

STAND. COM. REP. NO.

3821

Honolulu, Hawaii

JUL - 8 2020

RE: S.R. No. 190  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.R. No. 190 entitled:

"SENATE RESOLUTION URGING THE BOARD OF LAND AND NATURAL RESOURCES TO DISPOSE OF THE LONG-TERM WATER RIGHTS LEASES FOR HAWAIIAN ELECTRIC'S NON-CONSUMPTIVE WATER USE ALONG THE WAILUKU RIVER BY DIRECT NEGOTIATION AND PROVIDE GUIDANCE ON DETERMINING THE VALUE OF THE ANNUAL WATER LEASE RENT,"

begs leave to report as follows:

The purpose and intent of this measure is to urge the Board of Land and Natural Resources (BLNR) to dispose of the long-term water rights leases for Hawaiian Electric's non-consumptive water use along the Wailuku River by direct negotiation and provide guidance on determining the value of the annual water lease rent.

Your Committee received testimony in support of this measure from the Hawaiian Electric Company. Your Committee received comments on this measure from the Department of Land and Natural Resources and Department of Hawaiian Home Lands.

Your Committee finds that although the Department of Land and Natural Resources' Revocable Permit Task Force recommended the conversion of revocable permits to water leases by the end of 2019, no conversion has been made at this time. Your Committee further finds that the BLNR has had a difficult time disposing of a long-term water lease to the Hawaiian Electric Company because



there remain unresolved questions on some of the requirements for issuance of a long-term water lease. This measure will expedite a solution to that problem.

Accordingly, your Committee has amended this measure by:

- (1) Amending the title to reflect amendments to this measure;
- (2) Removing clauses describing the Federal Energy Regulatory Commission and its rates;
- (3) Removing language that specifically directs BLNR to negotiate with the Hawaiian Electric Company and to provide guidance on determining the value of the annual water lease rent based on the Federal Energy Regulatory Commission rates; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 190, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 190, S.D. 1.

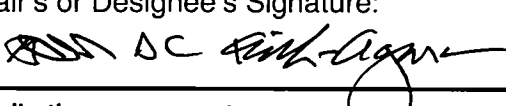
Respectfully submitted on  
behalf of the members of the  
Committee on Water and Land,

  
KAIALANI KAMELE, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>SR 190</i>	<i>WTL</i>	<i>6/29/20</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KAHELE, Kaiali'i (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
NISHIHARA, Clarence K.	X			
RIVIERE, Gil	X			
FEVELLA, Kurt	X			
<b>TOTAL</b>	<i>5</i>			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes