religion and medicine; for barter, or sharing, for personal or family consumption; and for customary trade.

For the purposes of this section, the term

- * family means all persons related by blood, marriage or adoption, or any person living within the household on a permanent basis; and
- * barter means the exchange of fish or wildlife or their parts, taken for subsistence uses,
 - for other fish or game or their parts; or
 - for other food or for non-edible items other than money if the exchange is of a limited and noncommercial nature.

Traditional means the stocking, growing and harvesting of edible aquatic foods, such as fish, limu, eels, shrimp, crabs and shellfish for subsistence use. Traditional fishpond activities include the removal of foreign vegetation, rebuilding and maintenance of fishpond walls, the removal of silt deposits from surface run-off through tidal exchange, and the conscious *mālama*, or care of water quality of pond and adjacent stream and ocean areas. *Mālama* includes refraining from use of noxious or polluting elements in connection with fishpond resources and the protection of historical, cultural, physical and spiritual integrity of the fishpond and adjacent resources.

Some fishponds are extensively filled with *lepo* (earth) and vegetation which require other methods and modern equipment for removal. Acceptable methods and equipment have yet to be determined.

Chapter 3. Regulations Committee

3.1 List of Committee Members

The committee was co-chaired by representatives from the Office of State Planning and Oceanic Institute.

Maile Bay, Co-Chair, Office of State Planning
Doug Tom, Co-Chair, Coastal Zone Management, Office of State Planning
Gary Karr, Co-Chair, Oceanic Institute
Billy Richards-Oceanic Institute
Bob Johnson-Maui County
Mike Lee-Army Corps of Engineers

3.2 Goals and Objectives

The Regulations Committee's main goal was to ease the complex permit process for revitalizing community-based activities at Moloka'i fishponds. The committee reviewed the range of permits required by Federal, State, and County regulatory agencies. Members met with individuals from key regulatory agencies and asked for feedback and simplified fact sheets on permits. The Committee synthesized the information into the accompanying matrix to include short-term and long-term solutions to permit requirements. Fact sheets were developed for the State Historic Preservation Review, State Conservation District Use Application, and the Maui County Special Management Area and are included in the Appendix.

3.3 Matrix of Solutions to Streamline Regulations

Jurisdiction	Federal	State	County
Authority	Section 10 Rivers and Harbors Act, 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 404)	Coastal Zone Management Act of 1972, as amended 916 USC 1451 et seq,) and HRS 183, Title 13 Ch 2 and Section 404 of the Clean Water Act (33 USC 404)	Special Management Areas-HRS 205A, Part II, as amended
Agency	Army Corps of Engineers	Coastal Zone Management and Office of Conservation and Environmental Affairs and Dept. of Health , Clean Waters Division	Maui County Planning Dept.
Short-term solutions	Develop General Permit	Amend State Law to enable the County to implement the State's laws and Master plan governing fishponds; develop rules to implement HRS 183-44**	Amend Maui County General Plan and Amend Moloka'i Community Plan for appropriate land use policies
Long-term solutions	Amend Federal Rules; include fishponds in the Nationwide permits or Amend Federal law to exempt fishponds from both Acts		Counties other than Maui could also amend their general development plans

* Note: All short-term recommendations are intended to apply only to fishponds located on the island of Moloka'i.

** HRS 183-44 provides for certain repair, strengthening, reinforcement, and maintenance activities to occur on fishponds in the Conservation District without the issuance of a CDUA, subject to the BLNR's approval.

Chapter 4. Economics Committee

4.1 List of Committee Members

Craig MacDonald-Chairperson
Maile Bay
Bob Johnson
Gary Karr
Linda Colburn
Steve Chaikin

4.2 Goals and Objectives

The Economics Committee's goal was to identify potential economic opportunities for Hawaiian fishponds in keeping with their cultural heritage and community sentiment. The Committee brainstormed possible crops and activities that could generate revenue and presented their list to the Moloka'i community for feedback.

