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Environmental Center

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REVISED

HB 59 RELATING TO FISHPONDS

House Committees on
Ocean and Marine Resources
Water and Land Use Planning

Public Hearing - February 1, 1993
8:30 A.M., Room 1310 SOT

By

John T. Harrison, Environmental Coordinator
Richard E. Brock, HIMB/Sea Grant
E. Allison Kay, Zoology
James Parrish, Hawaii Cooperative Fishery Unit

HB 59 would amend Section 183-44, HRS, to prohibit the filling of any fishpond during a construction project, and directs the Board of Land and Natural Resources to develop a statewide plan to identify, locate, and protect all fishponds in shoreline areas.

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

In general, our reviewers strongly favor the intent of this bill in that it provides a focal point for educational and cultural enrichment of communities in wide areas of the state. Some concern has been voiced that the bill functionally overlaps with federal protection for wetlands under Section 404 of the federal Clean Water Act, and that there needs to be additional clarification of jurisdictional boundaries between the DLNR and the U.S. Army Corps of Engineers. Furthermore, as written, the bill doesn't draw any distinction between modern and ancient fishponds, and in fact, doesn't define exactly what constitutes a fishpond. It is also not clear that such a prohibition against fishponds in and of itself will be universally appropriate or sufficiently protective. Are there any circumstances under which some fill in certain fishponds might not be appropriate? What of other threats to the structural and functional integrity of fishponds, such as diversion of fresh water from streams emptying into fishponds? Despite these concerns, we feel that there is significant potential value in carrying ideas presented in this bill forward.