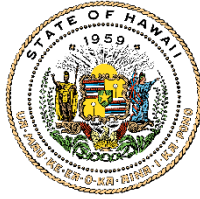


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621  
HONOLULU, HAWAII 96809

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

RYAN K.P. KANAKA'OLE  
FIRST DEPUTY

CIARA W.K. KAHAHANE  
DEPUTY DIRECTOR – WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

REF: OCCL: MK

HO'ALA LOKO I'A: MA 26-01

Sep 25, 2025

'Olu Campbell, President and CEO  
Hawaii'i Land Trust  
1108 Fort Street Mall, Suite 4  
Honolulu, HI 96813

SUBJECT: HO'ALA LOKO I'A Permit MA 26-01 for the Restoration of Kapoho  
Fishpond; Located at Waihe'e, Wailuku-Kahului, Island of Maui  
Tax Map Key (TMK): (2) 3-2-010:001

Dear 'Olu Campbell:

The Department of Land and Natural Resources (DLNR), Office of Conservation of Coastal Lands (OCCL) has reviewed your application regarding the proposed restoration project for the Kapoho Fishpond located on the subject parcel. The Hawaii'i Land Trust, in partnership with Eco Solution and Ka Poholima Kaeo, is proposing to restore the currently dry, Kapoho Fishpond. The parcel is located within the Protected and Limited Subzones of the State Land Use Conservation District, and the Agriculture District. The fishpond area is located entirely within the Agriculture District (**Exhibit 1**).

Kapoho Fishpond is a loko i'a kalo; an inland fishpond that utilizes irrigated taro plots, that dates back to 1450-1500 AD. The fishpond lies inland, within the Waihe'e Coastal Dunes and Wetland Refuge, adjacent to the Waihe'e River in Wailuku-Kahului, Maui. It is currently dry, and sparsely vegetated with native plants and trees, and surrounded by herbaceous wetland and marsh. Despite being within a wetland area, the ground surface is dry (**Exhibit 2**).

The fishpond is approximately 500 years old. Historically, Waihe'e Refuge contained two ancient Hawaiian villages, an extensive fishpond system, several heiau, and burial sites. In 1919, the Waihe'e Dairy Farm was built, and used the fishpond and wetland area to run cattle and other animals. Around 1920, the water that fed the fishpond was disconnected, causing the wetlands to go dry. The proposed project intends to restore the historic fishpond and improve the surrounding wetlands in the process.

The project area is host to several endangered native Hawaiian bird species, including the Ae'o (Hawaiian stilt) and the 'Alae ke'oke'o (Hawaiian coot). Native plants such as naupaka, 'ulei, 'ākia, 'a'ali'i, pōhinahina, and loulou are located on the refuge. Additionally Hawaiian medicinal plants 'uhaloa and noni can be found on the property.

The Waihe‘e shoreline is often frequented by endangered Hawaiian monk seals and nesting endangered green sea turtles.

**PROPOSED PROJECT (Exhibit 3):**

The applicant proposes to restore the fishpond to 100% of its original structure. The pond walls will be reconstructed using the existing rocks on site, by hand, by Hawai‘i Land Trust staff and volunteers. After the reconstruction of the rock walls, mechanical equipment will be used to excavate a deeper section of the south end of the pond. Taro planting beds will be built in the shallower north end of the pond. The proposed work will be contained to the fishpond area, with no proposed work within the areas of the parcel zoned Conservation.

Material removed from the fishpond will be used to fill and decommission the dewatering trench, previously installed by the dairy farm, which will help to restore the quality of the surrounding wetland and habitat.

The freshwater fishpond will have approximately 22,000 ft<sup>2</sup> of planting plots on the north end of the pond, and the deeper, excavated south end will be used to raise fish. Kalo will be the main source of production and will be harvested for the local community. Native species of fish will be cultivated within the fishpond, such as Aholehole, Anae, and Moi. The fish will not be harvested and are intended to increase yields for fishing around the nearby coastline.

The Hawai‘i Land Trust believes the proposed project to be classified as a Tier 3, requiring major repair and restoration (greater than 50% damage), dredging using mechanized equipment, and vegetation removal using mechanized equipment. The OCCL concurs with this classification.

Best management practices will be utilized during construction, such as the use of silt fences, fiber rolls, and gravel check dams for sediment and erosion control. The staging and stockpile area will be protected by fiber rolls during construction. The existing fishpond is currently dry and is not hydraulically connected to the ocean or any freshwater streams. A construction water quality monitoring plan will not be developed due to the dry nature of the fishpond. Observations and documentation for the effectiveness of BMPs will be performed following any storm event. The restoration of the rock walls will utilize existing rock on site, with no import of new materials for construction. A competent observer will complete daily field surveys for any endangered species that may be present or adjacent to the project area.