Based on community input, the Committee adapted the list and then looked at the practical aspects of implementation. Committee members determined which species and activities were viable within the near term with existing technical information. Other species and activities were identified as longer-term, requiring additional research and development. Species and activities were also prioritized. Priority was based on the existence of suitable markets and appropriate technology. The revised list was developed into the accompanying matrix (item 4.3).

The Committee also developed a list of incentives for fishpond revitalization. This list was reviewed by the Task Force as a whole and by an ad hoc Committee consisting of Task Force members and interested members of the Moloka'i community.

The Economics Committee realized that the Task Force's role ends with the submission of its report to the Governor. However, economic development of Hawaiian fishpond resources on Moloka'i is a long-term project. In response to the long-term needs, the Committee formulated a list of resources for technical and funding assistance (item 4.4).

4.3 Matrix of Economic Opportunities

	Priority:*	High	Medium	Low
	Time Frame:	Near	Medium	Far
Priority *	Category			
High	Food Production	Mullet Milkfish Limu	Moi	Papio, Oio Aholehole, Mangrove Crab, Oysters, Clams
High	Culture & Education	State-County Interpretive Parks		
High	Stock Enhancement, Seedstock Production	Hatchery- Nursery Complex		Additional capacity as needed
Low	Fee Fishing		Moi	Papio, Oio and incidental others

* Priority is based on existence of suitable markets and appropriate technology.

4.4 Resources for Funds and Assistance

State of Hawaii

Office of Hawaiian Affairs:

- * Economic Development Division
- * Loan Program
- * Community-based Economic Development Funds
- * Cultural Division
- * Education Division

Department of Business, Economic Development & Tourism:

- * Business Services Division
 - Community-based Economic Development Program
 - Moloka'i Loan Program
 - Hawaii Capital Loan Program
- * Moloka'i Office
- * Tourism Office
 - Cultural Tourism Program

Department of Land and Natural Resources:

- * Aquaculture Development Program

Department of Agriculture:

- * Aquaculture Loan Program

University of Hawaii:

- * UH SeaGrant College Program
- * Community College System
 - Small Business Development Centers

Miscellaneous other:

- * State Foundation on Culture and the Arts
- * Department of Education
 - Hawaiian Studies Program

Maui County

Office of Economic Development

Private and Other Sources of Assistance

Alu Like

Private Developers:

- * Consider those with value-based orientation who are seeking projects having broad community benefits.

Banks:

- * The Community Reinvestment Act (Federal) requires banks to assess the capital needs of the community and to set up sustaining programs and activities to address these needs.

Oceanic Institute

- * Hawaiian Fishpond Revitalization Program

Chapter 5. Demonstration Project Committee

5.1 List of Committee Members

The Committee consisted of the following Moloka'i residents:

Billy Akutagawa, Chairperson
Kip Dunbar
Colette Machado
Pearl Hodgins
Billy Kalipi, Sr.

5.2 Goals and Objectives

The Demonstration Project Committee was formed to develop selection criteria for assessment of the State-owned fishponds of Moloka'i. The criteria included issues of pond ownership, access, labor considerations, amount of silt and vegetation, water quality, community support and ease of permit compliance. From the criteria, six potential candidate ponds were identified. The Task Force members visited each of the six sites. Based upon anticipated ease of permit acquisition, two ponds were selected for the demonstration project: Kahinapohaku and Honouliwai fishtrap. Both fishponds had associated family/community groups willing to participate in fishpond revitalization. Activities at Kahinapohaku fishpond will be facilitated by the Caparida/Naki *'ohana*, with spokesman Lani Caparida, and the Honouliwai fishtrap will be rebuilt by the community living in the adjacent *ahupua'a* (land division), with spokesman Stanley Halama. Following the site selection, the Committee provided information to the two *'ohana* and facilitated information flow among the community groups, the Task Force and MBA International.

