

JAN 20 2023

A BILL FOR AN ACT

RELATING TO THE WAHIAWA IRRIGATION SYSTEM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. The legislature finds that the Wahiawa
3 irrigation system is a critical irrigation system providing
4 water to farmers in Waialua and Haleiwa on the island of Oahu.
5 Built by the Waialua Sugar Company, the Wahiawa irrigation
6 system was created with a dam and freshwater reservoir fed by
7 the north fork and south fork of the Kaukonahua stream. The dam
8 is essential to agriculture as the water in the reservoir
9 provides irrigation to farmers in Wahiawa, Waialua, and Haleiwa.
10 The reservoir also provides a venue for recreational activities
11 for the surrounding community and the State.

12 The legislature further finds that Dole Food Company, Inc,
13 has listed the irrigation system for sale for \$20,000,000. The
14 Dole portion of the system includes the Wahiawa reservoir,
15 Wahiawa dam, and ditch system. The spillway, owned by
16 Sustainable Hawaii, LLC, is also an integral component of the
17 irrigation system. Dole has offered to donate its interests to



1 the State of Hawaii in exchange for the State's agreement to
2 repair the spillway to meet and maintain dam safety standards.
3 It is in the interest of the public for the State to acquire the
4 Wahiawa irrigation system and preserve the system for public
5 access and the agriculture industry.

6 The purpose of this Act is to authorize the department of
7 agriculture, department of land and natural resources, and
8 agribusiness development corporation to acquire the Wahiawa
9 irrigation system, on terms negotiated and agreed upon by the
10 office of the governor, and to purchase, repair, and maintain
11 the associated spillway.

12 PART II

13 SECTION 2. (a) The office of the governor shall negotiate
14 with Wahiawa Water Company, Inc, and Dole Food Company, Inc, the
15 State's fee simple acquisition of the Wahiawa irrigation system.

16 (b) The department of land and natural resources may
17 acquire from Wahiawa Water Company, Inc, or Dole Food Company,
18 Inc, on terms agreed upon by the office of the governor, the fee
19 simple interest in the Wahiawa irrigation system, including the
20 following parcels:

21 (1) TMK (1) 7-3-001-003;



- 1 (2) TMK (1) 7-3-001-019;
- 2 (3) TMK (1) 7-3-005-005;
- 3 (4) TMK (1) 7-3-006-023;
- 4 (5) TMK (1) 7-3-007-001;
- 5 (6) TMK (1) 7-3-008-001;
- 6 (7) TMK (1) 7-3-010-003;
- 7 (8) TMK (1) 7-3-011-003;
- 8 (9) TMK (1) 7-3-011-006;
- 9 (10) TMK (1) 7-3-011-007;
- 10 (11) TMK (1) 7-3-012-002;
- 11 (12) TMK (1) 7-3-012-006;
- 12 (13) TMK (1) 7-3-013-003;
- 13 (14) TMK (1) 7-4-001-003; and
- 14 (15) TMK (1) 7-4-012-001.

15 (c) The department of agriculture may acquire:

- 16 (1) From Dole Food Company, Inc, or the appropriate owner
- 17 a fee simple interest in the Wahiawa dam, on terms
- 18 agreed upon by the office of the governor; and
- 19 (2) From Sustainable Hawaii, LLC, a fee simple interest in
- 20 the spillway associated with the Wahiawa irrigation
- 21 system, located at parcel TMK (1) 7-1-012-014;



1 provided that the sale terms shall be conditioned on
2 an appraisal of the property pursuant to section
3 171-30, Hawaii Revised Statutes.

4 (d) The agribusiness development corporation may acquire
5 from Dole Food Company, Inc, or the appropriate owner on terms
6 agreed upon by the office of the governor, the ditch system
7 associated with the Wahiawa irrigation system.

8 (e) The department of land and natural resources shall not
9 impose administrative fines on the department of agriculture for
10 safety deficiencies at Wahiawa dam or the associated spillway;
11 provided that the department of agriculture shall repair and
12 maintain the Wahiawa dam and spillway and shall ensure the
13 structures meet dam safety standards.

14 (f) No fines owed by Dole Food Company, Inc; Sustainable
15 Hawaii, LLC; or Wahiawa Water Company, Inc, for violations of
16 dam safety standards at Wahiawa dam or the associated spillway
17 shall transfer to the State upon the sale of the property to the
18 State.

19 PART III

20 SECTION 3. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$21,000,000 or so



1 much thereof as may be necessary for fiscal year 2023-2024 and
2 the same sum or so much thereof as may be necessary for fiscal
3 year 2024-2025 for the department of agriculture to repair and
4 expand the spillway associated with the Wahiawa irrigation
5 system and to bring the spillway into compliance with all
6 relevant dam safety requirements.

7 The sums appropriated shall be expended by the department
8 of agriculture for the purposes of this Act.

9 SECTION 4. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$5,000,000 or so much
11 thereof as may be necessary for fiscal year 2023-2024 for the
12 department of agriculture to acquire a fee simple interest in
13 the spillway associated with the Wahiawa irrigation system,
14 located at parcel TMK (1) 7-1-012-014; provided that the sale
15 terms shall be conditioned on an appraisal of the property
16 pursuant to section 171-30, Hawaii Revised Statutes.

17 The sum appropriated shall be expended by the department of
18 agriculture for the purposes of this Act.

19 SECTION 5. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$800,000 or so much
21 thereof as may be necessary for fiscal year 2023-2024 and the



1 same sum or so much thereof as may be necessary for fiscal year
2 2024-2025 for the agribusiness development corporation to manage
3 and maintain its acquired portion of the Wahiawa irrigation
4 system.

5 The sums appropriated shall be expended by the agribusiness
6 development corporation for the purposes of this Act.

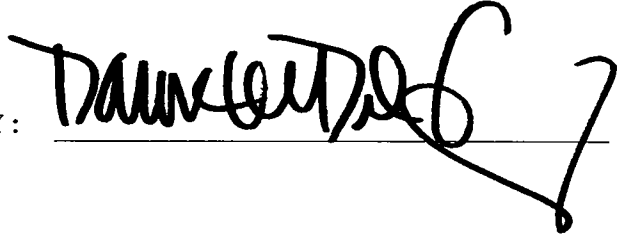
7 PART IV

8 SECTION 6. The appropriations made for the capital
9 improvement projects authorized by this Act shall not lapse at
10 the end of the fiscal biennium for which the appropriations are
11 made; provided that all moneys from the appropriations
12 unencumbered as of June 30, 2025, shall lapse as of that date.

13 SECTION 7. This Act shall take effect on July 1, 2023.

14

INTRODUCED BY:





S.B. NO. 833

Report Title:

Wahiawa Irrigation System; Land Purchase; Office of the Governor; HDOA; ADC; DLNR; Appropriation

Description:

Requires the Office of the Governor to negotiate the State's fee simple acquisition of the Wahiawa irrigation system on the island of Oahu. Authorizes and appropriates funds for the Department of Agriculture, Agribusiness Development Corporation, and Department of Land and Natural Resources to purchase, repair, and maintain the Wahiawa irrigation system and the associated spillway.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

