
A BILL FOR AN ACT

RELATING TO THE WAHIAWA IRRIGATION SYSTEM.

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

PART I

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

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



1 of Hawaii in exchange for the State's agreement to repair the
2 spillway to meet and maintain dam safety standards. It is in
3 the interest of the public for the State to acquire the Wahiawa
4 irrigation system and preserve the system for public access and
5 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 Dole Food Company the State's fee simple acquisition of the
15 Wahiawa irrigation system.

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

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

21 (2) TMK (1) 7-3-001-019;



- 1 (3) TMK (1) 7-3-005-005;
2 (4) TMK (1) 7-3-006-023;
3 (5) TMK (1) 7-3-007-001;
4 (6) TMK (1) 7-3-008-001;
5 (7) TMK (1) 7-3-010-003;
6 (8) TMK (1) 7-3-011-003;
7 (9) TMK (1) 7-3-011-006;
8 (10) TMK (1) 7-3-011-007;
9 (11) TMK (1) 7-3-012-002;
10 (12) TMK (1) 7-3-012-006;
11 (13) TMK (1) 7-3-013-003;
12 (14) TMK (1) 7-4-001-003; and
13 (15) TMK (1) 7-4-012-001.
14 (c) The department of agriculture may acquire:
15 (1) From Dole Food Company a fee simple interest in the
16 Wahiawa dam, on terms agreed upon by the office of the
17 governor; and
18 (2) From Sustainable Hawaii, LLC, a fee simple interest in
19 the spillway associated with the Wahiawa irrigation
20 system, located at parcel TMK (1) 7-1-012-014;
21 provided that the sale terms shall be conditioned on



1 an appraisal of the property pursuant to section
2 171-30, Hawaii Revised Statutes.

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

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

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

17 PART III

18 SECTION 3. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$21,000,000 or so
20 much thereof as may be necessary for fiscal year 2022-2023 for
21 the department of agriculture to repair and expand the spillway



1 associated with the Wahiawa irrigation system and to bring the
2 spillway into compliance with all relevant dam safety
3 requirements.

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

6 SECTION 4. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$5,000,000 or so much
8 thereof as may be necessary for fiscal year 2022-2023 for the
9 department of agriculture to acquire a fee simple interest in
10 the spillway associated with the Wahiawa irrigation system,
11 located at parcel TMK (1) 7-1-012-014; provided that the sale
12 terms shall be conditioned on an appraisal of the property
13 pursuant to section 171-30, Hawaii Revised Statutes.

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

16 SECTION 5. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$800,000 or so much
18 thereof as may be necessary for fiscal year 2022-2023 for the
19 agribusiness development corporation to manage and maintain its
20 acquired portion of the Wahiawa irrigation system.



1 The sum appropriated shall be expended by the agribusiness
2 development corporation for the purposes of this Act.

3 SECTION 6. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$1,500,000 or so much
5 thereof as may be necessary for fiscal year 2022-2023 for the
6 department of land and natural resources to manage and maintain
7 its acquired portion of the Wahiawa irrigation system, including
8 the creation of four full-time equivalent (4.0 FTE) positions
9 for this purpose.

10 The sum appropriated shall be expended by the department of
11 land and natural resources for the purposes of this Act.

12 PART IV

13 SECTION 7. The appropriations made for the capital
14 improvement projects authorized by this Act shall not lapse at
15 the end of the fiscal biennium for which the appropriations are
16 made; provided that all moneys from the appropriations
17 unencumbered as of June 30, 2024, shall lapse as of that date.

18 SECTION 8. This Act shall take effect on July 1, 2050.



Report Title:

DOA; ADC; Office of the Governor; Wahiawa Irrigation System;
Land Purchase; Appropriations

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 moneys 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. Effective 7/1/2050. (HD1)

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