5.3 Access: Right-of-entry, Services Contract, Non-Bid Lease Options

Following selection of fishpond sites and identification of associated *'ohana* groups, the Committee explored issues of entry and access to the two sites. Provisions for a right-of-entry were made which would allow entry to the ponds on a temporary basis. During the rebuilding, a services contract would allow the repair of the pond with harvesting rights provided in exchange for the labor of repairing and maintaining the pond. A method can be developed wherein for a defined period of time, the value of the labor can be balanced with the value of the crops. After the services contract is completed, a longer-term, lease negotiation could be developed.

Legislative action allows direct negotiation under HRS Chapter 171-43-1 for education and HRS Ch 171-59 for agriculture/aquaculture in the public interest.

5.4 Coastal Zone Management Funds/Consultant

Through funds from the Coastal Zone Management Program, a consultant was hired to conduct environmental assessments for the two sites, develop a conceptual plan for reconstruction, an operational plan and a cost assessment. The consultant was also asked to make recommendations regarding the streamlining of Federal, State and County permits for fishpond revitalization. The completed the final report is available through the Aquaculture Development Program. The family groups are awaiting the acquisition of permits and a notice to proceed with the rebuilding of the fishponds.

Chapter 6. Conclusions

- * Moloka'i residents want homerule with initiatives coming from the community, rather than from top-down, with government and big businesses setting the directives and determining the use of fishponds. Moloka'i residents do not want outsiders from government or outside businesses dictating the use or development of fishpond resources.
- * There is an active interest in rebuilding fishponds for family, subsistence and traditional use on the island of Moloka'i. Several family and community groups are eager to participate in the revitalization of fishponds on Moloka'i.
- * Cooperative efforts on the part of government and rural communities on Moloka'i can work. Communication, interaction and ongoing efforts are necessary for continued progress on fishpond revitalization.
- * Historically, State-owned fishponds belonged to the Hawaiian Kingdom. The State had the obligation to maintain and care for the fishponds as food production entities as well as historic sites. The State has made little effort to maintain these important resources and, to date, the fishponds have been allowed to degenerate.
- * Moloka'i residents would like to see a renewed respect for the ancient and spiritual aspects of fishponds. This involves documentation of the spiritual aspects of fishponds, the high regard in which people held fishponds and the histories of individual fishponds.
- * As fishponds develop, there should be a balance of traditional use and modern technology. Modern technology and methods can be applied only if appropriate to the physical, cultural and historic aspects of fishponds.
- * Activities inappropriate to fishponds must be identified and prohibited. Some of the activities which disregard the cultural, physical and spiritual integrity of fishponds are jet-ski operations, wind-surfing, and large-scale tourism. Others need to be determined by the proposed Moloka'i Fishpond Commission.
- * Cultural, educational and scientific programs at fishponds are encouraged but must be conducted in an appropriate manner to be determined by the Moloka'i Fishpond Commission.
- * No polluting elements should be introduced in the area of, or adjacent to, fishponds. This includes pesticides, chemicals, sewage outfalls and dumping of garbage.

- * Use of fishponds for the aquaculture of seafood products for economic purposes is appropriate. Traditional subsistence use of fishponds, family businesses at fishponds and small business ventures which are in keeping with the rural community atmosphere of Moloka'i are to be supported.
- * The permit process is lengthy and complex; it should be streamlined while still providing for critical environmental review.
- * Historic fishpond species should be given priority for aquaculture. Additional species might be considered in the future.