The OCCL requested comments from the following agencies:

State Agencies: DLNR- Division of Aquatic Resources, State Historic Preservation Division, Division of Forestry and Wildlife, Land Division, Engineering Division, and Ahu Moku Council; the Office of Hawaiian Affairs; Office of Planning and Sustainable Development; Department of Health Environmental Planning Office

County Agencies: Maui Planning Department

Federal Agencies: US Army Corps of Engineers

Additionally, the application was sent to the Maui nonprofit, Hanona.

Comments were received from the Division of Forestry and Wildlife (DOFAW) and the Office of Planning and Sustainable Development (OPSD).

DOFAW provided comments and recommendations regarding the project and possible impacts (**Exhibit 4**). Additional conditions have been incorporated below based on comments received by DOFAW (see **Conditions 9-19**)

OPSD provided comments which contained conditions that the applicant must comply by to maintain consistency with the State Coastal Zone Management Act and noted that the proposed project appears to lie within the Special Management Area (SMA) (**Exhibit 5**). Although comments were not received by the County of Maui or from the US Army Corps of Engineers, the applicant should consult with both agencies to ensure compliance.

After reviewing the information, the OCCL finds that:

1. The proposed work at the Kapoho Fishpond is consistent with the statewide programmatic general permit for restoration, repair, maintenance, and operation of loko i‘a (Conservation District Use Permit ST-3703: Ho‘ālā Loko I‘a), as approved by the Board of Land and Natural Resources on June 27, 2014;
2. The activities described were covered in the Final Environmental Assessment (FEA) and Finding of No Significant Impact (FONSI) for the Ho‘āla Loko I‘a program, which was published on October 23, 2013;
3. The proposal requires the need for a Tier 3 Ho‘āla Loko I‘a permit signed by the Chair;
4. The State Department of Health water quality certifications are waived pursuant to Hawai‘i Revised Statutes (HRS) Chapter 342D WATER POLLUTION §6.5 Hawaiian loko i‘a (b) *The department shall waive the requirement to obtain water quality certification under this chapter for any person that has received notice of authorization to proceed from the Department of Land and Natural Resources Office of Conservation and Coastal Lands under the statewide programmatic general permit for the restoration, repair, maintenance, and operation of loko i‘a;* and
5. That the permit conditions found in Hawai‘i Administrative Rules (HAR) §13-5-42 and Ho‘āla Loko I‘a Permit KA 18-01 continue to apply, and do not need further amendment.

After review of the proposed project, the Department finds that the proposed work will not negatively impact water quality, endangered or threatened species, archaeological and cultural resources, provided that the permittee implement appropriate mitigation measures, and therefore, authorizes a Tier 3 Ho‘āla Loko I‘a permit to the Hawai‘i Land Trust for the restoration of the Kapoho Fishpond, located in Waihe‘e, Wailuku-Kahului, Island of Maui, TMK (2) 3-2-010:001, subject to the following conditions:

1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter;

2. The permittee shall implement and sustain throughout the duration of the work all applicable best management practices described in the Ho‘āla Loko I‘a Permit Application Guidebook as well as those mitigation measures outlined in the permittee's application;
3. The permittee, its successors and assigns, shall indemnify and hold the State of Hawai‘i harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act of omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;
4. All best management practices outlined in the permit application shall be incorporated as conditions of the permit;
5. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
6. In issuing the permit, the department and board have relied on the information and data that Hawai‘i Land Trust has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
7. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
8. Cleared areas shall be revegetated, in accordance with landscaping guidelines provided in this chapter, within thirty days unless otherwise provided for in a plan on file with and approved by the department;
9. Any required site clearing shall be timed to avoid disturbance to bats during their birthing and pup rearing season (June 1 through September 15). During this period, woody plants greater than 15 feet (4.6 meters) tall shall not be disturbed, removed, or trimmed;
10. Barbed wire shall be avoided in any construction to avoid harm or fatality to bats;
11. If State water birds are present during construction, all activities within 100 feet (30 meters) shall cease and the bird or birds should not be approached. Work may continue after the bird or birds leave the area of their own accord.
12. If a nest is discovered at any point, please contact the Maui Branch DOFAW office at (808) 984-8116 and establish a buffer zone around the nest.
13. The permittee shall contact the Maui Branch DOFAW office for information regarding the presence of Blackburn’s sphinx moth (BSM) and whether a vegetation survey is necessary;

