



Request to Pause Remediation Schedule of Wahiaiwā Irrigation System (WIS) During Transfer to State of Hawai‘i

Board of Land and Natural Resources
10/13/2023



Act 218

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

...Dole has offered to donate its interests to the State of Hawaii in exchange for the State’s agreement to repair the spillway to meet and maintain dam safety standards. It is in the interest of the public for the State to acquire the Wahiawa irrigation system and preserve the system for public access and the agriculture industry.

The purpose of this Act is to authorize the department of agriculture, department of land and natural resources, and agribusiness development corporation to acquire the Wahiawa irrigation system, on terms negotiated and agreed upon by the office of the governor, or by eminent domain, and to purchase, repair, and maintain the associated spillway.”



Act 218

- **Senate Bill 833 was signed into law by Governor Green July 2023 as Act 218.**
 - Bill and Act received widespread support from local Neighborhood Boards, public, farmers, and the Legislative Branch.
 - Covers all aspects of the WIS: 3 reservoirs, ditch system, etc.
- **Act 218 directs the Governor to negotiate the transfer of the WIS to the State of Hawaii.**
 - Dole anticipates transfer process will be straightforward and cooperative.
 - Dole will gift all of the WIS to the state.
 - Dole is willing to enter into a transition services agreement to ensure WIS continues operating while State organizes its ownership.
 - The State will take over the mandated improvements, using costs allocated in Act 218.
 - Dole will purchase water from the State for its operational use.



Current WIS Ownership

- Dole owns majority of the system in fee or via easement.
- Co-ownership of portions of dam and lake with Sustainable Hawaii.
 - Dole leases the Sustainable Hawaii portion of the dam and assumes all liability.
 - Lease could be transferred to new owner or property purchase outright from Sustainable Hawaii
 - Sustainable Hawaii fully supports Dole's gift to state and intends to sell their portion.



Statistics and Economics

Wahiawā Irrigation System (WIS)

- Largest surface water source for North and Central O‘ahu
 - Designed and built by Waialua Sugar Co
 - Currently services over 9,000 acres of ag-zoned land (100% IAL)
 - 5 billion gallons of ag water delivered annually
- 2007 WIS HDOA Study
 - Over 50 different farms relying solely on the WIS for water
 - WIS farmed lands produced over \$85.2M in goods and services
 - 980 direct and indirect jobs

System Inventory

- Three regulated reservoirs and 10 holding basins
 - Wahiawā Reservoir
 - Helemano 6 Reservoir
 - Kemo‘o 5 Reservoir
- Over 30 miles of ditches, siphons, and pipelines
- Numerous filter stations and irrigation infrastructure
- Extensive WIS assessment study commissioned by ADC in 2007



A Community Benefit and Resource

- Agriculture
 - Sole irrigation source for majority of North and Central O'ahu
- Recreation
 - Wahiawā freshwater State Recreation Area (DNLR)
- Community
 - Flood Control facility protecting North Shore communities
 - Wahiawā Waste-Water Treatment Plant effluent discharge location.

- Potential:
 - Hydro-electric production
 - Potable domestic water
 - Water for fire fighting





Wahiawa Reservoir Spillway Improvement Status

Background

- February 2020: Notice of Deficiency from DLNR regarding spillway
 - Deficiency triggered by updated flood standard.
 - New standards exceed previous standard by more than 3 times.
 - Require WIS to handle Possible Maximum Flood of 45 inches/24hrs.
 - **Deficiency is not related to poor maintenance or neglect.**
 - **WIS met prior standards.**
 - **No safety issues in operational history.**
- Dole has addressed deficiency mandates throughout the years
 - Improved outlet works, valves and tunnels
 - Dole submitted a conceptual design to upgrade the Wahiawa Reservoir spillway capacity in January 2022.
- In 2022, DOA received \$5 million from the legislature to conduct due diligence on the WIS.



Due Diligence Contract (ends 12/31/23)

General Information

Solicitation Number	DOAO-25
Method of Payment	Contract/PO Number: TBD
Method of Procurement	Professional Service (PN) (required for design professionals under HRS Chapter 464)
Jurisdiction	Executive
Purchasing Agency	Agriculture
Division	Agricultural Resource Management
Professional Services Category	Architecture and Engineering (i.e. civil/mechanical engineering, landscape architecture etc.)
Branch/Office	Infrastructure Branch
Title	Project No. DOAO-25 - Wahiawa Dam - Analysis and Modification Plan, Wahiawa, Oahu, Hawaii
Services to be Provided	Professional Services to perform due diligence work, including a feasibility assessment study / preliminary design report, and other due diligence work associated with the Wahiawa Irrigation system and Lake Wilson Reservoir.
Awardee(s)	AECOM TECHNICAL SERVICES, INC.
Date Contract Awarded	02/16/2023
Comments when Award Amount is Amended	--
Islands (where the work/delivery is to be performed)	Oahu
Name of Official making the Selection	Sharon Hurd
Title of Official making the Selection	Chairperson, Board of Agriculture
Relationship Between Principals and the Official making the Selection	None
Attachment(s)	Contract Award.pdf (Uploaded: 02/22/2023)
Comments	--

