
A BILL FOR AN ACT

RELATING TO STREAM PROTECTION.

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

1 SECTION 1. The legislature finds that the board of land
2 and natural resources lacks rules for rendering decisions on
3 land dispositions that authorize water diversion from streams.
4 The legislature believes that public trust principles must guide
5 these decisions and must supersede commercial interests and that
6 the impacts of climate change are not sufficiently clear to
7 allow for any disposition lasting more than fifteen years.

8 The purpose of this Act is to:

- 9 (1) Prohibit the board of land and natural resources from
10 approving dispositions that authorize or have the
11 effect of authorizing the diversion of water from
12 streams, except under specified circumstances; and
13 (2) Require moneys collected through land dispositions
14 that authorize or have the effect of authorizing the
15 diversion of water from streams to be deposited into
16 the forest stewardship fund.



1 SECTION 2. Chapter 171, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§171- Dispositions that authorize or have the effect
5 of authorizing the diversion of water from streams. (a) The
6 board shall not approve a disposition that authorizes or has the
7 effect of authorizing the diversion of water from a stream
8 unless:

- 9 (1) The authorization is for no more than fifteen years;
10 (2) The board has accurate information as to how much
11 water flows in a stream and how much water is proposed
12 to be diverted from it;
13 (3) The fee charged is at least ninety per cent of the
14 avoided cost to the applicant of obtaining the water
15 from an alternative source;
16 (4) At all times no more than half of the water in a
17 stream is diverted from the stream;
18 (5) The board concludes that the diversion will not
19 adversely impact the ecological, cultural,
20 recreational, and aesthetic values of the stream; and
21 (6) All other legal requirements are met.



H.B. NO. 464

1 (b) Moneys collected through any land disposition that
2 authorizes or has the effect of authorizing the diversion of
3 water from a stream shall be deposited into the forest
4 stewardship fund established pursuant to section 195F-4;
5 provided that the department of Hawaiian home lands and the
6 office of Hawaiian affairs shall receive their respective
7 constitutionally-entitled shares."

8 SECTION 3. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:



JAN 22 2021



H.B. NO. 404

Report Title:

Water Rights; Land Disposition; Water Diversion from Streams;
Forest Stewardship Fund

Description:

Prohibits BLNR from approving dispositions that authorize or have the effect of authorizing the diversion of water from streams except under specified criteria. Deposits moneys collected via land dispositions that authorize or have the effect of authorizing the diversion of water from streams into the forest stewardship fund.

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