

Uncategorized

Water Rights Bill Awaits Senate Vote

The full chamber will decide the fate of the controversial House Bill 2501 on Tuesday.

By Chad Blair    / April 8, 2016

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At 5:15 p.m. on Friday, while most folks are busy with other things, the Hawaii state Senate announced that it would vote on a measure that involves Alexander & Baldwin and East Maui taro farmers.

The vote on [House Bill 2501](#) is scheduled for a floor vote Tuesday.

The bill concerns water rights, big and diversified agriculture, small farmers, Native Hawaiian rights and the state's economy. Whew.



State Sen. Jill Tokuda.

On Monday Senate Ways and Means dramatically amended the measure, confusing some of the very senators who voted on HB 2501 as well as others tracking its progress. Would A&B be allowed to continue to divert streams to grow crops in Central Maui?

In a press release Friday, the Senate said it understands “that the bill has the potential to have a substantial impact on water rights across the state.”

Here’s more:

Concurring with the findings put forward by the Attorney General that HB2501 HD2 SD1 is not special legislation as it applies to a broader class of permit holders, the Senate Draft 1 passed by the Water Land and Agriculture Committee underscored and emphasized clearly whom this bill applies to and the opportunity it presents to help the Department of Land and Natural Resources (DLNR) with its longstanding revocable permits problem.

The additional amendments in SD2 made in WAM made the provisions of the bill prospective, allowing only those applications filed on or after the

effective date of the act eligible for holdover status. Given the general ruling of the court decision, the Senate sought to provide a mechanism to ensure a fair process for this class of water permit holders for a limited time period while DLNR establishes a longer term solution going forward.

“We wanted to refocus the discussion on the farmers, ranchers, and cattlemen statewide who were impacted by the broad ruling of the court,” said Sen. Jill Tokuda (Dist. 24 –Kane‘ohe, Kane‘ohe MCAB, Kailua, He‘eia, ‘Ahuimanu), WAM Committee chair. “Our committee agreed to these amendments understanding that there are water permit holders throughout the State, including Wood Valley Water & Farm Coop, Kualoa Ranch, Kapapala Ranch, the Kauai Island Utilities Cooperative, Kapua Orchards Estate, LLC, Molowa`a Farmers Cooperative and the East Kauai Water Users Coop., to name a few.”

There is no direct mention of A&B, but Tokuda told the Honolulu Star-Advertiser that the company would not be covered under the legislation as currently drafted.

She did not elaborate, nor return calls to me seeking more information. But here’s the link to the full [Senate Draft 2](#), which has finally been posted publicly.

If the Senate approves HB 2501, it heads back to the House where it originated. What will Speaker Joe Souki and other members of the Maui delegation do then?

Conference committee is expected — the hashing out of bills behind closed doors — and the question is just how well the two chambers will be able to reach an acceptable compromise ... and how A&B will be impacted.

About the Author

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