Base Period of Performance

Contract Start Date	Contract End Date	Amount
03/01/2023	12/31/2023	\$1,225,000.00
Total Contract Value		\$1,225,000.00



Wahiawa Reservoir Spillway Improvement Status

Current and Future Work

- Dole is currently completing preliminary engineering design.
- Permit application is due to DLNR November 2023.
 - Dole is on schedule to meet this deadline.
 - Dole continues to incur substantial engineering costs, which currently exceed \$1.1 million.
- 2024 Deliverables: final design and key specifications
- All costs related to DLNR mandates are already budgeted by Act 218.
 - The state should pay costs the legislature, by law, has already committed to pay.
 - This issue has only arisen due to timing of DLNR mandates that were put in place prior to the passage of Act 218
- Dole asks DLNR to pause the tasks while the transfer of property takes place.
 - Dole currently drafting a conveyance document to expedite the process.



Next Steps

Dole is committed to work with the State of Hawai'i to ensure that the WIS and agriculture in Central and North O'ahu continues to exist and support local food security, and that the system is adapted to meet the needs of the global climate crisis.

We continue to actively seek guidance from the executive branch on how we can help the State move forward with the WIS transfer:

- What additional help and support can Dole provide to prepare the State for the transfer?
- To whom should we speak about the logistics of the transfer?



BOARD REQUEST

Dole respectfully requests the modification of the staff recommended board action to:

Deny Dole Food Company's ("Dole") Request for Suspension of Remediation Timelines and Fines for the Wahiawa Dam (OA-0017), Helemano 6 Dam (OA-0023) and Kemoo 5 Dam (OA-0021); ~~and~~ Authorize a Variance to Allow a Partial Payment of the Dam Safety Permit Application Fee; Authorize Reimbursement of all Engineering and Other Costs to Dole Associated with the DLNR-mandated Wahiawa Dam Improvements and Helemano 6 and Kemoo 5 Reservoir Remediation upon Release of those Documents to DLNR, Wahiawa, Oahu.

Alternatively, if the transfer is no longer planned, Dole would need to:

- Begin the engineering and permitting process for decommissioning.



Mahalo!



GOV. MSG. NO. 1321

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 5, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 5, 2023, the following bill was signed into law:

SB833 SD2 HD3 CD1

RELATING TO THE WAHIAWA IRRIGATION
SYSTEM.
ACT 218

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUL 5 2023

THE SENATE
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

S.B. NO. 833
S.D. 2
H.D. 3
C.D. 1

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. In accordance with section 9 of article VII of
3 the Hawaii State Constitution and sections 37-91 and 37-93,
4 Hawaii Revised Statutes, the legislature has determined that the
5 appropriations contained in H.B. No. 300, H.D. 1, S.D. 1,
6 C.D. 1, and this Act will cause the state general fund
7 expenditure ceiling for fiscal year 2023-2024 to be exceeded by
8 \$1,089,767,367 or 11.0 per cent. This current declaration takes
9 into account general fund appropriations authorized for fiscal
10 year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1, and this
11 Act only. The reasons for exceeding the general fund
12 expenditure ceiling are that:

- 13 (1) The appropriations made in this Act are necessary to
14 serve the public interest; and
- 15 (2) The appropriations made in this Act meet the needs
16 addressed by this Act.

17 PART II



1 SECTION 2. The legislature finds that the Wahiawa
2 irrigation system is a critical irrigation system providing
3 water to farmers in Wahiawa, Waialua, and Haleiwa on the island
4 of Oahu. Built by the Waialua Sugar Company, the Wahiawa
5 irrigation system was created with a dam and freshwater
6 reservoir fed by the north fork and south fork of the Kaukonahua
7 stream. The dam is essential to agriculture as the water in the
8 reservoir provides irrigation to farmers in Wahiawa, Waialua,
9 and Haleiwa. The reservoir also provides a venue for
10 recreational activities for the surrounding community and the
11 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
18 the State of Hawaii in exchange for the State's agreement to
19 repair the spillway to meet and maintain dam safety standards.
20 It is in the interest of the public for the State to acquire the



1 Wahaiawa irrigation system and preserve the system for public
2 access and the agriculture industry.

3 The purpose of this Act is to authorize the department of
4 agriculture, department of land and natural resources, and
5 agribusiness development corporation to acquire the Wahaiawa
6 irrigation system, on terms negotiated and agreed upon by the
7 office of the governor, or by eminent domain, and to purchase,
8 repair, and maintain the associated spillway.

9 PART III

10 SECTION 3. (a) The office of the governor shall negotiate
11 with Wahaiawa Water Company, Inc.; Dole Food Company, Inc.;
12 Sustainable Hawaii, LLC; or any other appropriate owner for the
13 State's fee simple acquisition of the Wahaiawa irrigation system.