14. The removal of plants less than one meter in height shall be scheduled during the dry season to avoid harm to BSM. If there is intent to either remove tree tobacco over one meter in height, or to disturb the ground around or within several meters of these plants, they must be thoroughly inspected by a qualified entomologist for the presence of BSM eggs and larvae;
15. The permittee shall coordinate with the Hawai‘i Wildfire Management Organization on how wildfire prevention can be addressed in the project area;
16. The movement of plant or soil material between worksites shall be avoided, as they could contain detrimental fungal pathogens, vertebrate and invertebrate pests, or invasive plant parts.
17. The permittee shall contact the Maui Invasive Species Committee to help plan, design, and construct the project, learn of any high-risk invasive species in the area, and ways to mitigate their spread;
18. The permittee shall contact the Hawai‘i Department of Agriculture prior to inter-island transport of host material for the invasive coconut rhinoceros beetle (CRB), including entire dead trees, mulch, compost, trimmings, fruit and vegetative scraps, and decaying stumps of the live palm plants of fan palms, coconut palms, date palms, and royal palms;
19. The permittee shall use native or Polynesian introduced plant species for landscaping that are appropriate to the area, e.g. for which climate conditions are suitable for them to thrive, and plants that historically occurred there. The planting of invasive species is prohibited in the Conservation District;
20. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawai‘i, and by Hawai‘i statutory and case law;
21. Should historic remains such as artifacts, burials or concentration of charcoal be encountered, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact SHPD (808-692-8015) which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
22. Other terms and conditions as prescribed by the chairperson; and
23. Failure to comply with any of these conditions shall render a permit void under the chapter, as determined by the chairperson or board.

Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. Please sign two copies. Retain one and return the other within thirty days.

Should you have any questions feel free to contact Mari Kurosawa at (808) 587-0381 or [mari.i.kurosawa@hawaii.gov](mailto:mari.i.kurosawa@hawaii.gov).

Sincerely,



mc

Dawn S. Chang, Chairperson  
Board of Land and Natural Resources

Receipt Acknowledged:

\_\_\_\_\_  
Permitee's Signature

\_\_\_\_\_  
Date

CC: *County of Maui- Planning Department*  
*Maui District Land Office*  
*Maui Branch DOFAW*  
*DBEDT- OPSD*  
*US Army Corps of Engineers*

