

JAN 24 2019

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# A BILL FOR AN ACT

RELATING TO PROTECTION OF STREAMS.

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

1           SECTION 1. The legislature finds that the historic  
2 diversion of free-flowing streams in East Maui caused  
3 devastating impacts to stream ecosystems, fisheries, cultural  
4 traditions, and subsistence communities. The legislature  
5 further finds that despite these impacts, the board of land and  
6 natural resources has failed to comply with state laws regarding  
7 environmental impact statements, despite a 2003 court ruling  
8 that requires an environmental assessment be performed before  
9 any water use permits are issued. The legislature also finds  
10 that the board abdicated its role as a trustee by failing to  
11 limit diversions from public lands, failing to require  
12 measurements of the quantity of water taken from each stream,  
13 failing to protect aquatic life, and failing to enforce permit  
14 conditions. With the demise of plantations, the State has the  
15 opportunity to rectify great wrongs.



S.B. NO. 1488

1 The purpose of this Act is to prohibit the board from  
2 approving any water use permit that authorizes the diversion of  
3 water from east Maui streams for commercial purposes.

4 SECTION 2. Chapter 171, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7 "§171- Diversion of water from east Maui county streams.  
8 The board shall not approve any water use permit that authorizes  
9 the diversion of water from east Maui streams on public land for  
10 commercial purposes; provided that supplying water to existing  
11 water users under the Maui county department of water supply  
12 shall not be considered a commercial use."

13 SECTION 3. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

15 INTRODUCED BY: J. Kalani Ghosh



# S.B. NO. 1488

**Report Title:**

Water Diversion; Water Use Permits; DLNR; East Maui County

**Description:**

Prohibits dispositions that authorize diverting water from East Maui county streams for commercial purposes, except for existing water uses by the Maui County Department of Water Supply.

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