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

- 19 (1) TMK (1) 7-3-001-003;
- 20 (2) TMK (1) 7-3-001-019;
- 21 (3) TMK (1) 7-3-006-023;



- 1 (4) TMK (1) 7-3-007-001;
 - 2 (5) TMK (1) 7-3-008-001;
 - 3 (6) TMK (1) 7-3-010-003;
 - 4 (7) TMK (1) 7-3-011-003;
 - 5 (8) TMK (1) 7-3-011-006;
 - 6 (9) TMK (1) 7-3-011-007;
 - 7 (10) TMK (1) 7-3-012-002;
 - 8 (11) TMK (1) 7-3-012-006;
 - 9 (12) TMK (1) 7-4-001-003; and
 - 10 (13) TMK (1) 7-4-012-001.
- 11 (c) The department of agriculture may acquire:
- 12 (1) From Dole Food Company, Inc., or the appropriate
 - 13 owner, a fee simple interest in the Wahiawa dam, on
 - 14 terms agreed upon by the office of the governor; and
 - 15 (2) From Sustainable Hawaii, LLC, a fee simple interest in
 - 16 the spillway associated with the Wahiawa irrigation
 - 17 system, located at parcel TMK (1) 7-1-012-014;
 - 18 provided that the sale terms shall be conditioned on
 - 19 an appraisal of the property pursuant to section
 - 20 171-30, Hawaii Revised Statutes.



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

5 (e) The agribusiness development corporation may acquire
6 from Wahiawa Water Company, Inc.; Dole Food Company, Inc.; or
7 Sustainable Hawaii, LLC; on terms agreed upon by the office of
8 the governor, the fee simple interest in the Wahiawa irrigation
9 system, including the following parcels:

- 10 (1) TMK (1) 7-1-001-013;
- 11 (2) TMK (1) 7-1-001-017;
- 12 (3) TMK (1) 7-1-012-003;
- 13 (4) TMK (1) 7-1-012-004;
- 14 (5) TMK (1) 7-1-012-007;
- 15 (6) TMK (1) 7-3-005-005; and
- 16 (7) TMK (1) 7-3-013-003.

17 (f) The department of land and natural resources shall not
18 impose administrative fines on the department of agriculture for
19 safety deficiencies at Wahiawa dam or the associated spillway;
20 provided that the department of agriculture shall repair and



1 maintain the Wahiawa dam and spillway and shall ensure the
2 structures meet dam safety standards.

3 (g) No fines owed by Wahiawa Water Company, Inc.; Dole
4 Food Company, Inc.; or Sustainable Hawaii, LLC; for violations
5 of dam safety standards at Wahiawa dam or the associated
6 spillway shall transfer to the State upon the sale of the
7 property to the State.

8 SECTION 4. Notwithstanding any law to the contrary, all
9 users of water associated with the Wahiawa irrigation system
10 shall pay such rates sufficient to operate and maintain the
11 irrigation system as prescribed by the agribusiness development
12 corporation.

13 SECTION 5. The State may by exercise of eminent domain
14 acquire the Wahiawa dam, the spillway associated with the
15 Wahiawa irrigation system, and the ditch system associated with
16 the Wahiawa irrigation system, including all parcels in this
17 Act.

18 PART IV

19 SECTION 6. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$5,000,000 or so much
21 thereof as may be necessary for fiscal year 2023-2024 for the



1 department of agriculture to acquire a fee simple interest in
2 the spillway associated with the Wahiawa irrigation system,
3 located at parcel TMK (1) 7-1-012-014; provided that the sale
4 terms shall be conditioned on an appraisal of the property
5 pursuant to section 171-30, Hawaii Revised Statutes; provided
6 further that if negotiations for the acquisition of the property
7 are unsuccessful, the appropriation shall be used for an eminent
8 domain action to acquire the property; provided further that
9 moneys from the appropriation may be expended for an eminent
10 domain action and its associated costs.

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

13 SECTION 7. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$21,000,000 or so
15 much thereof as may be necessary for fiscal year 2023-2024 for
16 the department of agriculture to repair and expand the spillway
17 associated with the Wahiawa irrigation system and to bring the
18 spillway into compliance with all relevant dam safety
19 requirements; provided that the expenditure of the appropriation
20 is contingent upon the State's acquisition of the property.



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

3 PART V

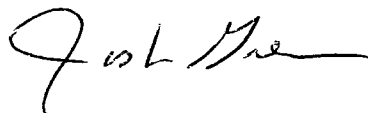
4 SECTION 8. If the transfer of all properties authorized to
5 be acquired by this Act are not filed or recorded with the
6 bureau of conveyances by June 30, 2026, the governor shall
7 notify the legislature and the revisor of statutes by June 30,
8 2026, that the conveyance was not filed or recorded with the
9 bureau of conveyances, and this Act shall be repealed in its
10 entirety on July 1, 2026.

