
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 a number of large wildfires. The legislature further
3 finds that there are a number of key reservoirs that are
4 currently not filled with water. Examples of those reservoirs
5 include Mahinahina reservoir, Kahoma reservoir, Makila
6 reservoir, Olowalu reservoir, and Ukumehame reservoir. If key
7 reservoirs have an adequate amount of stored water, the fresh
8 reservoir water can be used to enhance fire safety.

9 The purpose of this Act is to:

- 10 (1) Specify that fire safety use is a beneficial use of
11 water; and
- 12 (2) Require the department of land and natural resources,
13 in consultation with the Hawaii emergency management
14 agency and the office of Hawaiian affairs, to
15 cooperate with the counties and reservoir owners to
16 develop protocols and agreements for the use of
17 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, irrigation and
6 other agricultural uses, power development, [~~and~~] commercial and
7 industrial uses[~~-~~], and to benefit the public's health, safety,
8 and welfare by maintaining available fresh water for fire safety
9 purposes. However, adequate provision shall be made for the
10 protection of traditional and customary Hawaiian rights, the
11 protection and procreation of fish and wildlife, the maintenance
12 of proper ecological balance and scenic beauty, and the
13 preservation and enhancement of waters of the State for
14 municipal uses, public recreation, public water supply,
15 agriculture, and navigation. Such objectives are declared to be
16 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.

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

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 Statutory material to be repealed is bracketed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

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



Report Title:

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

Description:

Specifies that fire safety use is a beneficial use of water. Requires the Department of Land and Natural Resources, in consultation with the Hawaii Emergency Management Agency and the Office of Hawaiian Affairs, to cooperate with the counties and reservoir owners to develop protocols and agreements for the use of reservoir waters for fire safety purposes. (SD1)

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