Chapter 7 Recommendations

7.1 Cultural, Historic and Community

It is recommended that:

- * the State fund a Moloka'i Fishpond Restoration and Revitalization Plan.
- * the State form a Moloka'i Fishpond Commission, whose structure shall be similar those of the Burial Council of Moloka'i, for the following purposes:
 - Provide administrative services and coordination of fishpond rebuilding revitalization on Moloka'i.
 - Spearhead the implementation of recommendations to streamline the permit process as outlined by the Regulations Committee.
 - Set and maintain guidelines for fishpond restoration and use including the development of acceptable methods for silt and mangrove removal that are cost effective and efficient and
 - determine appropriate methods and machinery for fishpond restoration.
 - Ensure compliance with established guidelines for design.
 - Plan, program, budget and raise funds for fishponds on Moloka'i.
- * the State assist the Moloka'i Fishpond Commission to physically rebuild all of the State-owned native Hawaiian fishponds on Moloka'i at the rate of two fishponds per year for the next five years .
- * the State continue the activities of the demonstration project by identifying other State-owned fishponds and associated 'ohana, family and community groups on Moloka'i.
- * the State give Moloka'i residents first preference in rebuilding, operating and maintaining State-owned fishponds on Moloka'i.
- * the State Department of Transportation, together with Maui County Department of Public Works collect and provide a stockpile of rocks and coral for fishpond restoration projects on Moloka'i.
- * the Office of Hawaiian Affairs (OHA) work towards obtaining government acknowledgement of native Hawaiian rights, *konohiki* (land steward) rights, and fishing and gathering rights pertaining to Hawaiian fishponds.
- * OHA provide funding for the restoration of Hawaiian fishponds.

- * OHA fund a training program to assist *'ohana* and other interested parties in learning basic aquaculture techniques. The training should include the development of business plans, acquisition of start-up funds and the development of community-based small business and family-style operations.
- * OHA fund an oral history project to collect histories and stories about specific fishponds on Moloka'i. The project could be assisted by the University of Hawaii's Center for Oral History for training interviewers and transcribing of tapes. The project should hire Moloka'i youth to seek out *kūpuna* (elders) of various *ahupua'a* (land divisions) to collect stories, histories and legends of the fishponds which will be included in a published report.
- * the County of Maui develop Kaoaini fishpond in Makakupaia on Moloka'i for cultural, educational and scientific purposes.

7.2 Regulations/Permits (refer also to matrix on page 13)

It is recommended that the proposed Moloka'i Fishpond Commission work with the following authorities on the following solutions regarding Federal, State, and County permits:

* Federal Army Corps of Engineers

Authority: Section 10, Rivers and Harbor Act 1899 (33 USC 403) Section 404 of the Clean Water Act (33 USC 404)

Solutions:

- Develop a general permit for the Army Corps and Clean Water requirements for a short-term solution.
- Amend Federal rules to include fishponds in the nationwide permits or amend Federal law to exempt fishponds from both acts for a long-term solution.

* State CZM,CDUA,DOH

Authority: Coastal Zone Management-Act of 1972, as amended (16 USC 1451 et seq), Conservation District Use Application (-HRS 183, Title 13, Ch. 2) Section 404 of the Clean Water Act.

Solutions:

- Develop a master plan and general permit for a short-term solution.
- Amend State law to enable the county to implement the State's Laws and Master Plan governing fishponds; and develop rules to implement HRS 183-44

* Maui County-SMA

Authority: Special Management Areas-Chapter 205A, Part II, HRS as amended
Solution:

- Amend Maui County General Plan and Moloka'i Community Plan for appropriate land use policies.

7.3 Economics/Incentives (refer also to 4.3 Matrix of Economic Opportunities)

It is recommended that:

- * the State consider food production of mullet, milkfish and *limu* (seaweeds) to be high priority in the near term, *moi follows in priority* in the mid-term, and *pāpio*, *o'io*, *āholehole*, mangrove crab, oysters, and clams are lower priority crops.
- * the State should consider additional species that were considered which may have some future merit which include: marine tropicals, baitfish, tilapia, and mantis shrimp.
- * the State of Hawaii and the Office of Hawaiian Affairs actively support and help fund the development of a hatchery to provide seedstock for fishponds and stock enhancement of the reefs.
- * the State should consider research and training activities for development and technology transfer for improved rearing and pond management practices represent additional economic opportunities.
- * the State should provide tax incentives:
 - a "tax holiday" where an aquafarmer would not be required to pay property, income or general excise tax on earnings from the operations for a period of time. The time period should last for a minimum of 4 years and begin when the permits and legal requirements have been fulfilled.
 - a fishpond deferred or roll back tax similar to agricultural tax incentives for fishpond owners currently utilizing fishponds for aquaculture or are maintaining their ponds as historic sites,
- * the State should improve its leasing program to grant long-term, low-cost leases. Rent schedules should be based on predetermined general appraisals which are adjusted for estimated start-up costs. Rents should be waived or have low rent for start-up period.