11 SECTION 9. If the transfer of all properties authorized to
12 be acquired by this Act are filed or recorded with the bureau of
13 conveyances by June 30, 2026, the governor shall notify the
14 legislature and the revisor of statutes by June 30, 2026, that
15 the transfer of all properties authorized to be acquired by this
16 Act were filed or recorded with the bureau of conveyances, and
17 this Act shall not be repealed and the appropriations authorized
18 pursuant to this Act shall not lapse at the end of the fiscal
19 year for which the moneys were appropriated; provided that all
20 moneys that remain unexpended or unencumbered on June 30, 2026,
21 shall lapse.



1 SECTION 10. This Act shall take effect on July 1, 2023.

APPROVED this 5th day of July, 2023



GOVERNOR OF THE STATE OF HAWAII

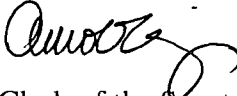


THE SENATE OF THE STATE OF HAWAI‘I

Date: May 4, 2023
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai‘i, Regular Session of 2023.


President of the Senate


Clerk of the Senate

SB No. 833, SD 2, HD 3, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 4, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives



Email: communications@ulupono.com

SENATE COMMITTEES ON WATER & LAND AND AGRICULTURE & ENVIRONMENT
Friday, February 3, 2023 — 1:00 p.m.

Ulupono Initiative supports SB 833, Relating to the Wahiawa Irrigation System.

Dear Chair Inouye, Chair Gabbard, and Members of the Committees:

My name is Micah Munekata, and I am the Director of Government Affairs at Ulupono Initiative. We are a Hawai'i-focused impact investment firm that strives to improve quality of life throughout the islands by helping our communities become more resilient and self-sufficient through locally produced food; renewable energy and clean transportation; and better management of freshwater and waste.

Ulupono supports SB 833, which requires the Office of the Governor to negotiate the State's fee simple acquisition of the Wahiawa Irrigation System on the island of Oahu and 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.

Ulupono supports funding for critical agricultural infrastructure across the State. The Wahiawa Irrigation System provides critical water access to local producers in the region. The system also provides recreation to the local community under the jurisdiction of the Department of Land and Natural Resources. It is prudent for the State to acquire the Wahiawa Irrigation System to support both recreation and production agriculture, therefore some sort of collaborative agreement across multiple state departments may be necessary. Having such an important system abandoned, or sold to a private entity, may have drastic ripple effects to local agriculture and communities alike. We support keeping this water resource within the purview of the State and maintaining affordable water access island-wide.

It is important to note that there are other maintenance and repair projects proposed in the Hawai'i Department of Agriculture's CIP Budget that also merit strong consideration by the Legislature. Agricultural water system infrastructure (irrigation systems) is an essential component of our state's efforts to achieve its goals of increasing local food production and food security. This is affirmed in the DOA's 2019 Agricultural Water Use and Development Plan (AWUDP), which documents how Hawai'i's agricultural industry relies on these water systems to deliver inexpensive water to meet and expand agricultural production even during times of drought. The DOA has identified agricultural water systems as the most important infrastructural requirement needed to expand Hawai'i's diversified agriculture industry. However, most of the large-scale irrigation systems in the state are or will soon be more than 100 years old.

Investing in a Sustainable Hawai'i

999 Bishop Street, Suite 1202 | Honolulu, Hawai'i 96813 ☎ 808.544.8960 📠 808.432.9695 | www.ulupono.com

Additionally, according to the Association of State Dam Safety Officials' latest Dam Safety Performance Report, more than a third of Hawai'i's dams are rated either in poor or unsatisfactory condition.

In the AWUDP, the DOA estimates the five-year cost of repairs and maintenance for Hawai'i's most critical agricultural water systems at approximately \$168 million - of that amount, about \$90 million is needed specifically for DOA-managed agricultural water systems over that same period. This is substantial for our small state, requiring an average of more than \$33 million per year for five years. While the price tag to repair and maintain these systems may seem high, the cost to replace these plantation-era water systems would be in the billions of dollars. More importantly, continuing to let these systems fall into disrepair puts Hawai'i's food security at risk, particularly the food security of the next generation who will be forced to adapt to a hotter and dryer planet.

Climate Change in Hawai'i

The importance of well-maintained agricultural water systems becomes even greater when the impacts of climate change on Hawai'i's food security are considered. In April 2021, Hawai'i became the first state to declare a climate emergency, when the State Legislature passed [Senate Concurrent Resolution 44 SD1 HD1](#), which also requested "statewide collaboration toward an immediate just transition and emergency mobilization effort to restore a safe climate."

