STAND. COM. REP. NO. 🔁

Honolulu, Hawaii

## FEB 1 7 2011

RE: S.B. No. 142

Honorable Shan S. Tsutsui President of the Senate Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Water, Land, and Housing, to which was referred S.B. No. 142 entitled:

"A BILL FOR AN ACT RELATING TO DAMS AND RESERVOIRS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- Declare dams and reservoirs as important water resources that provide certain benefits to the public;
- (2) Require the Board of Land and Natural Resources, in administering the Dam and Reservoir Safety Program, to consider the need to consistently maintain and operate dams and reservoirs in a feasible manner;
- (3) Require the Board of Land and Natural Resources to charge fees to cover a portion of the Board's costs in administering dam and reservoir safety;
- (4) Require the Board of Land and Natural Resources to consider a lower hazard potential classification for operating systems that enable the direct control of water inflow; and
- (5) Require the Department of Land and Natural Resources to include in its annual report initiatives implemented to ensure that dams and reservoirs continue to be retained and operated in a feasible manner to sustain their roles as important water resources.



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Your Committee received testimony in support of this measure from Hawaii Cattlemen's Council, Inc.; Maui County Farm Bureau; Hawaii Farm Bureau Federation; and Alexander & Baldwin, Inc. Your Committee received comments on this measure from the Department of Land and Natural Resources, Department of Agriculture, and Office of Hawaiian Affairs.

Your Committee recognizes the need for farmers and ranchers to comply with safety measures for dams and reservoirs. A major concern is overfilling the reservoir during a major storm event, which could lead to dam failure. Nevertheless, many reservoirs are filled by pipe, which can be turned off during a storm event.

Your Committee finds that enacting overly burdensome regulations for the operation and maintenance of dams and reservoirs will contribute little to the public good. Dams and reservoirs allow farmers and ranchers to keep land in use for agriculture and cattle and to provide drinking water for the citizens of the State, hydropower for the generation of renewable energy, and flood control and drainage for public safety. Through this measure, your Committee supports the use of a risk based safety classification system, which provides adequate safeguards for the public safety and preserves and maintains private dam ownership.

As affirmed by the record of votes of the members of your Committee on Water, Land, and Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 142 and recommends that it pass Second Reading and be referred to the Committee on Ways and Means.

> Respectfully submitted on behalf of the members of the Committee on Water, Land, and Housing,

DONOVAN M. DELA



## The Senate Twenty-Sixth Legislature State of Hawai'i

## Record of Votes Committee on Water, Land, and Housing WLH

Bill / Resolution No.:* SB142	Committee Referral: WLH, WAM		1	Date: FU. 8, 701/	
The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Ауе	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)					
SOLOMON, Malama (VC)					
FUKUNAGA, Carol					
RYAN, Pohai		N.			
SHIMABUKURO, Maile	2.2000 mm m				
TOKUDA, JIII N.					
SLOM, Sam					
TOTAL		4		1	2
Recommendation:					
Chair's or Design eis Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

\*Only one measure per Record of Votes