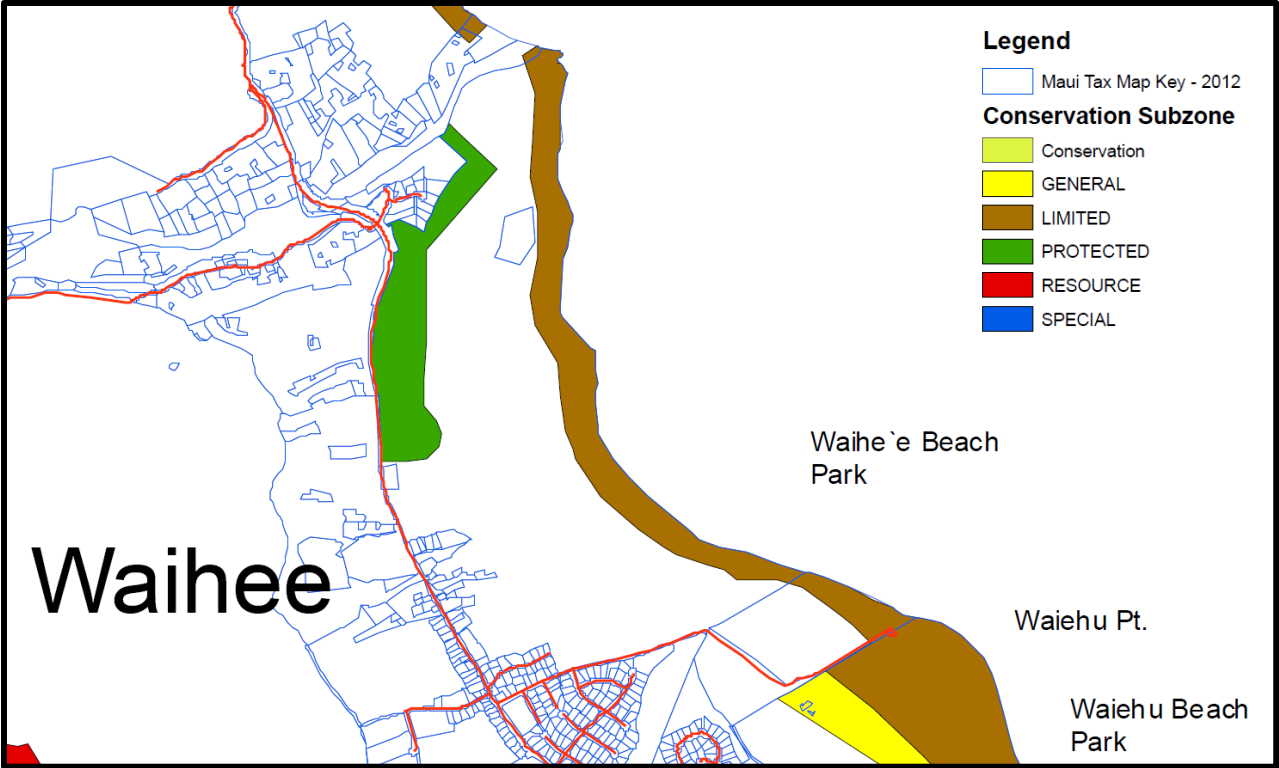


Exhibit 1: Location and Subzone Map





## Exhibit 2: Existing Conditions



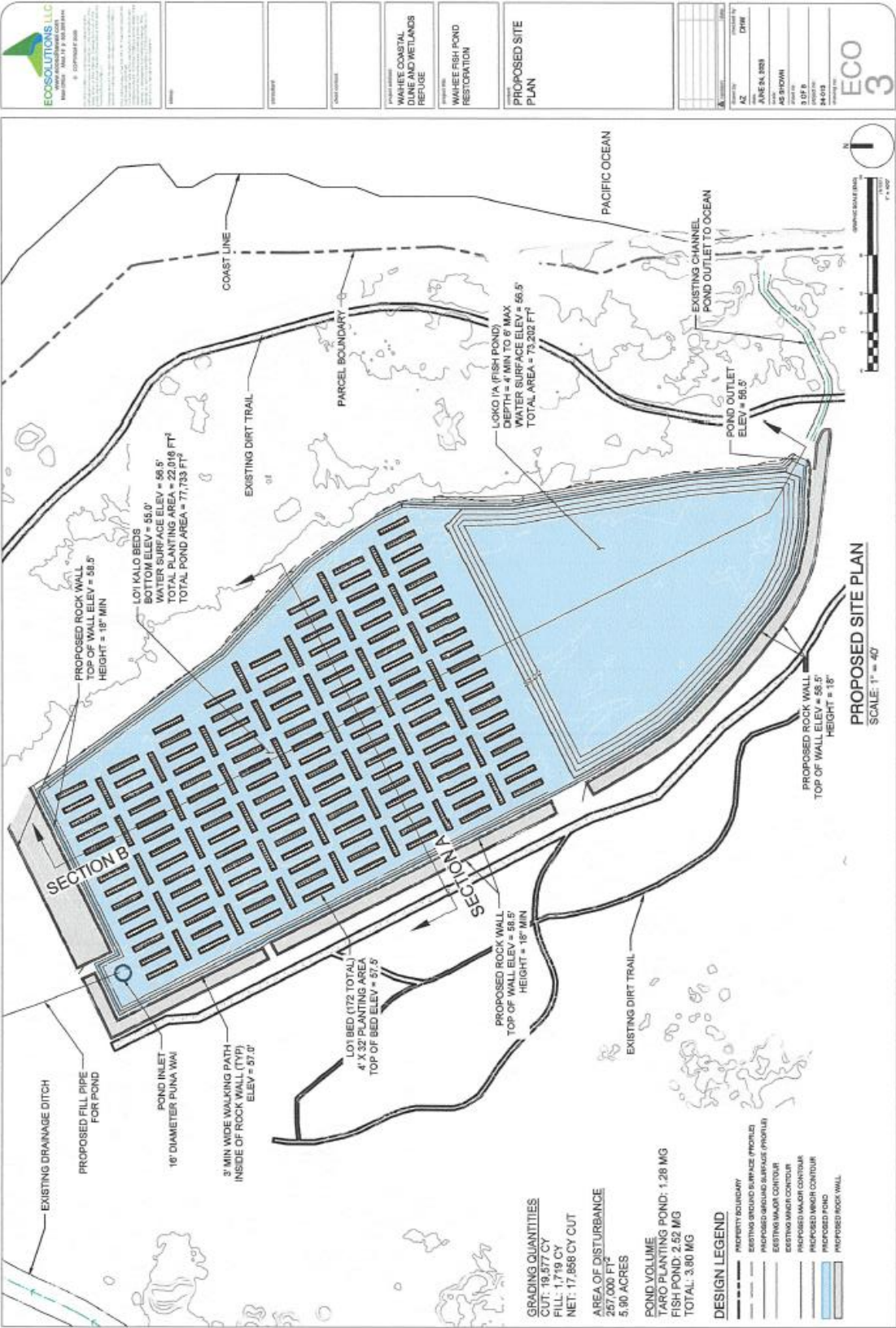


Exhibit 3: Proposed Site Plans



JOSH GREEN, M.D.  
GOVERNOR | KE KAA'ĀINA  
  
SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KAA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'ŌIHANA KUMUWAIWAI 'ĀINA