The people of Hawai'i are seeing first-hand local impacts consistent with the effects of climate change: rising air temperatures; decreased rainfall and stream flow; increased rain intensity; increased frequency of drought; and increased frequency of powerful storms. For example:

- Since 1950, temperatures across the Hawaiian Islands have been on the rise, ranging from increases of 0.2 to 0.4 degrees Fahrenheit per decade;
- The annual total precipitation measured at Hilo International Airport decreased by nearly 20 inches since 1950—the most among Hawai'i's four major airports;
- Rain intensity is becoming as much a destructive factor as drought, with the amount of rain falling in the very heaviest downpours from 1958 to 2007 increasing by approximately 12%;
- The area in Hawai'i burned annually by wildfires has increased four-fold in recent decades, according to University of Hawai'i wildland fire researcher Clay Trauernicht; and
- Powerful storms are anticipated to become more frequent, as warmer climates tend to amplify existing weather patterns and variability, according to Hawai'i's state climatologist, Pao-Shin Chu.

These are each detrimental to local food production on their own; and yet, as an isolated island state we are also susceptible to climate change impacts far from our shores due to Hawai'i's continuing over-reliance on food from imports.

Irrigation Infrastructure IS Part of Climate Change Adaptation

For international and domestic food producers, meeting the global demand of a projected 10 billion people by 2050—an increase of 2.3 billion people over just a quarter of a century—will become increasingly challenging as the Earth's climate continues to warm. Some estimate this will require an increase in global food production of 60%, if we are to ensure enough food for all.



In the Biden Administration's fact sheet outlining the Infrastructure Investment and Jobs Act, the White House highlighted investments in **infrastructure to make communities more resilient to the impacts of climate change, including** "funds to protect against droughts and floods..."

Irrigation plays an essential role in increasing food production and is an effective method of climate change adaptation. Globally, irrigated land represents only 16% of arable land, but produces 44% of total crop production. For most crops, irrigation can double or triple crop yields. For example, irrigated crop yields for corn, soybean, and wheat are 165%, 75%, and 140% higher than rain-fed yields. In regards to climate change adaptation, irrigation systems mitigate the impact of decreasing rainfall, increasing frequency of drought, and increasing temperatures; and irrigation can help capture more rainfall during storm events, so that water can be used in the future.

According to research by The Nature Conservancy, climate change will bring increased moisture deficits across the United States. Nationally, the total area irrigated will need to increase by 11-54 million acres (an increase of 19-94%) by 2090 in order to maintain food production.

The DOA's AWUDP plan concludes: "The investment into these agricultural water systems is the key to provide adequate water to continue to grow diversified agriculture. As the saying goes, ...without water there is no agriculture..., which is the reason these agricultural water systems were originally constructed—and why they need to be maintained for another 100 years."

We strongly agree. For generations to come, local food production will depend on these systems and their ability to provide water for local farmers and ranchers. This represents a singular opportunity to make Hawai'i more self-sufficient and resilient.

Thank you for this opportunity to testify.

Respectfully,

Micah Munekata
Director of Government Affairs



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

February 1, 2023

HEARING BEFORE THE
SENATE COMMITTEE ON WATER AND LAND
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

TESTIMONY ON SB 833
RELATING TO THE WAHIAWA IRRIGATION SYSTEM

Conference Room 224 & Videoconference
1:00 PM

Aloha Chairs Inouye and Gabbard, Vice-Chairs Elefante, and Richards, and Members of the Committees:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports SB 833, which requires the Office of the Governor to negotiate the State's fee simple acquisition of the Wahiawa irrigation system on the island of Oahu and authorizes and appropriates moneys 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.

The Wahiawa Irrigation System is critical for Oahu farmers and ranchers that depend on it for their operations. Water availability is a basic necessity for farmers and ranchers to maintain and expand their production, particularly in times of drought manifested on many islands as a result of a changing climate. Moreover, a reliable water supply is a key factor when Hawai'i's farmers and ranchers are making decisions to start new or to expand existing operations.

The Dole Food Company has listed the Wahiawa Irrigation System for sale. We can't afford to lose this critical agricultural water source. No farming entity can afford the \$20,000,000 listed price. We are concerned about the potential impact on farmers if a private individual or entity purchases the system. They may raise water rates or even discontinue supplying water to farmers.

Oahu growers, especially those in Waialua and Haleiwa, need the reliable source of water that the Wahiawa Irrigation System provides, to continue to produce cabbage, bell pepper, tomato, cucumber, taro, eggplant, okra, papaya, citrus, avocado, banana, dragon fruit, watermelon, and green onion, and to expand production to better serve our communities.

Thank you for the opportunity to testify in support of this measure.



**TESTIMONY IN STRONG SUPPORT OF SENATE BILL 833
RELATED TO THE WAHIAWA IRRIGATION SYSTEM**

SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
SENATE COMMITTEE ON WATER AND LAND
FEBRUARY 3, 2023
1:00 PM

On behalf of Dole Food Company Hawaii, a division of Dole Food Company, Inc., we are submitting testimony in support of Senate Bill 833.

The Wahiawa Irrigation System (WIS) is essential to continued agricultural production in Central and North Oahu. Dole has offered the system to the State. The funding in this bill is essential to making required upgrades to the system. Without this bill, the system will be decommissioned.

