
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.,
15 for the State's fee simple acquisition of the Wahiawa irrigation
16 system.

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



- 1 (1) TMK (1) 7-3-001-003;
- 2 (2) TMK (1) 7-3-001-019;
- 3 (3) TMK (1) 7-3-006-023;
- 4 (4) TMK (1) 7-3-007-001;
- 5 (5) TMK (1) 7-3-008-001;
- 6 (6) TMK (1) 7-3-010-003;
- 7 (7) TMK (1) 7-3-011-003;
- 8 (8) TMK (1) 7-3-011-006;
- 9 (9) TMK (1) 7-3-011-007;
- 10 (10) TMK (1) 7-3-012-002;
- 11 (11) TMK (1) 7-3-012-006;
- 12 (12) TMK (1) 7-4-001-003; and
- 13 (13) TMK (1) 7-4-012-001.
- 14 (c) The department of agriculture may acquire:
- 15 (1) From Dole Food Company, Inc., or the appropriate
- 16 owner, a fee simple interest in the Wahiawa dam, on
- 17 terms agreed upon by the office of the 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, Inc., or the appropriate owner, on terms
5 agreed upon by the office of the governor, the ditch system
6 associated with the Wahaiawa irrigation system.

7 (e) The agribusiness development corporation may acquire
8 from Wahaiawa Water Company, Inc.; Dole Food Company, Inc.; or
9 Sustainable Hawaii, LLC; on terms agreed upon by the office of
10 the governor, the fee simple interest in the Wahaiawa irrigation
11 system, including the following parcels:

- 12 (1) TMK (1) 7-1-001-013;
- 13 (2) TMK (1) 7-1-001-017;
- 14 (3) TMK (1) 7-1-012-003;
- 15 (4) TMK (1) 7-1-012-004;
- 16 (5) TMK (1) 7-1-012-007;
- 17 (6) TMK (1) 7-3-005-005; and
- 18 (7) TMK (1) 7-3-013-003;

19 (f) The department of land and natural resources shall not
20 impose administrative fines on the department of agriculture for
21 safety deficiencies at Wahaiawa dam or the associated spillway;



1 provided that the department of agriculture shall repair and
2 maintain the Wahiawa dam and spillway and shall ensure the
3 structures meet dam safety standards.

4 (g) No fines owed by Dole Food Company, Inc.; Sustainable
5 Hawaii, LLC; or Wahiawa Water Company, Inc., for violations of
6 dam safety standards at Wahiawa dam or the associated spillway
7 shall transfer to the State upon the sale of the property to the
8 State.

9 PART III

10 SECTION 3. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$ or so
12 much thereof as may be necessary for fiscal year 2023-2024 and
13 the same sum or so much thereof as may be necessary for fiscal
14 year 2024-2025 for the department of agriculture to repair and
15 expand the spillway associated with the Wahiawa irrigation
16 system and to bring the spillway into compliance with all
17 relevant dam safety requirements.

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

20 SECTION 4. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2023-2024 for
2 the department of agriculture to acquire a fee simple interest
3 in the spillway associated with the Wahiawa irrigation system,
4 located at parcel TMK (1) 7-1-012-014; provided that the sale
5 terms shall be conditioned on an appraisal of the property
6 pursuant to section 171-30, Hawaii Revised Statutes.

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

9 SECTION 5. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so
11 much thereof as may be necessary for fiscal year 2023-2024 and
12 the same sum or so much thereof as may be necessary for fiscal
13 year 2024-2025 for the agribusiness development corporation to
14 manage and maintain its acquired portion of the Wahiawa
15 irrigation system.

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

18 SECTION 6. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$ or so
20 much thereof as may be necessary for fiscal year 2023-2024 and
21 the same sum or so much thereof as may be necessary for fiscal



1 year 2024-2025 for the department of land and natural resources
2 to manage and maintain its acquired portion of the Wahiawa
3 irrigation system and for the establishment of four full-time
4 equivalent (4.0 FTE) positions to effectuate these purposes.

5 The sums appropriated shall be expended by the department
6 of land and natural resources for the purposes of this Act.

7 PART IV

8 SECTION 7. 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 8. This Act shall take effect on June 30, 3000.



Report Title:

Wahiawa Irrigation System; Land Purchase; Office of the Governor; HDOA; Agribusiness Development Corporation; DLNR; 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 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. Appropriates funds four full-time equivalent (4.0 FTE) positions for the Department of Land and Natural Resources. Effective 6/30/3000. (HD1)

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