DIVISION OF FORESTRY AND WILDLIFE  
1151 PUNCHBOWL STREET, ROOM 325  
HONOLULU, HAWAII 96813

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
  
RYAN K.P. KANAKA'OLE  
FIRST DEPUTY  
  
CIARA W.K. KAHANE  
DEPUTY DIRECTOR - WATER  
  
AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

September 10, 2025

Log no. 5128  
MA 26-01

**MEMORANDUM**

**TO:** S. MICHAEL CAIN, Administrator  
Office of Conservation and Coastal Lands

**FROM:** Jason D. Omick, Wildlife Program Manager *JOA*  
Division of Forestry and Wildlife

**SUBJECT:** Request for Comments on Ho'ala Loko I'a Application for Kapoho  
Fishpond, MA 26-01

The Department of Land and Natural Resources—Division of Forestry and Wildlife (DOFAW) has received the Office of Conservation and Coastal Lands request for comments on the Ho'ala Loko I'a Application, MA 26-01, for the restoration of Kapoho Fishpond, Waihee-Waiehu, Maui; impacting a portion of TMK (2) 3-2-010:001. The proposed project consists of 1) major repair and restoration of rock walls by hand using uhu humu pōhaku techniques; 2) dredging using mechanized equipment to increase the depth of the south end of the pond with an estimated 3,000 to 4,300 CY of material removed; 3) the dredged material will be used to fill and decommission a dewatering trench from a dairy farm that previously occupied the site; and 4) removal of about six acres of vegetation.

DOFAW has concluded that the project site is adjacent to Federally designated critical habitat for honu or green sea turtle (*Chelonia mydas*) but is not located near any protected Federal lands. The worksite is within a maximum of 1.8 miles from the State administrated West Maui Forest Reserve. This reserve protects unique botanical assets that not only provide habitat for native wildlife, but aid in aquifer recharge. Therefore, DOFAW requests that special attention is paid to the recommendations made at the end of this letter regarding fire prevention and planning, and invasive species.

The Division notes that there is potential for several State listed species, protected under HRS § 195D, to found within the proposed project area. These include: 1)

**Exhibit 4: DOFAW Comments and Recommendations**



‘ōpe‘ape‘a, or Hawaiian hoary bat (*Lasiurus semotus*); 2) several species of waterbirds; and 3) ‘ōka‘i or Blackburn’s sphinx moth (*Manduca blackburni*). Guidance to reduce negative impacts to these species has been included in this letter.

The State listed ‘ōpe‘ape‘a or Hawaiian hoary bat (*Lasiurus semotus*) could potentially occur at or in the vicinity of the project and may roost in nearby trees. Any required site clearing should be timed to avoid disturbance to bats during their birthing and pup rearing season (June 1 through September 15). During this period woody plants greater than 15 feet (4.6 meters) tall should not be disturbed, removed, or trimmed. Barbed wire should also be avoided in any construction as bats can become ensnared and killed by such fencing material during flight.

State-listed waterbirds such as ae‘o or Hawaiian stilt (*Himantopus mexicanus knudseni*), ‘alae ke‘oke‘o or Hawaiian coot (*Fulica alai*), ‘alae ‘ula or Hawaiian gallinule (*Gallinula chloropus sandvicensis*), koloa maoli or Hawaiian Duck (*Anas wyvilliana*), and nēnē or Hawaiian goose (*Branta sandvicensis*) could potentially occur at or in the vicinity of the proposed project site. It is against State law to harm or harass these species. If any of these species are present during construction, all activities within 100 feet (30 meters) should cease and the bird or birds should not be approached. Work may continue after the bird or birds leave the area of their own accord. If a nest is discovered at any point, please contact the Maui Branch DOFAW Office at (808) 984-8116 and establish a buffer zone around the nest.

The project area is within the range of the State listed ‘ōka‘i or Blackburn’s sphinx moth (BSM; *Manduca blackburni*). Larvae of BSM feed on many nonnative hostplants, which includes tree tobacco (*Nicotiana glauca*), that grow in disturbed areas. We recommend contacting the Maui Branch DOFAW office at (808) 984-8116 for further information about where BSM may be present and whether a vegetation survey should be conducted to determine the presence of BSM host plants. DOFAW recommends removing plants less than one meter in height during the dry season to avoid harming BSM. If there is intent to either remove tree tobacco over one meter in height, or to disturb the ground around or within several meters of these plants, they must be thoroughly inspected by a qualified entomologist for the presence of BSM eggs and larvae.

The project location is within a Severe Drought area as determined by the U.S. Drought Monitor—a collaboration between the National Drought Mitigation Center at the University of Nebraska-Lincoln, the United States Department of Agriculture, and the National Oceanic and Atmosphere Administration. Due to the risks of wildfire to listed species and native habitats, we recommend coordinating with the Hawai‘i Wildfire Management Organization at (808)-850-0900 or [admin@hawaiiwildfire.org](mailto:admin@hawaiiwildfire.org), on how wildfire prevention can be addressed in the project area. When engaging in activities that have a high risk of starting a wildfire, it is recommended that you: 1) wet down the area before starting your task; 2) continuously wet down the area as needed; and 3) have a fire extinguisher on hand. Additionally, do not park any vehicles in or near tall grass as heat from the engine/exhaust may ignite dry vegetation.