The decommissioning of this system would be catastrophic to agriculture and food production in Central Oahu. It would also mean the loss of the flood control and recreational assets that the State and the community now enjoy and the loss of irrigation water for a major portion of agricultural production on Oahu.

Dole is prepared to gift the system for no cost in exchange for delivery of a maximum 6 MGD of irrigation water at no cost, which is the necessary amount to keep its agricultural operations going in Central Oahu. Dole will only draw what is needed each day. The system currently delivers about 4 MGD to other users for a total of 10 MGD on average. Currently the maximum daily outflow is 20 MGD. This can be increased with future improvements. The reservoir holds 3 billion gallons, water is abundant for future use opportunities. To fund the cost to expand the spillway the State will be able to access federal infrastructure funds that a private owner cannot access.

This system currently serves fifty farmers with over 500 farm jobs and will serve more in the future once the State of Hawaii Agribusiness Corporation lands are fully leased out in Central and North Oahu. For food security it is essential that Hawaii expands agricultural production, and this is an opportunity for the State to do just that.

Over the last few months, Dole has conducted extensive outreach to the Central and North Oahu communities regarding the WIS and proposal to transfer the system to the State. Both the Wahiawa Neighborhood Board and North Shore Neighborhood Board voted in support of this proposal. We have obtained over 1,000 signatures in support of the proposal (a full copy of the petition and its signatures is available upon request). We have also collected numerous letters of support from nonprofits, farmers, and other stakeholder groups. We have attached a sample for your review.

In addition to the current uses of this system the future uses could include hydroelectricity to meet State of Hawaii renewable energy goals and possibly power a water purification system that can provide potable water security to the island of Oahu as our aquifers face threats from contamination and saltwater intrusion from over pumping.

WIS is a historically important asset for Oahu and the State of Hawaii and this opportunity for the State to own, manage, and improve the system is critical to agriculture, flood control, energy security, and water security. I urge you to pass this bill and capitalize on this opportunity.

Thank you for your consideration.
Dan Nellis
General Manager



INTERNATIONAL LONGSHORE & WAREHOUSE UNION
LOCAL OFFICE • 451 ATKINSON DRIVE • HONOLULU, HAWAII 96814 • PHONE 949-4161

HAWAII DIVISION: 100 West Lanikaula Street, Hilo, Hawaii 96720 • **OAHU DIVISION:** 451 Atkinson Drive, Honolulu, Hawaii 96814
MAUI COUNTY DIVISION: 896 Lower Main Street, Wailuku, Hawaii 96793 • **KAUAI DIVISION:** 4154 Hardy Street, Lihue, Hawaii 96766
HAWAII LONGSHORE DIVISION: 451 Atkinson Drive, Honolulu, Hawaii 96814

LOCAL 142

THE CITY AND COUNTY OF HONOLULU

NEIGHBORHOOD COMMISSION OFFICE

North Shore Neighborhood Board No. 27

Kathleen M. Pahinui, Chair
925 Dillingham Blvd. Suite 160
Honolulu, Hawaii 96817
Kcalohalani1111@gmail.com

North Shore Neighborhood Board Regular Meeting
Tuesday, November 22, 2022; 7:00 p.m.

Dear Ms. Pahinui:

The ILWU Local 142 **supports** the transfer of Wahiawa Reservoir and the Wahiawa Irrigation System (WIS) to the State of Hawaii.

Thank you for the opportunity to share our view on this matter.

Christian West
President, ILWU Local 142

/sai
howu





TO:

Governor Josh Green

DATE:

December 10, 2022

Dear Governor Green,

I am writing to support the transfer of the Wahiawa Irrigation System to the state. As a farmer on the windward side of Oahu, I know how important water is to a thriving farm. We are fortunate on the windward side that we have streams and water sources that naturally feed our crops. Central Oahu and the North Shore do not all enjoy this same benefit.

As a lifelong farmer and the father to nine children who were all born raised on our farm, I can assure you that farming is truly endangered in Hawaii. Without the support of the state and nonprofits who have helped to keep our farming efforts going, I don't know that I'd still be able to farm today.

Other Oahu communities are also deserving of the state's support. We work very hard to feed our families and our communities. We don't mind long hours and hard work, we only ask that the state support our farming efforts so we can increase food security in our islands.

Hawaii's farming community is a small but proud one. We all know each other and support each other. This is a wonderful community that helps to preserve our local culture and country communities. I urge you to act to protect our farming communities.

