

JAN 20 2023

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 a 2003 court ruling that requires an
6 environmental assessment be performed before any water use
7 permits are issued, the board of land and natural resources has
8 failed to comply with state laws regarding environmental impact
9 statements. The legislature also finds that the board abdicated
10 its role as a trustee by failing to limit diversions from public
11 lands, require measurements of the quantity of water taken from
12 each stream, protect aquatic life, and enforce permit
13 conditions. With the demise of plantations, the State has the
14 opportunity to rectify great wrongs.

15 The purpose of this Act is to prohibit the board of land
16 and natural resources from approving any water use permit that



1 authorizes the diversion of water from east Maui streams for
2 commercial purposes.

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

6 "§171- Diversion of water from east Maui county streams.
7 The board shall not approve any water use permit that authorizes
8 the diversion of water from east Maui streams on public land for
9 commercial purposes; provided that supplying water to existing
10 water users under the Maui county department of water supply
11 shall not be considered a commercial use."

12 SECTION 3. New statutory material is underscored.

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

14

INTRODUCED BY:

Lyn DeLoite



S.B. NO. 790

Report Title:

Water Diversion; Water Use Permits; Department of Land and Natural Resources; 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.

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