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# A BILL FOR AN ACT

RELATING TO THE WAHIAWA IRRIGATION SYSTEM.

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

1 PART I

2 SECTION 1. The legislature finds that the Wahiawa  
3 irrigation system is a critical irrigation system providing  
4 water to farmers in Waialua and Haleiwa on the island of Oahu.  
5 Built by the Waialua Sugar Company, the Wahiawa irrigation  
6 system was created with a dam and freshwater reservoir fed by  
7 the north fork and south fork of the Kaukonahua stream. The dam  
8 is essential to agriculture as the water in the reservoir  
9 provides irrigation to farmers in Wahiawa, Waialua, and Haleiwa.  
10 The reservoir also provides a venue for recreational activities  
11 for the surrounding community and the State.

12 The legislature further finds that Dole Food Company, Inc.,  
13 has listed the irrigation system for sale for \$20,000,000. The  
14 Dole portion of the system includes the Wahiawa reservoir,  
15 Wahiawa dam, and ditch system. The spillway, owned by  
16 Sustainable Hawaii, LLC, is also an integral component of the  
17 irrigation system. Dole has offered to donate its interests to



1 the State of Hawaii in exchange for the State's agreement to  
2 repair the spillway to meet and maintain dam safety standards.  
3 It is in the interest of the public for the State to acquire the  
4 Wahiawa irrigation system and preserve the system for public  
5 access and the agriculture industry.

6 The purpose of this Act is to authorize the department of  
7 agriculture, department of land and natural resources, and  
8 agribusiness development corporation to acquire the Wahiawa  
9 irrigation system, on terms negotiated and agreed upon by the  
10 office of the governor, and to purchase, repair, and maintain  
11 the associated spillway.

12 PART II

13 SECTION 2. (a) The office of the governor shall negotiate  
14 with Wahiawa Water Company, Inc., and Dole Food Company, Inc.,  
15 for the State's fee simple acquisition of the Wahiawa irrigation  
16 system.

17 (b) The department of land and natural resources may  
18 acquire from Wahiawa Water Company, Inc., or Dole Food Company,  
19 Inc., on terms agreed upon by the office of the governor, the  
20 fee simple interest in the Wahiawa irrigation system, including  
21 the following parcels:



- 1 (1) TMK (1) 7-1-001-013;
- 2 (2) TMK (1) 7-1-001-017;
- 3 (3) TMK (1) 7-1-012-003;
- 4 (4) TMK (1) 7-1-012-004;
- 5 (5) TMK (1) 7-1-012-007;
- 6 (6) TMK (1) 7-3-001-003;
- 7 (7) TMK (1) 7-3-001-019;
- 8 (8) TMK (1) 7-3-005-005;
- 9 (9) TMK (1) 7-3-006-023;
- 10 (10) TMK (1) 7-3-007-001;
- 11 (11) TMK (1) 7-3-008-001;
- 12 (12) TMK (1) 7-3-010-003;
- 13 (13) TMK (1) 7-3-011-003;
- 14 (14) TMK (1) 7-3-011-006;
- 15 (15) TMK (1) 7-3-011-007;
- 16 (16) TMK (1) 7-3-012-002;
- 17 (17) TMK (1) 7-3-012-006;
- 18 (18) TMK (1) 7-3-013-003;
- 19 (19) TMK (1) 7-4-001-003; and
- 20 (20) TMK (1) 7-4-012-001.
- 21 (c) The department of agriculture may acquire:



1 (1) From Dole Food Company, Inc., or the appropriate owner  
2 a fee simple interest in the Wahiawa dam, on terms  
3 agreed upon by the office of the governor; and

4 (2) From Sustainable Hawaii, LLC, a fee simple interest in  
5 the spillway associated with the Wahiawa irrigation  
6 system, located at parcel TMK (1) 7-1-012-014;  
7 provided that the sale terms shall be conditioned on  
8 an appraisal of the property pursuant to section  
9 171-30, Hawaii Revised Statutes.

10 (d) The agribusiness development corporation may acquire  
11 from Dole Food Company, Inc., or the appropriate owner on terms  
12 agreed upon by the office of the governor, the ditch system  
13 associated with the Wahiawa irrigation system.

14 (e) The department of land and natural resources shall not  
15 impose administrative fines on the department of agriculture for  
16 safety deficiencies at Wahiawa dam or the associated spillway;  
17 provided that the department of agriculture shall repair and  
18 maintain the Wahiawa dam and spillway and shall ensure the  
19 structures meet dam safety standards.

20 (f) No fines owed by Dole Food Company, Inc.; Sustainable  
21 Hawaii, LLC; or Wahiawa Water Company, Inc., for violations of



1 dam safety standards at Wahiawa dam or the associated spillway  
2 shall transfer to the State upon the sale of the property to the  
3 State.

4 PART III

5 SECTION 3. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$ or so much  
7 thereof as may be necessary for fiscal year 2023-2024 and the  
8 same sum or so much thereof as may be necessary for fiscal year  
9 2024-2025 for the department of agriculture to repair and expand  
10 the spillway associated with the Wahiawa irrigation system and  
11 to bring the spillway into compliance with all relevant dam  
12 safety requirements.

13 The sums appropriated shall be expended by the department  
14 of agriculture for the purposes of this Act.

15 SECTION 4. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$ or so much  
17 thereof as may be necessary for fiscal year 2023-2024 for the  
18 department of agriculture to acquire a fee simple interest in  
19 the spillway associated with the Wahiawa irrigation system,  
20 located at parcel TMK (1) 7-1-012-014; provided that the sale



1 terms shall be conditioned on an appraisal of the property  
2 pursuant to section 171-30, Hawaii Revised Statutes.

3 The sum appropriated shall be expended by the department of  
4 agriculture for the purposes of this Act.

5 SECTION 5. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$ or so much  
7 thereof as may be necessary for fiscal year 2023-2024 and the  
8 same sum or so much thereof as may be necessary for fiscal year  
9 2024-2025 for the agribusiness development corporation to manage  
10 and maintain its acquired portion of the Wahiawa irrigation  
11 system.

12 The sums appropriated shall be expended by the agribusiness  
13 development corporation for the purposes of this Act.

14 SECTION 6. There is appropriated out of the general  
15 revenues of the State of Hawaii the sum of \$ or so  
16 much thereof as may be necessary for fiscal year 2023-2024 and  
17 the same sum or so much thereof as may be necessary for fiscal  
18 year 2024-2025 for the department of land and natural resources  
19 to manage and maintain its acquired portion of the Wahiawa  
20 irrigation system and for the establishment of four full-time  
21 equivalent (4.0 FTE) positions to effectuate these purposes.





**Report Title:**

Wahiawa Irrigation System; Land Purchase; Office of the Governor; HDOA; Agribusiness Development Corporation; DLNR; Appropriations

**Description:**

Requires the Office of the Governor to negotiate the State's fee simple acquisition of the Wahiawa irrigation system on the island of Oahu. Authorizes and appropriates funds for the Department of Agriculture, Agribusiness Development Corporation, and Department of Land and Natural Resources to purchase, repair, and maintain the Wahiawa irrigation system and the associated spillway. Appropriates funds four full-time equivalent (4.0 FTE) positions for the Department of Land and Natural Resources. Effective 7/1/2050. (SD2)

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

