

STAND. COM. REP. NO. 1004

Honolulu, Hawaii

MAR 18 , 2021

RE: S.B. No. 179  
S.D. 2  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Agriculture, to which was referred S.B. No. 179, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO IRRIGATION,"

begs leave to report as follows:

The purpose of this measure is to transfer operational authority over certain portions of the East Kauai Irrigation System to the Department of Agriculture by:

- (1) Providing that the portions of the system to be transferred are those portions operated and maintained by the East Kauai Water Users' Cooperative before December 15, 2020;
- (2) Requiring that the relevant portions of the system be under the operational authority of the Department of Agriculture until the Board of Agriculture adopts rules for irrigation water development and irrigation and water utilization, or until a determination is made that the system can be appropriately operated and maintained pursuant to chapters 167 and 168, Hawaii Revised Statutes; and

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- (3) Contingent upon the East Kauai Irrigation System becoming a state irrigation system, establishing certain employment positions within the Department of Agriculture's Agricultural Resource Management Division and appropriating funds for the operations and maintenance of the East Kauai Irrigation System.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; East Kauai Waters Users' Cooperative; Hawai'i Farm Bureau; Ulupono Initiative; Larry Jefts Farms, LLC; Kalepa Coalition; Saiva Siddhanta Church; and two individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that the East Kauai Irrigation System services more than twelve thousand five hundred acres of agricultural land on Kauai. The system includes two reservoirs and twenty-two miles of ditch and has historically serviced thousands of acres of state and private lands.

Your Committee further finds that the Department of Land and Natural Resources currently has oversight of the irrigation system and is focused on addressing public health and safety and preserving the viability of the irrigation system for future use, not the continued delivery of water to various users. Furthermore, the Department of Land and Natural Resources does not have the resources or expertise to function as a water delivery provider, which could be inconsistent with its mission of natural, cultural, recreational, and historical resource management and protection.

Your Committee has amended this measure by:

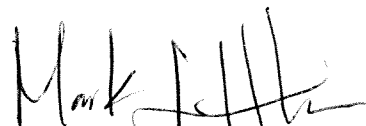
- (1) Deleting the authorization for the three-year water licensing deadline to be extended for up to two years under certain conditions; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your



Committee is in accord with the intent and purpose of S.B. No. 179, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 179, S.D. 2, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Agriculture,



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MARK J. HASHEM, Chair



