HB 1763 HD3
RELATING TO HAWAIIAN FISHPONDS

Senate Committee on Hawaiian Affairs

Public Hearing - March 16, 1995
3:30 P.M., Room 504, SOT

By
John T. Harrison, Environmental Center
Malia Akutagawa, Environmental Center
Richard Brock, Sea Grant
Jacquelin Miller, Environmental Center
Suzanne Tiapula, School of Law

HB 1763 HD3 would transfer management responsibility for fishpond oversight to a new program within the department of land and natural resources, and would establish a consolidated fishpond permitting program to facilitate fishpond revitalization.

Our statement on this measure does not constitute an institutional position of the University of Hawaii.

Amendments to prior drafts of HB 1763 HD3 have addressed many of the substantive issues which we raised in earlier testimony. However, while we recognize the problems faced by persons trying to rehabilitate fishponds, the history of permit streamlining in Hawaii has generally proven somewhat problematic, as in the case of geothermal regulation. We thus urge caution in the permit consolidation process, especially since the coastal environment is so sensitive.

The present draft emerged from extended discussions involving proponents, regulatory agency representatives, and others. For the most part, we concur with provisions in this draft. However, we continue to harbor concerns over the exemption of these structures from environmental assessment provisions of Chapter 343. Recognizing the cost burden placed by EA provisions on prospective fishpond operators, we again suggest that if the state feels that a compelling public interest is addressed by these activities, then the state, as part of its fishpond facilitation initiative, should provide funding for these assessments.

With regard to provisions for fishpond effluents meeting standards equivalent to those attained under the NPDES requirements of the Clean Water Act, who will implement and monitor water quality sampling and testing for both effluent and receiving waters? Normally, oversight of these activities is the responsibility of the Department of Health. We are concerned that DLNR lacks the expertise and facilities to undertake these responsibilities.