- * the State should develop an aquaculture lease requirement exemption, that would allow fishponds to have lease benefits and other benefits similar to agricultural leases.
- * the State should pre-survey metes and bounds of all State-owned fishponds to eliminate time delays in processing State leases.
- * OHA should relinquish payments for ceded lands income from fishponds leased by Hawaiians. The Office of Hawaiian Affairs currently has rights to a percentage of lease rents on ceded lands which formerly belonged to the Hawaiian Kingdom.
- * the State should develop a Moloka'i Fishpond Trust Account to fund long-term, low interest loans (similar to the Moloka'i Loan Program), grants, and receive public funds.
- * the State should develop infrastructure to include hatchery facilities, ice house/fish processing and information dissemination.

Chapter 8. Budget

Wall Repair	\$117,000
Training and Research	
Basic Aquaculture Training	30,000
Research	20,000
Archaeological Coring	22,000
Oral History Project	30,000
Moloka'i Fishpond Restoration/Revitalization Plan	50,000
Moloka'i Fishpond Commission (two year budget)	
Executive Director	70,000
Secretary	36,000
Fringe (35%)	37,100
Office	70,000
Hatchery	1,214,748
Total:	\$1,696,848

Budget Justification

* Wall Repair

This is the cost of rebuilding two fishponds per year for 5 years for a total of 10 ponds. The funds will be used for community groups to contract expert pond builders, transport materials, buy or rent appropriate machinery, and pay for other expenses to rebuild and revitalize fishponds. If rock and coral are unavailable from County and State stockpile sources, funds will be used to acquire these building materials.

* Training and Research

- Basic aquaculture training: to be provided to community groups and interested individuals. Experts will be brought to Moloka'i to teach basic principles and requirements for a successful community-based aquaculture industry.
- Research: funds to conduct a feasibility study for multi-cropping of fishponds. Research is to include species for *loko wai*, freshwater ponds as well as *loko kuapā*, coastal zone ponds.
- Archaeological coring: funds to conduct an archaeological assessment and coring of at least four fishponds.
- Oral history project: Moloka'i youth will be trained in conducting oral history interviews. The interviews will be taped, transcribed and published. The Center for Oral History at the University of Hawaii will assist in the project.

* Moloka'i Fishpond Restoration/Revitalization Plan

- A comprehensive plan will be developed for Moloka'i's fishpond resources on The plan will define the roles of traditional, subsistence and small business ventures, as well as the role of Hawaiian sovereignty and native Hawaiian fishponds. The focus of the plan will be the State-owned fishponds, however, it will include a survey of private owners of fishponds. Also included in the plan will be a description of products and markets, identification of appropriate technology, business structure options and an implementation plan for State-owned fishponds, including tasks, sequencing and costs.

* Moloka'i Fishpond Commission

- The role of the Moloka'i Fishpond Commission is to provide administrative services and coordinate fishpond revitalization projects. It will also set and maintain guidelines for fishpond restoration, use, raise funds and budget for fishponds on Moloka'i. Funds are for a two-year budget for two full-time employees, fringe benefits and office equipment, supplies, and communications.

* Hatchery

- Funds are for planning, design, survey, permits, site improvements, construction, utilities, well, buildings, discharge and aeration systems, tanks, pumps, office equipment and lab equipment, per Moloka'i Finfish Hatchery Feasibility Study, 1991.