DOFAW recommends minimizing the movement of plant or soil material between worksites. Soil and plant material may contain detrimental fungal pathogens (e.g., Rapid ‘Ōhi‘a Death), vertebrate and invertebrate pests (e.g., Coqui Frogs, Little Fire Ants, etc.), or invasive plant parts (e.g., Miconia, Mullein, etc.) that could harm our native species and ecosystems. We recommend consulting the Maui Invasive Species Committee (MISC) at (808) 573-6472 to help plan, design, and construct the project, learn of any high-risk invasive species in the area, and ways to mitigate their spread. All equipment, materials, and personnel should be cleaned of excess soil and debris to minimize the risk of spreading invasive species.

The invasive coconut rhinoceros beetle (*Oryctes rhinoceros*) or CRB is widespread on the island of O‘ahu. CRB have been detected on other islands with moderate infestation on Kaua‘i, one incipient site on Hawai‘i Island, and only one positive site on Maui in 2023. Hawai‘i Department of Agriculture interim rule 24-1 restricts the movement of CRB-host material from the island of O‘ahu, which is defined as the Quarantine Area. Regulated material (host material or host plants) is considered a risk for potential CRB infestation. Host material for the beetle specifically includes 1) entire dead trees; 2) mulch, compost, trimmings, fruit and vegetative scraps, and 3) decaying stumps. CRB host plants include the live palm plants in the following genera: *Washingtonia*, *Livistona*, and *Pritchardia* (all commonly known as fan palms), *Cocos* (coconut palms), *Phoenix* (date palms), and *Roystonea* (royal palms). When such material or these specific plants are moved there is a risk of spreading CRB because they may contain CRB in any life stage. Inspection and/or treatment approved by HDOA is mandatory before inter-island transport. For more information regarding CRB, please visit <https://dlnr.hawaii.gov/hisc/info/invasive-species-profiles/coconut-rhinoceros-beetle/>.

DOFAW recommends using native or Polynesian introduced plant species for landscaping that are appropriate for the area, e.g., plants for which climate conditions are suitable for them to thrive, plants that historically occurred there, etc. Please do not plant invasive species. DOFAW also recommends referring to [www.plantpono.org](http://www.plantpono.org) for guidance on the selection and evaluation of landscaping plants and to determine the potential invasiveness of plants proposed for use in the project.

Mahalo for contacting our office to receive guidance regarding the conservation of our native species. These comments are general guidelines and should not be considered comprehensive for this site or project. It is the responsibility of the applicant to do their own due diligence to avoid any negative environmental impacts. If you have any questions, please contact Jesse W. Adams, Protected Species Habitat Conservation Planning Associate, at [jesse.w.adams.researcher@hawaii.gov](mailto:jesse.w.adams.researcher@hawaii.gov) or call (808) 265-3276. Ho‘okāhi ka ‘ilau like ana—Wield the paddles together.

