
A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

1 PART I

2 SECTION 1. The legislature finds that immediate action is
3 needed to secure Hawaii's water supply. Hotter, drier
4 conditions and damaged watershed forests are escalating the
5 costs and conflicts over water.

6 While climate change is a problem on a global scale,
7 simple, local actions can safeguard Hawaii's declining water
8 sources. Through Act 152, Session Laws of Hawaii 2000, the
9 legislature recognized that fresh water is not an infinite
10 resource and its high quality, quantity, and sustainability
11 depend upon forested watersheds. Without vegetation, most of
12 our islands' rainfall would quickly run off into the ocean and
13 be unusable. Instead, forests break the impact of heavy rains,
14 reducing flooding and erosion and siltation of reefs and
15 fisheries.

16 Protecting forest watersheds is the most cost effective and
17 efficient way to absorb rainwater and replenish ground water.

18 Watersheds also reduce impacts from climate change by absorbing



1 greenhouse gases, a component of the Hawaii Clean Energy
2 Initiative to help the State reach its policy targets to reduce
3 greenhouse gas emissions to 1990 levels by year 2020, enacted by
4 the legislature by way of Act 234, Session Laws of Hawaii 2007.
5 Additionally, forests sustain irreplaceable cultural and natural
6 values.

7 Half of Hawaii's forests have already been lost. Alien
8 species, such as feral pigs and goats trample and devour
9 vegetation, leaving bare ground or openings for alien plants
10 that consume more water and increase runoff. The gradual
11 invasion of alien plants into native forests may have already
12 reduced the estimated groundwater recharge by up to ten per cent
13 in certain aquifers. For example, in East Hawaii, invasive
14 plants have already reduced estimated groundwater recharge by
15 eighty-five million gallons a day. Controlling these and other
16 threats requires a large-scale effort to protect these
17 irreplaceable natural assets.

18 Governor Neil Abercrombie's "A New Day in Hawaii" plan
19 calls for the stewardship of the natural resources that our
20 survival, economy, and quality of life depend on. Priority
21 actions of the plan include managing invasive species,
22 increasing Hawaii's ability to withstand impacts from climate



1 change, and restoring capabilities of the department of land and
2 natural resources by finding additional sources of funding. The
3 Abercrombie Administration's New Day status report also tasks
4 the department of land and natural resources with ensuring that
5 mauka watersheds are fully functioning so fresh water resources
6 can be utilized and enjoyed by the people of Hawaii in
7 perpetuity. To implement these central goals of the Abercrombie
8 administration, the department of land and natural resources
9 released "The Rain Follows the Forest - a plan to protect
10 Hawaii's Source of Water".

11 "The Rain Follows the Forest" identifies priority
12 watersheds and outlines on-the-ground actions and projects
13 required to protect and sustain Hawaii's critical water sources.
14 The forests and their ability to capture water depend on the
15 protection provided by the actions listed in this plan. To be
16 successful, these actions must occur on a large scale across
17 ownership boundaries, through agreements and leveraged funds
18 provided by the statewide watershed partnerships. Currently,
19 only ten per cent (approximately ninety thousand acres) of the
20 priority watershed areas are protected. This level of
21 management has taken forty years to achieve. The department of
22 land and natural resources' goal is to double the amount of



1 protected watershed areas in just ten years. This will require
2 approximately \$5,000,000 per year, and create over one hundred
3 fifty local jobs.

4 The legislature further finds and declares that the State
5 needs to direct revenues towards new priorities and move
6 immediately to fund the protection of these watersheds and
7 implement this comprehensive plan to ensure the availability and
8 affordability of fresh water. Watershed protection and
9 restoration must be funded commensurate with its essential role.
10 Hawaii's leaders must come together and incorporate funding
11 policies within the State's overall financial plan to reverse
12 the grave decline of the islands' life-giving forests in order
13 to sustain and enrich current and future generations.

14 The purpose of this part is to provide funds to the
15 department of land and natural resources for the immediate
16 protection of priority watershed forests to replenish Hawaii's
17 water supplies and provide many other fundamental benefits to
18 Hawaii's environmental health.

19 SECTION 2. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so much
21 thereof as may be necessary for fiscal year 2012-2013 to be
22 expended on projects undertaken in accordance with watershed



1 management plans, including but not limited to invasive species
2 removal, construction and ongoing maintenance of fences, control
3 of other forest threats, and restoration.

4 The sum appropriated shall be expended by the department of
5 land and natural resources for the purposes of this part.

6 PART II

7 SECTION 3. The purpose of this part is to statutorily
8 establish the division of aquatic resources under the department
9 of land and natural resources.

10 SECTION 4. Section 26-38, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§26-38 Powers and duties of heads of departments.** Except
13 as otherwise provided by this chapter, every power and duty
14 conferred by law and required to be performed by any officer,
15 board, department, bureau, commission, administrative agency, or
16 instrumentality of the State existing immediately prior to
17 November 25, 1959, shall hereafter be exercised and performed by
18 the head of the respective department established by this
19 chapter, whether the head of the department be a single
20 executive, board, or commission.



1 Except as otherwise provided by this chapter, the head of a
2 department may assign any function vested in his department to
3 any subordinate officer or employee as he deems desirable.

4 With the approval of the governor, the head of a department
5 may establish or abolish within his department any division or
6 other administrative unit to achieve economy and efficiency and
7 in accord with sound administrative principles and practices and
8 procedures[-]; provided that the chairperson of the board of
9 land and natural resources shall not use this authority to
10 abolish or consolidate the division of aquatic resources
11 established under section 187A-4.

12 The head of each department may prescribe regulations for
13 the administration of his department, for the conduct of its
14 employees, for the performance of its business, and for the
15 custody, use and preservation of records, equipment, and other
16 property pertaining thereto; provided that the regulations shall
17 not be inconsistent with the requirements of chapters 76, 91,
18 and 92, or rules promulgated by the governor, or other laws of
19 the State."

20 SECTION 5. Section 187A-4, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "~~§187A-4 [Administrator. The board shall appoint an~~
2 administrator] **Division of aquatic resources; administrator.**

3 (a) There shall be a division of aquatic resources [who] under
4 the department. The division shall have charge, direction, and
5 control of all matters relating to aquatic resources management,
6 conservation, and development [activities] under this title, and
7 such other matters relating to aquatic resources as the board
8 may direct[-]; except that:

9 (1) The enforcement of laws and rules regulating aquatic
10 resources shall be the responsibility of the
11 conservation and resources enforcement program of
12 chapter 199 instead of the division, unless otherwise
13 directed by the board; and

14 (2) For the purpose of achieving efficiency, the board may
15 provide administrative services for the division of
16 aquatic resources by another division or unit of the
17 department.

18 (b) The division of aquatic resources shall not be placed
19 organizationally under any other division or unit of the
20 department, except the board and office of the chairperson.



Report Title:

Watershed Protection; Appropriation

Description:

Appropriates funds to the department of land and natural resources for watershed protection in part I. Establishes statutorily the division of aquatic resources under the department of land and natural resources in part II. (HD1 Proposed)

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