

# Insights into Regulatory Permits Needed to Re-Utilize Traditional Hawaiian Fishponds

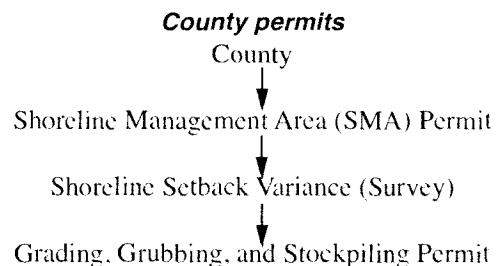
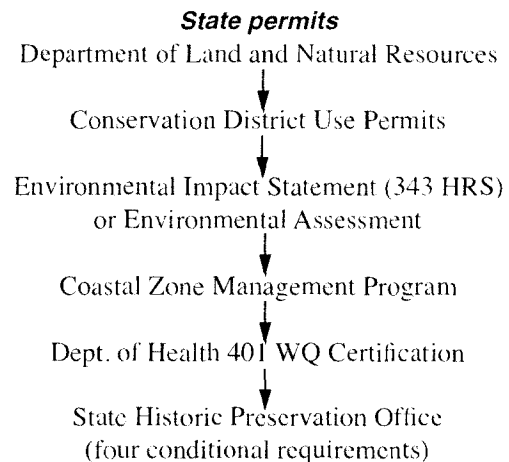
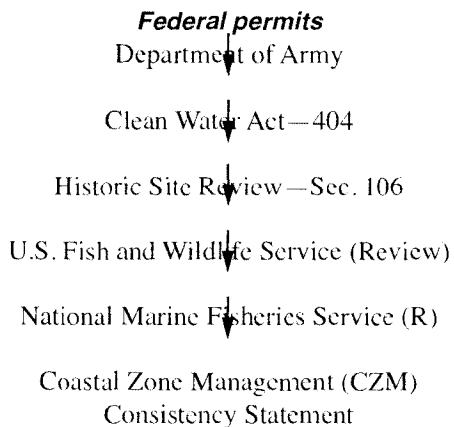
**B**efore starting any fishpond restoration work, many permits must be acquired from federal, state, and county agencies. Jurisdiction over Hawaiian fishponds, or loko i'a, is complex because they occur at the shoreline, a zone that interfaces between land and the ocean. This zone is heavily regulated, and up to 17 permits must be obtained before work on a fishpond can start. The amount of work required in getting these permits is likened to an Environmental Impact Statement (EIS). Permit processing can easily cost \$50,000–\$80,000 and take several years—without any guarantee of approval.

The permitting process starts with the federal government, primarily the United States Army Corps of

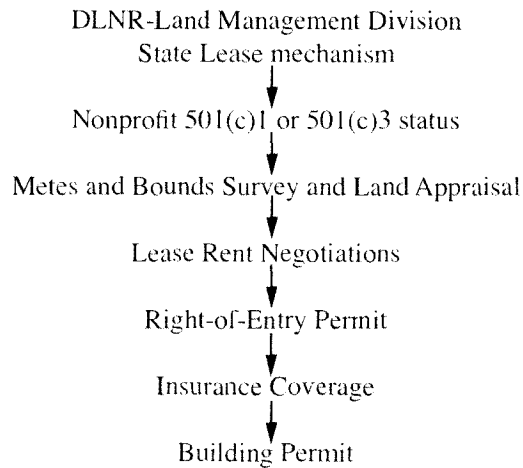
Engineers (Corps). The Corps will acquaint the applicant with the permit process and provide a checklist of agencies to contact for federal application requirements. The Hawai'i Department of Land and Natural Resources (DLNR), Land Division, issues the Conservation District Use Application (CDUA) and is the agency for most state-required permits and contacts. Some requirements may vary in their application process and cost based on whether fishpond activities are to be performed on private land or on public land under state lease. The following pages outline some of the agencies concerned and provide worksheets for gathering information to develop permit applications.

## Permit requirements

Here are the permits required for each government entity. The actual permit process may vary depending on the situation.



For state-owned loko i'a, additional requirements for state-leased fishponds are as follows:



#### **Implementation of the proposed streamlined permit process**

On the island of Moloka'i there are between 60 and 80 Hawaiian fishponds. In its strategic plan, the community identified these traditional systems as an avenue for education, culture, and economic sustainability. In 1997, the

state processed 29 fishponds through the CDUA process and developed a Master Conservation District Use Application (MCDUA). The MCDUA eliminates much of the application process and provides conditions for the permit processing and operations. While providing some relief, this does not eliminate the overlapping complexity of the permits.

As a result of the continuing, intimidating, and somewhat confusing permit processes, residents of Moloka'i worked with permit consultants to design a procedure that was streamlined and easier to navigate. In addition, the permit consultants worked on making the process timely and affordable so that 'ohana (family) who desire to operate a pond could apply without incurring a financial setback.

Several agencies agreed to exempt the following from the requirements:

- a. Certified Shoreline Survey
- b. U.S. Army Corps of Engineers, Department of the Army, Section 404 Clean Water Act Permit
- c. Department of Health, Section 401 Water Quality Certification

Standardized forms and templates were also created that made the required information easier to gather and fill in, two of which are reprinted here.