
A BILL FOR AN ACT

RELATING TO WATER.

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

1 SECTION 1. The legislature finds that in 2019, West Maui
2 suffered from an active fire season in which wildfires scorched
3 twenty-five thousand acres of land. The legislature further
4 finds that there are a number of key reservoirs that are
5 currently not filled with water. Examples of those reservoirs
6 include Mahinahina, Kahoma, Makila, Olowalu, and Ukumehame
7 reservoirs. If key reservoirs have an adequate amount of stored
8 water, the fresh reservoir water can be used to enhance fire
9 safety.

10 The purpose of this Act is to:

- 11 (1) Specify in the state water code that fire safety use
12 is a beneficial use of water; and
13 (2) Require the department of land and natural resources,
14 in consultation with the Hawaii emergency management
15 agency, to cooperate with the counties and reservoir
16 owners to develop protocols and agreements for the use
17 of reservoir waters for fire safety purposes.



1 SECTION 2. Section 174C-2, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) The state water code shall be liberally interpreted
4 to obtain maximum beneficial use of the waters of the State for
5 purposes such as domestic uses[-]; aquaculture uses[-];
6 irrigation and other agricultural uses[-]; power development[-]
7 and]; commercial and industrial uses[-]; and to benefit the
8 public's health, safety, and welfare by maintaining available
9 fresh water for fire safety purposes. However, adequate
10 provision shall be made for the protection of traditional and
11 customary Hawaiian rights, the protection and procreation of
12 fish and wildlife, the maintenance of proper ecological balance
13 and scenic beauty, and the preservation and enhancement of
14 waters of the State for municipal uses, public recreation,
15 public water supply, agriculture, and navigation. [~~Such~~] These
16 objectives are declared to be in the public interest."

17 SECTION 3. Section 185-1.5, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "[~~§~~185-1.5] **Responsible agency.** (a) The department
20 shall take measures for the prevention, control, and
21 extinguishment of wildland fires within forest reserves, public



1 hunting areas, wildlife and plant sanctuaries, and natural area
2 reserves ~~[and]~~.

3 (b) The department shall cooperate with established fire
4 control agencies of the counties and the federal government in
5 developing plans and programs and mutual aid agreements for
6 assistance for the prevention, control, and extinguishment of
7 fires on forest, grass, brush, and watershed lands not within
8 the department's fire protection responsibilities described
9 ~~[above.]~~ in this section.

10 (c) The department, in consultation with the Hawaii
11 emergency management agency, shall cooperate with the counties
12 and reservoir owners to develop protocols and agreements for the
13 use of reservoir waters for fire safety purposes. The protocols
14 and agreements shall address the emergency use of reservoir
15 waters for prevention, control, and extinguishment of fires
16 while taking into account the various competing uses of
17 reservoir waters."

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

2

INTRODUCED BY:

Rindechinger

JAN 20 2023



H.B. NO. 772

Report Title:

Department of Land and Natural Resources; State Water Code;
Reservoirs; Fire Safety

Description:

Specifies, in the State Water Code, that fire safety use is a beneficial use of fresh water. Requires the Department of Land and Natural Resources, in consultation with the Hawaii Emergency Management Agency, to cooperate with the counties and reservoir owners to develop protocols and agreements for the use of reservoir waters for fire safety purposes.

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