References

- Cobb, J.H. 1901. Commercial Fisheries in the Hawaiian Islands. U.S. Commission of Fish and Wildlife. Commissioner's Report 1901, pp. 383-499.
- DHM Inc. 1989. Hawaiian Fishpond Study, Islands of O'ahu, Moloka'i, and Hawai'i.
- Kikuchi, William K. 1973. Hawaiian aquacultural system. Ph.D. dissertation, University of Arizona. 299 pp.
- MBA International. 1993. A Study of Community-Based Hawaiian Fishpond Restoration and Use on Moloka'i. Prepared for the Aquaculture Development Program, DLNR.
- Oceanic Institute Consultants. 1991. Moloka'i Finfish Hatchery: Feasibility Study. Prepared for Hui o Kuapā.
- Summers, Catherine C. 1964. Hawaiian Fishponds . Bernice Pauahi Bishop Museum Special Publication 52.
- Wyban, Carol Araki. editor. 1992. Proceedings of the Governor's Moloka'i Fishpond Restoration Workshop, September 6, 1991. Aquaculture Development Program, DLNR.
- Wyban, Carol Araki. 1992. Tide and Current: Fishponds of Hawai'i. University of Hawaii Press. 191 pp.

Appendices

CDUA Fact Sheet
SHPD Fact Sheet
SMA Fact Sheet
Summary of Consultant's Work (MBA International)

MOLOKAI FISH POND RESTORATION

FACT SHEET

CONSERVATION DISTRICT USE APPLICATION (CDUA)

A CDUA is a regulatory requirement administered by the DLNR whenever a new, greater or different land use is proposed in the State Conservation District.

The applicability of this regulatory requirement is determined by the DLNR, not the private sector or another government agency.

If for example, someone wants to build a house on vacant land; this new use requires a CDUA. If someone wants to use a fishpond for commercial recreation use (jetskiing/windsurfing), this different use requires a CDUA.

If someone wants to put an additional new house on a lot that currently has one house, this greater use requires a CDUA.

If someone wants to restore a fishpond that had walls of eight feet to ten feet wide, this greater use requires a CDUA.

Whenever a CDUA is required on private property, the processing time is 180 days from the date of submittal providing the application is complete when submitted. If the application is not complete, it will be rejected.

If the CDUA is on State land, add another 30 days to the processing time. Also, the application will not start to be processed until it is signed by the landowner (State DLNR). An application for State lands may be rejected outright by the State if it is deemed to conflict with existing State programs.

In all cases, an application for commercial uses will undergo a public hearing.

If a proposal is submitted to the Department that does not encompass a new, greater or different use, such as restoration to the original condition, with the original dimensions, occurs, a CDUA may not be required. However, if this is the case the burden is on the applicant to demonstrate this, and, four copies of the construction plans must be submitted that demonstrate this fact.

Developed with the assistance of Annie Griffin

Fact Sheet: Historic Preservation Review

If you are seeking Federal, State, and County Permits to restore or operate a fishpond, Historic Preservation Division of DLNR will be part of the review process. Early consultation with Historic Preservation Division is recommended. They can assist by providing information and making recommendations. Their primary concern is the maintenance and protection of the historic integrity of the site. Some of the key issues involved are:

- * Have the fishpond and surrounding dry lands been studied? Include available information on the existing condition of the fishpond. This includes the dimensions and condition of the existing wall, type of wall construction, the pond interior, the *mākāhā*, presence or absence of springs, vegetative encroachment, and any unique design features. These should be photographed and mapped.
- * Has all available historical information been gathered? This includes old maps, oral history, legends and literature about the fishpond.
- * What is the significance of the fishpond? Is it connected to any legends, important people or events? Is it a unique type of fishpond or is it an excellent example of its type? Does it have unique design features not found in other fishponds?
- * What is the workplan? Describe the proposed restoration work. Does it include any alteration of the original design?