<p>JOSH GREEN, M.D. GOVERNOR   HE KAHANA</p> <p>SYLVIA LUKE LIEUTENANT GOVERNOR   KA HOPE KAHANA</p> 		<div style="border: 1px solid black; padding: 5px; display: inline-block;"><b>RECEIVED</b> AUG 1 1 2025 OFFICE OF PLANNING &amp; SUSTAINABLE DEVELOPMENT</div> <p>DAWN N.S. CHANG CHAIRPERSON BOARD OF LAND AND NATURAL RESOURCES COMMISSION ON WATER RESOURCE MANAGEMENT</p> <p>RYAN K.P. KAHANA'OLE FIRST DEPUTY</p> <p>DIANA W.K. KAHANE DEPUTY DIRECTOR - WATER</p> <p>AQUATIC RESOURCES BOATING AND OCEAN RECREATION BUREAU OF CONVEYANCES COMMISSION ON WATER RESOURCE MANAGEMENT CONSERVATION AND COASTAL LANDS CONSERVATION AND RESOURCES ENFORCEMENT ENGINEERING FORESTRY AND WILDLIFE HISTORIC PRESERVATION KAOHOLAWE ISLAND RESERVE COMMISSION LAND STATE PARKS</p>	<p>STATE OF HAWAII   KA MOKU'ĀINA 'O HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES KA 'ŌIHANA KUMUWAIWAI 'ĀINA Office of Conservation and Coastal Lands P.O. BOX 621 HONOLULU, HAWAII 96809</p>
REF:OCCL:MK		HO'ALA LOKO I'A: MA 26-01 Aug 7, 2025	
<b><u>MEMORANDUM</u></b>			
<b>TO:</b>			
<div style="display: flex; justify-content: space-between;"><div><p><b>State Agencies</b></p><p><input type="checkbox"/> DLNR- Aquatic Resources</p><p><input type="checkbox"/> DLNR- Historic Preservation</p><p><input type="checkbox"/> DLNR- Aha Moku</p><p><input type="checkbox"/> DLNR- Forestry and Wildlife</p><p><input type="checkbox"/> DLNR- Engineering Division</p><p><input type="checkbox"/> DLNR- Land Division</p><p><input checked="" type="checkbox"/> DBEDT- OPSD</p></div><div><p><input type="checkbox"/> DoH- Environmental Planning Office</p><p><input type="checkbox"/> Office of Hawaiian Affairs</p><p><b>County Agencies</b></p><p><input type="checkbox"/> Maui Department of Planning</p><p><b>Federal</b></p><p><input type="checkbox"/> US Army Corps of Engineers</p><p><input type="checkbox"/> Hanona</p></div></div>			
<b>FROM:</b> S. Michael Cain, Administrator <i>S. Michael Cain</i> Office of Conservation and Coastal Lands			
<b>SUBJECT:</b> REQUEST FOR COMMENTS HO'ALA LOKO I'A: MA 26-01 Kapoho Fishpond Improvements			
<b>APPLICANT:</b> Hawai'i Land Trust			
<b>LOCATION:</b> Waihe'e, Wailuku-Kahului, Maui, Tax Map Key (TMK): (2) 3-2-010:001			
A link to the Kapoho Fishpond Improvement project may be found on our website: <a href="https://dlnr.hawaii.gov/occl/current-applications/">https://dlnr.hawaii.gov/occl/current-applications/</a> . We would appreciate your agency's review and comment on this application. If no response is received by September 8, 2025, we will assume your agency has no comments.			
If you have any questions, please contact Mari Kurosawa at the Office of Conservation and Coastal Lands at (808) 587-0381 or <a href="mailto:mari.i.kurosawa@hawaii.gov">mari.i.kurosawa@hawaii.gov</a> .			
<div style="display: flex; align-items: flex-start;"><div style="flex: 1;"><p>( ) Comments Attached</p><p>( ) No Comments</p><p>( ) No Objections</p></div><div style="flex: 1; text-align: center;"><p><i>Mary Alice Evans</i></p><p>Mary Alice Evans</p><p>_____ Signature/ Print your Name and Title</p></div></div>			

**Exhibit 5: OPSD Comments and Recommendations**

OPSD/CZM COMMENTS: HO ALA LOKO I A: MA 26-01

Kapoho Fishpond Improvements

**1. Coastal Zone Management Act (CZMA) – Federal Consistency**

The national [Coastal Zone Management Act \(CZMA\)](#), Section 307, requires federal agency activities and development projects, activities requiring a federal permit or license, and activities with federal financial assistance that affect coastal uses and resources must be conducted in a manner consistent with the state's CZM program. According to the application, the proposed Kapoho fishpond improvements will restore the fishpond to 100% of its original structure, and the subject fishpond will be a Loko I‘a Kalo (Type IV) fishpond.

The Hawaii CZM Program has issued a general concurrence for federal permit activities for the restoration, repair, maintenance and reconstruction of existing Hawaiian fishponds, subject to the applicable geographic area and the relevant conditions listed below.

General Concurrence Procedures

- (a) Federal permit activities which satisfy the conditions of the general concurrence are not subject to the consistency certification and review requirements of 15 CFR 930, Subpart D - Consistency for Activities Requiring a Federal License or Permit.
- (b) Copies of federal license and permit applications for activities subject to the general concurrence must be sent by the applicant to the Hawaii CZM Program for the purpose of monitoring adherence to the required conditions.

Included Activities

- (a) Restoration, reconstruction, repair and maintenance of fishpond walls and sluice gates, including but not limited to the placement, movement, manipulation and temporary stockpiling of necessary materials.
- (b) Placement, movement, manipulation and temporary stockpiling of small stones or rubble for interior wall fill (‘ili‘ili).
- (c) Silt removal by hand and/or mechanized equipment from within fishponds.
- (d) Vegetation removal by hand and/or mechanized equipment from within fishponds and from fishpond walls.
- (e) Periodic post-restoration maintenance activities required to facilitate the long-term use, management and operation of fishponds.
- (f) Use of hand and/or mechanized equipment to conduct fishpond restoration activities.
- (g) Placement of temporary structures within fishponds which are necessary to conduct restoration activities.
- (h) Placement and use of aquaculture pens, nets, and/or cages within fishponds.
- (i) Use of harvesting equipment within fishponds.



#### Geographic Area

The geographic areas covered by this general concurrence include coastal land areas, shoreline areas, and nearshore ocean waters within the State of Hawaii where existing Hawaiian fishponds are located. The specific geographic area is defined by the type of fishpond.

Fishponds are categorized into six main types according to the "Hawaiian Fishpond Study" (DHM Planners, Inc. and Public Archaeology Section, Applied Research Group, Bernice Pauahi Bishop Museum, June 1989; based on information by William K. Kikuchi, 1973, Hawaiian Aquacultural System). Each fishpond type is specific to a particular geographic area. Refer to Figure 1, which provides a conceptual diagram and geographic area of each type of fishpond.