Mahalo,

Mark Stride

Farmer, Luluku Farmers' Association

 mpaikulstride@gmail.com



NORTH SHORE NEIGHBORHOOD BOARD NO. 27

c/o NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BOULEVARD SUITE 105 • HONOLULU, HAWAII, 96817
TELEPHONE: (808) 768-3710 • FAX: (808) 768-3711 • INTERNET: <http://www.honolulu.gov/nco>

December 23, 2022

Daniel X. Nellis
General Manager
Dole Food Co. Hawaii
1116 Whitmore Ave.
Wahiawa, HI, 96786

Re: Letter Regarding Support for Transferring the Wahiawa Reservoir and Irrigation System to the State of Hawaii


Aloha Mr. Nellis:

Mahalo for your presentation to the North Shore Neighborhood Board #27 at our November 22, 2022 meeting. Per the board, we support your request to have the reservoir and irrigation system transferred / sold to the State of Hawaii.

Per comments from the board and community, will an Environmental Assessment or Impact Study be needed for the purchase? We are concerned about legacy chemicals from pineapple that would be in the sediment at the bottom of the dam. In addition, we want to ensure that all users of the irrigation water are kept informed about the status of the dam, transfer and any other potential impacts that could affect their farms and use of the water.

Please keep us posted on your progress and the outcome of any decisions.

Mālama 'āina,


Kathleen M. Pahinui
Chair, North Shore NB #27

Contact - new submission

Ken Cho Jr <reply-to+d577787e93fd@crm.wix.com>

Mon 11/21/2022 8:31 PM

To:

Ken Cho Jr just submitted your form: Contact
on

Message Details:

Enter Your Name : Ken Cho Jr

Enter Your Email:

Enter Your Subject: Wahiawa irrigation system

Message: I strongly support the state taking responsibility for this aging water system.. water is a Precison commodity.... The state needs to step up and be responsible for the future of irrigation in this part of our island...

Reply directly or go to your site's Inbox:

Respond Now

If you think this submission is spam, [report it as spam](#).

To edit your email settings, go to your Inbox on desktop.

Contact - new submission

Ralph Ehni <reply-to+cd0be464aa83@crm.wix.com>

Wed 11/23/2022 6:09 AM

To:

Ralph Ehni just submitted your form: Contact

on

Message Details:

Enter Your Name : Ralph Ehni

Enter Your Email:

Enter Your Subject: Wahiwawa irrigation system

Message: I'm a farmer, I feed People, that's my job

Reply directly or go to your site's Inbox:

Respond Now

If you think this submission is spam, [report it as spam](#).

To edit your email settings, go to your Inbox on desktop.



Save O'ahu Agriculture

by: [Save O'ahu Ag](#)

recipient: Governor Josh Green

1,046 SUPPORTERS

2,000 GOAL

Ola i ka Wai. Water is life.

The State of Hawaii is poised to acquire the Wahiawā Irrigation System (WIS), which is main water source for central and north O'ahu. This system is also essential to protecting the livelihoods of the many farmers who keep agriculture alive in this region.

The aging system needs to be upgraded. Dole Foods Hawaii, the current owner of the system, has offered the irrigation system to the state for free, as long as the state takes on the responsibility of making the necessary upgrades.

Fresh water is a public trust resource. This water rightfully belongs with the state and under state management. Should the state fail to accept the donated irrigation system, the alternative is for the system to be decommissioned, which would effectively close Dole Food Hawaii operations and agriculture water distribution to farmers in central and north O'ahu. The loss of agricultural activity in this region would be devastating to Hawaii's local food industry and sustainability goals.

Please help inspire our new Governor Josh Green to become a champion for local agriculture and food security in Hawai'i by saving the Wahiawā Irrigation System and agriculture in central and north O'ahu.

URGENT ACTION NEEDED!

About History How to Help **Supporters** Contact

[Sign our petition today!](#)



Meet our Farmers and Supporters

The Wahiawā Irrigation System supports a thriving community of farmers. The historic agricultural communities in central and north O’ahu are defined by their charm and rural nature. Agriculture is critical to these small communities, which serve as an important hub for Hawaii’s food security and local food production.

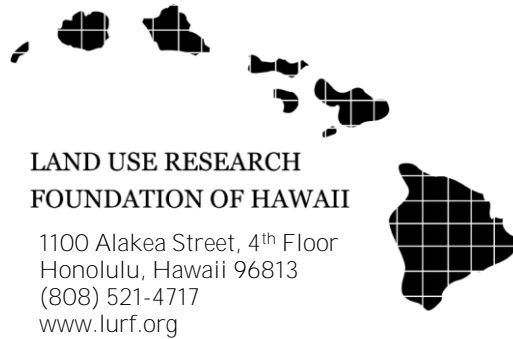


FARMERS' ASSOCIATION



MOHALA MO' BETTA!





January 31, 2023

Senator Lorraine R. Inouye, Chair
Senator Brandon J.C. Elefante, Vice Chair
Senate Committee on Water and Land

Senator Mike Gabbard, Chair
Senator Herbert M. “Tim” Richards, III, Vice Chair
Senate Committee on Agriculture and Environment

Comments in Support of SB 833 Relating to Wahiawa Irrigation System (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 [DOA], Agribusiness Development Corporation {ADC}, and Department of Land and Natural Resources [DLNR] to purchase, repair, and maintain the Wahiawa irrigation system and the associated spillway.)