Be aware that there may be other site-specific issues that will affect your review. For more information, contact:

Annie Griffin
Maui County Archaeology Section Coordinator
Historic Sites Division, Department of Land and Natural Resources
33 S. King St. 6th Floor
Honolulu, Hawaii 96813

Phone: 587-0047

Fax: 587-0018

LINDA CROCKETT LINGLE
Mayor

BRIAN W. MISKAE
Director

ROBERT K. KEKUNA, JR.
Deputy Director



BILL MEDERIOS
Long Range Division

COLLEEN M. SUYAMA
Current Planning Division

KALVIN KOBAYASHI
Energy Division

COUNTY OF MAUI
PLANNING DEPARTMENT

250 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

Memorandum

September 22, 1992

To: Bob Johnson, Economic Development Coordinator
From: Brian Miskae, Planning Director *[Signature]*
Subject: SMA Fact Sheet for Governor's Task Force on
Molokai Fishpond Restoration

Attached as requested is an SMA fact sheet for the restoration of fishponds on Molokai. Should you have any questions, please contact Clayton Yoshida of this office.

Encl.

cc: Keoni Fairbanks
Clayton Yoshida, AICP

Special Management Area (SMA) Fact Sheet
for Fishponds

Applicable Regulations: Section 205A, Hawaii Revised Statutes
and Chapter 2 of the Molokai Planning
Commission's Rules: Special Management
Area Rules and Regulations

Defined Area: Areas as shown on the Special Management
Area Maps of the County of Maui (adopted December
31, 1979). Normally from the certified shoreline
on December 31, 1979 landward for a distance of at
least 300 feet.

Authority: Molokai Planning Commission

Exemptions: Section 205A-22(3) (B) (viii), HRS, states that "The
use of any land for the purpose of cultivating,
planting, growing, and harvesting of plants, crops,
trees, and other agricultural, horticultural, or
forestry products or animals, or other agricultural
purposes provided that the activity is not part of
a larger project, the cumulative impact of which
may have a significant environmental or ecological
effect on the special management area" is not a
"development."

Section 205A-22(3) (B) (vi), HRS, states that "the
repair, maintenance, or interior alterations to
existing structures" is not a "development."

Actions requiring SMA: "Development" is defined in Section
205(A) (3) (A), HRS. Improvements may include the
construction of new accessory buildings in the SMA
such as offices or storage sheds. Furthermore, the
grading for any newly created ponds in the SMA would
require an SMA.

Types of SMAs: The monetary valuation cutoff between an SMA
major permit and an SMA minor permit is \$125,000.
The SMA major permit (greater than \$125,000)
requires a public hearing. The SMA minor permit is
an administrative approval after initial review by
the authority.

Information: Copies of the Molokai Planning Commission's SMA
Rules and SMA major and minor permit application
forms can be obtained from the Maui Planning
Department, 250 S. High Street, Wailuku, Maui,
Hawaii 96793 (phone: 1-800-272-0117) or the
Molokai Planning Commission, Mitchell Pauole
Center (phone: 553-3221). Questions should
be directed to the Maui Planning Department
office in Wailuku.

Summary of Consultant's Work

MBA International

The consultant, MBA International, was hired by Aquaculture Development Program through funds acquired from the Office of State Planning, Coastal Zone Management Program. The objective of the study was to facilitate the successful restoration and revitalization of ancient Hawaiian fishponds on Moloka'i. The scope of work involved seven tasks and a final report: *A Study of Community-Based Hawaiian Fishpond Restoration and Use on Moloka'i*, which is available for review at the Aquaculture Development Program. The following summary is derived from the study. Please note that as a summary, details are not included. For more information, please refer to the final report.

Community Survey

The results of the questionnaire suggested that a large sector of the Moloka'i community was in consensus that the traditional uses and methods of restoration should be respected, but that fishponds should be restored in as efficient a manner as possible. Use of certain types of modern heavy equipment for wall reconstruction was acceptable and both traditional and modern aquaculture technologies should be used. The respondents favored a Moloka'i Fishpond Commission to regulate and control future fishpond restoration projects.