Type I - Loko Kuapa: A fishpond of littoral water whose side or sides facing the sea consist of a stone or coral wall usually containing one or more sluice gates.

Type II - Loko Pu‘uone: An isolated shore fishpond usually formed by the development of barrier beaches building a single, elongated sand ridge parallel to the coast and containing one or more ditches and sluice gates.

Type III - Loko Wai: An inland freshwater fishpond which is usually either a natural lake or swamp, which can contain ditches connected to a river, stream, or the sea, and which contain sluice gates.

Type IV - Loko i‘a kalo: An inland fishpond utilizing irrigated taro plots.

Type V - Loko ‘Ume‘iki: A fishtrap which is similar to a Type I - loko kuapa and has various combinations of inward and outward leading lanes.

Type VI - Kaheka and Hapunapuna: A natural pool or holding pond.

#### Conditions

1. Copies of U.S. Army Corps of Engineers permit applications for activities covered by this general concurrence must be sent by the applicant to the Hawaii CZM Program for the purpose of monitoring adherence to the required conditions.
2. Fishpond restoration activities shall be conducted in compliance with applicable State of Hawaii water quality standards and requirements of Hawaii Revised Statutes (HRS) Chapter 342D Water Pollution and Hawaii Administrative Rules (HAR) Chapter 11-54 Water Quality Standards, which are federally approved enforceable policies of the Hawaii CZM Program.
3. Fishpond restoration activities shall be conducted in compliance with applicable State of Hawaii water pollution control requirements of HRS Chapter 342D Water Pollution and HAR Chapter 11-55 Water Pollution Control, which are federally approved enforceable policies of the Hawaii CZM Program.
4. Best management practices, such as silt containment devices and turbidity control measures, shall be implemented during fishpond restoration activities to minimize impacts on surface and ocean water quality. This condition is necessary to ensure consistency with Hawaii CZM Program coastal ecosystems policies established in HRS Chapter 205A Coastal Zone



Management (HRS §205A-2(b)(4)(A) and HRS §205A-2(c)(4)), which is a federally approved enforceable policy.

5. Materials used for fishpond restoration, reconstruction and repair may be from on-site and/or off-site, and shall be clean and free of waste products, debris, or any potentially hazardous materials. This condition is necessary to ensure consistency with Hawaii CZM Program coastal ecosystems policies established in HRS Chapter 205A Coastal Zone Management (HRS §205A-2(b)(4)(A) and HRS §205A-2(c)(4)), which is a federally approved enforceable policy.
6. Whenever active fishpond restoration activities are occurring, work areas shall be monitored for endangered, threatened or indigenous species protected by the State of Hawaii under HRS Chapter 195D Conservation of Aquatic Life, Wildlife, and Land Plants, and HAR Chapter 13-124 Indigenous Wildlife, Endangered and Threatened Wildlife, and Introduced Wild Birds, which are federally approved enforceable policies of the Hawaii CZM Program. If any protected endangered, threatened or indigenous species are present in the vicinity of the restoration area, work shall cease until the animal has left the area.
7. Fishpond restoration activities shall be conducted in compliance with applicable State of Hawaii conservation district requirements established in HRS Chapter 183C Conservation District and HAR Chapter 13-5 Conservation District, which are federally approved enforceable policies of the Hawaii CZM Program.
8. The State Historic Preservation Division (SHPD) shall be consulted prior to beginning fishpond restoration and any requirements of SHPD shall be complied with. This condition is necessary to ensure consistency with HRS Chapter 6E - Historic Preservation, which is a federally approved enforceable policy of the Hawaii CZM Program.
9. Fishpond restoration activities shall be conducted in compliance with special management area and shoreline setback area requirements of the respective county in which the fishpond restoration occurs. This condition is necessary to ensure consistency with HRS Chapter 205A Coastal Zone Management (HRS Chapter 205A, Part II and Part III), which is a federally approved enforceable policy of the Hawaii CZM Program.
10. Public access along the shoreline shall not be precluded by any fishpond restoration activities. If restoration work involves an area used for public shoreline access and if safe public access cannot be maintained during restoration, then provisions shall be made to ensure that public access is provided by alternative routes and/or means. This condition is necessary to ensure consistency with federally approved Hawaii CZM Program enforceable policies for ensuring and managing public access established in HRS Chapter 205A Coastal Zone Management (HRS §205A-2(b)(1)(A) and HRS §205A-2(c)(1)(B)) and HRS Chapter 115 Public Access to Coastal and Inland Recreational Areas.

## **2. Special Management Area Use**

If the proposed fishpond project is located within the county designated special management area (SMA), the applicant should consult with the County of Maui planning department to confirm whether an SMA permit will be required for the proposed fishpond restoration.