

JAN 24 2024

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, from the earliest
2 days, Native Hawaiians recognized that fresh water, or wai, was
3 a sacred resource that needed to be protected and used
4 responsibly. Individuals were expected to use only as much
5 fresh water as was necessary. Water was such an important
6 resource that the word "wai" also became used to indicate
7 wealth, and the term "waiwai" came to indicate abundance and
8 prosperity.

9 The legislature further finds that fresh water is no less
10 important in the twenty-first century. Hawaii continues to rely
11 on ground water and surface water for its drinking, irrigation,
12 domestic, commercial, and industrial needs. Fresh water is a
13 finite and limited resource to be used sustainably to ensure
14 that it remains available for future generations to enjoy.
15 Municipalities must take care not to overdraw ground waters and
16 surface waters to ensure that aquifers can sustainably recharge
17 and watersheds can remain healthy from mauka to makai. In



1 particular, the legislature finds that when water is overused,
2 the terrestrial, aquatic, and marine ecosystems that rely on
3 healthy aquifers and watersheds suffer; the risk of destructive
4 wildfires increases; and the ability to effectively contain
5 wildfires is curtailed.

6 Recent events in the State have only magnified these
7 concerns: A massive shortage of affordable housing has caused
8 advocates and policymakers to prioritize the development of
9 affordable housing, necessitating an increased investment of
10 water resources; fuel leaks have contaminated Oahu's aquifers,
11 sparking a water crisis; climate change has changed formerly
12 reliable rainfall patterns, increasing the frequency and
13 intensity of droughts; and fallow agricultural lands, covered
14 with invasive grasses, have fueled deadly wildfires. These
15 challenges have highlighted the need to reexamine how we manage
16 and prioritize the use of our limited fresh water resources.

17 Accordingly, the purpose of this Act is to require each
18 county to:

- 19 (1) Prioritize the sustainable recharge of aquifers;
20 (2) Safeguard the health of watersheds; and



1 (3) Prioritize the development of affordable housing over
2 other types of development when allocating water for
3 new development.

4 SECTION 2. The Hawaii Revised Statutes is amended by
5 adding a new chapter to title 13 to be appropriately designated
6 and to read as follows:

7 "CHAPTER

8 PROTECTION OF WATER ECOSYSTEMS

9 § -1 Definitions. As used in this chapter, unless the
10 context otherwise requires:

11 "Affordable housing" means housing that is affordable to
12 households with income at or below one hundred forty per cent of
13 the median family income applicable to that county, as
14 determined by the United States Department of Housing and Urban
15 Development.

16 "Aquifer" means an area beneath the surface of the earth
17 that holds ground water or through which ground water flows.

18 "Board" means the board of water supply or water board of
19 any county.

20 "Watershed" means an area of land, often encompassing a
21 mountain or valley, that catches and collects rain water and



1 transmits that water to the ocean by rivers, streams, or
2 movement underground.

3 **§ -2 Water resources; county duties.** In discharging its
4 duties, each board shall:

- 5 (1) Prioritize the sustainable recharge of aquifers within
- 6 the board's jurisdiction;
- 7 (2) Ensure the health of watersheds within each board's
- 8 jurisdiction; and
- 9 (3) Prioritize the development of affordable housing over
- 10 other types of development when allocating water for
- 11 new development.

12 **§ -3 Construction.** Nothing in this chapter shall be
13 construed to affect or reduce allocations of water for:

- 14 (1) Agricultural purposes; or
- 15 (2) The department of Hawaiian home lands or any
- 16 development under the Hawaiian Homes Commission Act,
- 17 1920, as amended."

18 SECTION 3. This Act shall take effect upon its approval.

19
INTRODUCED BY: 



S.B. NO. 297b

Report Title:

Water; Counties; Aquifers; Watersheds; Protection; Affordable Housing

Description:

Requires each county board of water supply or water board to prioritize the sustainable recharge of aquifers, ensure the health of watersheds, and, when allocating water for new development, prioritize the development of affordable housing over other types of development. Provides that these requirements shall not be construed to affect allocations of water for agricultural purposes or developments under the Hawaiian Homes Commission Act, 1920, as amended.

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