Friday, February 3, 2023, 1:00 p.m.; State Capitol, Conference Room 224 & Videoconference.

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers, and utility companies. **LURF’s** mission is to advocate for reasonable, rational, and equitable land use planning, legislation and regulations that encourage well-planned **economic growth and development, while safeguarding Hawaii’s significant natural and** cultural resources, and public health and safety.

LURF appreciates the opportunity to express its support of SB 833, and of the various agricultural stakeholder groups who defend the goals of viable agricultural operations and the conservation and protection of agriculture, including important agricultural lands (IAL) in Hawaii.

SB 833. This bill proposes to authorize the DOA, DLNR, and ADC to acquire the Wahiawa irrigation system, on terms negotiated and agreed upon by the office of the governor, and to purchase, repair, and maintain the associated spillway.

LURF’s Position. Well-functioning irrigation systems are vital to Hawaii’s agricultural industry to ensure that the State’s agricultural crops receive a reliable

and consistent supply of water to support and maintain productivity. LURF understands that the Wahiawa irrigation system, which was originally built by the Wahiawa Sugar Company, was created with a dam and freshwater reservoir, and that the dam is essential to agriculture since water in the reservoir provides irrigation to farmers in Wahiawa, Waiialua, and Haleiwa. In order to ensure that these local farmers may continue to receive a dependable supply of water for crops, funding is necessary to improve, repair and maintain the Wahiawa irrigation system.

Local farmers and ranchers who rely on irrigation systems to service their agricultural lands consider such resources critical to conduct their agricultural operations and to sustain their businesses. These agricultural stakeholders believe measures such as SB 833 will greatly assist by providing funding and support necessary to make improvements to irrigation systems for the long-**term betterment of the State's** agricultural industry and are relying on legislation such as this to help them work toward the expansion of diversified agriculture; promote the agricultural self-sufficiency of the State; and to protect water as a valuable and significant resource.

For the above reasons, LURF supports SB 833, and respectfully urges your favorable consideration.

Thank you for the opportunity to provide comments in support of this matter.



Environmental Caucus of
The Democratic Party of Hawai'i

Agriculture & Food Security Committee

Friday, February 3, 2023, 1:00 pm

Senate Committees on Agriculture & Environment and on Water and Land

SENATE BILL 833 – RELATING TO WAHIAWA IRRIGATION SYSTEM

Position: Strong Support

Me ke Aloha, Chairs Gabbard and Inouye, Vice-Chairs Richards and Elefante, and members of the Senate Committees on Agriculture & Environment and on Water and Land:

SB833 authorizes the purchase, repair, and maintenance of the Wahiawa Irrigation System, which encompasses the streams impounded in Lake Wilson (Wahiawā, O'ahu) and serves both Mokuleia and Kawaihoa from the Kaukonahua Ditch. It was formerly developed by and served Waialua Sugar Company and is now controlled by Dole Food Company. The Agribusiness Development Corporation, Department of Agriculture, and Department of Land and Natural Resources all have a role to play in this bill.

The Caucus' Agriculture & Food Security Committee supports the continuation of this irrigation system, recognizing its need for modernization, already the subject of large investments by Kamehameha Schools. The North Shore has struggled to ensure that agriculture remains a substantial part of its community lifestyle and livelihood, and substantial investments of time and energy throughout the community have sought to preserve this resource in that service.

This proposal continues the long-term effort by the State to secure land and water for agriculture, to replace dependency of the people of Hawai'i on 85-90% food imports subject to supply chain disruptions due to weather disasters elsewhere and port closures here due to hurricane or pandemic.

The Caucus would like to see a proviso that the service area of this system not be permitted to provide water to "gentleman estates" or "hobby farmers" – generally agricultural fictions owned by non-Hawai'i people, but be reserved to serve only agricultural production that benefits the revenues of the State and the tables of the people of Hawai'i.

Mahalo for the opportunity to address this matter.

/s/ Charley Ice, Acting Chair, Agriculture and Food Security Committee

Environmental Caucus of the Democratic Party

SB-833

Submitted on: 2/2/2023 1:40:45 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Racquel Achiu	Individual	Support	Written Testimony Only

Comments:

Aloha & Mahalo for the opportunity to provide testimony on SB833.

My name is Racquel Achiu of the Haleiwa/Waiialua moku. I am writing in support of SB833. The Wahiawa dam and ditch are **CRITICAL** to our moku. Two (2) primary (although there are many) reasons. #1 Farms rely on the resource that the dam provides. Without it, they have nothing. #2 proper management and maintenance provides significant support to the safety of the Waiialua & Hale'iwa communities in terms of rain monitoring and controlled release of water vs unknown limits/volume of water potentially spilling over to flow down the streams into the waiialua community.

Please please pursue the transfer of this dam/ditch for the future of our farmers and communities as a whole.

Mahalo