

MAR 08 2024

SENATE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND BOARD OF
LAND AND NATURAL RESOURCES TO ADOPT CERTAIN PROCEDURES
RELATING TO THE DAM AND APPURTENANCE IMPROVEMENT OR REMOVAL
GRANT PROGRAM TO ASSIST APPLICANTS IN OBTAINING GRANTS.

1 WHEREAS, Hawaii's dams, reservoirs, and spillways are an
2 integral part of the State's existing infrastructure and benefit
3 the State by providing flood protection, viable water supply
4 resources, hydropower, and irrigation access, yet some of these
5 structures possess features that are considered deficient and
6 not in compliance with current safety standards; and
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8 WHEREAS, the majority of the dams and reservoirs in the
9 State were constructed approximately one hundred years prior,
10 when booming economic activity in the sugarcane and pineapple
11 industries were a driving force in the construction and
12 maintenance of these structures; and
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14 WHEREAS, the sugarcane and pineapple industries have
15 dwindled over the past decades, and now render these structures
16 without a significant economic incentive for investment unless
17 the State intervenes to ensure that further dilapidation and
18 deterioration do not occur; and
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20 WHEREAS, ensuring the safety of Hawaii's dams is one of the
21 important functions of the Department of Land and Natural
22 Resources; and
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24 WHEREAS, Act 134, Session Laws of Hawaii 2023, codified as
25 179D-31, Hawaii Revised Statutes, established a Dam and
26 Appurtenance Improvement or Removal Grant Program to be
27 developed and administered by the Department of Land and Natural
28 Resources for the improvement or removal of deficient dams in
29 the State; and
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1 WHEREAS, the Dam and Appurtenance Improvement or Removal
2 Grant Program provides funding to owners of private dams for
3 plans, design, construction, and equipment to improve or remove
4 deficient dams and appurtenances, as determined by the
5 Department of Land and Natural Resources; and

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7 WHEREAS, section 179D-31(d), Hawaii Revised Statutes,
8 allows the Department of Land and Natural Resources to award
9 grants from the Dam and Appurtenance Improvement or Removal
10 Grant Program based on criteria developed by the Department and
11 the Board of Land and Natural Resources, and therefore, the
12 applications to receive grants are subject to the discretion of
13 and uneven application of criteria by the Department and the
14 Board; and

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16 WHEREAS, the stringent regulatory framework and muddled
17 processes to improve and maintain dams, reservoirs, and
18 spillways in the State often disincentivize investment, thereby
19 rendering these structures dilapidated, abandoned, and
20 vulnerable to natural disasters; and

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22 WHEREAS, accessing existing funding mechanisms to improve
23 and maintain these structures also prove challenging for dam and
24 reservoir owners throughout the State; now, therefore,

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26 BE IT RESOLVED by the Senate of the Thirty-second
27 Legislature of the State of Hawaii, Regular Session of 2024, the
28 House of Representatives concurring, that the Department of Land
29 and Natural Resources and Board of Land and Natural Resources
30 are urged to adopt certain procedures relating to the Dam and
31 Appurtenance Improvement or Removal Grant Program to assist
32 applicants in obtaining grants; and

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34 BE IT FURTHER RESOLVED that the Department of Land and
35 Natural Resources is urged to make publicly available the
36 criteria it develops for the award of grants from the Dam and
37 Appurtenance Improvement or Removal Grant Program; and

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39 BE IT FURTHER RESOLVED that, when prescribing other
40 requirements or conditions for compliance by an applicant of the
41 Dam and Appurtenance Improvement or Removal Grant Program
42 pursuant to section 179D-91(d)(10), Hawaii Revised Statutes, the



1 Department of Land and Natural Resources and Board of Land and
2 Natural Resources are urged to prescribe the requirements and
3 conditions in a manner that is consistent with the principles of
4 fairness and equal treatment; and

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6 BE IT FURTHER RESOLVED that the requirements and conditions
7 prescribed by the Department of Land and Natural Resources or
8 Board of Land and Natural Resources pursuant to section 179D-
9 91(d)(10), Hawaii Revised Statutes, are urged to be:

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11 (1) Based on reasonable and justifiable grounds and
12 relevant to the purpose for which the grant is
13 awarded;

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15 (2) Communicated to the applicant in a clear, transparent,
16 and reasonable manner; and

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18 (3) Readily available to the applicant in writing, with
19 one copy submitted to the applicant and another made
20 publicly available; and

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22 BE IT FURTHER RESOLVED that the Department of Land and
23 Natural Resources and Board of Land and Natural Resources are
24 urged to allow applicants of the Dam and Appurtenance
25 Improvement or Removal Grant Program to:

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27 (1) Seek clarification of the additional requirements or
28 conditions prescribed; and

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30 (2) Appeal the determination of their applications in
31 accordance with section 1790-7, Hawaii Revised
32 Statutes; and

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34 BE IT FURTHER RESOLVED that a certified copy of this
35 Concurrent Resolution be transmitted to the Chairperson of the
36 Board of Land and Natural Resources.

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OFFERED BY: 