Aquaculture Regulations Analysis

The objective was to research, analyze and report on existing Federal, State, and County laws, regulations, ordinances and rules which regulate the acquisition, leasing, construction-reconstruction and operation of aquaculture projects in Hawaii, including the public and privately owned Hawaiian fishponds. The analysis resulted in two stand-alone products, a comprehensive report, *Permits and Regulatory Requirements for Aquaculture in Hawaii*; and a brief annotated guide, *Permits and Regulations for Aquaculture in Hawaii*. It is expected that both documents will be published by the Department of Land and Natural Resources.

Conceptual Plans for Two Demonstration Ponds

The objective was to develop plans and cost estimates for the two ponds in the demonstration project. The two ponds, Kahinapohaku fishpond and Honouliwai fishtrap, were selected by the Task Force with the guidance of the Demonstration Project Committee, which consisted of Moloka'i residents. Cost estimates developed by the consultant indicate that Honouliwai fishtrap could be rebuilt for approximately \$10,000, and Kahinapohaku fishpond could

be rebuilt for approximately \$22,000. These figures reflect the assumption that the two 'ohana would provide labor as outlined in the services contract described in Chapter 2.5.

The consultant interviewed the *two 'ohana* regarding their intent to raise mullet and milkfish at Kahinapohaku and to restore Honouliwai as a fishtrap with *limu* (seaweed) cultured in racks within the pond walls. The consultant determined that these plans are viable at the two sites.

Organizational and Operational Models

The first model presented by the consultant is currently in operation in the form of the Aquaculture Development Program. It serves in standard agency administrative procedures for planning programming and budgeting. The second model, which was presented at a public meeting of the Cultural, Historic and Community Committee, involved the establishment of a Moloka'i Fishpond Commission to restore and oversee operations of fishponds on Moloka'i. The Commission would be responsible for obtaining funding, planning, programming and budgeting for fishpond restoration and operations. It is suggested that the Commission be administratively linked to the Department of Land and Natural Resources and yet be a non-profit organization that operates semi-autonomously.

The proposed Moloka'i Fishpond Commission would not have any land use, decision-making authority or zoning power as these activities would continue to be administered by existing agencies. However, the Commission would be part of the review process for any action affecting the proposed restoration of fishponds on Moloka'i.

Environmental Assessments

Baseline surveys of the two demonstration ponds were conducted and the consultants developed draft environmental assessments (EAs). The information was also used for the generic draft EA to facilitate permitting requirements for other fishponds on Moloka'i. In addition, the consultants prepared two general permit applications to be submitted to the Army Corps of Engineers. The applications were submitted under the signature of the Chairperson of the Department of Land and Natural Resources.

Permit Simplification, Recommendations, and Master Permit Application

The analysis revealed that the U.S. Army Corps of Engineers' authority under Section 404 of the Clean Water Act, as amended, and the Conservation District regulations (CDUA) of the DLNR represented two of the main obstacles to fishpond revitalization. The Maui County Special Management Area permit (SMA) was not identified as a problem, since aquaculture is a permitted activity within the SMA.

The consultants prepared a model Master CDUA and a Master EA for 38 fishponds on Moloka'i. The Aquaculture Development Program was designated as the applicant for the master CDUA.

Consultant Suggested Add-Ons

The consultants chose to address some issues which were not contained in their scope of work. The consultants affirmed the community preference for native crops of fish and seaweed. They suggested selling the crops to Maui, avoiding middlemen and wholesalers, and establishing a processing area in Kaunakakai. Their archaeological recommendation was that the fishponds be restored to retain essential characteristics of the physical structure, not damage historical resources, and not detract from historical and cultural significance. Comments were also made on the implications of Federal programs which may adversely affect fishponds. The consultants developed a "Ranking Hierarchy of Moloka'i Fishponds" which classified the fishponds as to their appropriateness for future rebuilding efforts.