

MAR 16 2026

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO
INCORPORATE INTO THEIR ASSESSMENT PROCESS THE POSSESSION OR
ACTIVE SEEKING OF DAM LIABILITY INSURANCE BY PRIVATE DAM
OWNERS.

1 WHEREAS, state dams, reservoirs, and spillways function as
2 key agricultural components to the overall environmental health
3 of the State, providing conventional and practical benefits that
4 include water storage, the potential to integrate with water
5 delivery systems, erosion control, reductions in sediment
6 loading, wildfire management capabilities, and structures that
7 can serve as a reserve supply of potable water sources; and
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9 WHEREAS, the benefits of state dams, reservoirs, and
10 spillways are often offset by increases in compounding costs
11 that are experienced by owners over time from more expensive
12 materials, shipping, manufacturing, and labor, which are
13 considered in excess of the existing operating expenses that
14 owners must afford; and
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16 WHEREAS, access to capital to implement improvements is
17 consistently out of reach for private dam owners and further
18 complicated by the fluctuation in the price of goods and
19 services due to economic shifts; and
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21 WHEREAS, while current dam and reservoir safety rules,
22 regulations, guidelines, and laws move in the direction of
23 fulfilling several public safety initiatives, the aggregation of
24 these regulations are producing a significantly negative impact
25 that is latently observed and experienced solely by the private
26 owners and operators of existing dams who do not possess the
27 reserve capital or funding capability to satisfy every
28 requirement; and
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30 WHEREAS, Act 232, Session Laws of Hawaii 2024, established
31 a special fund to receive funds for the Dam and Appurtenance



1 Improvement or Removal Grant Program and to reappropriate the
2 funds to financially assist owners of private dams to improve or
3 remove dams and appurtenances; and
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5 WHEREAS, private dam owners, nevertheless, face significant
6 barriers to maintaining dams or reservoirs in the interest of
7 public safety, as they may not possess the specialized
8 knowledge, financial capacity, or ability to locate assessment
9 firms to conduct rigorous, unbiased risk assessments, leading to
10 delayed projects or inaccurate reporting; and
11

12 WHEREAS, the Department of Land and Natural Resources is
13 uniquely positioned to assess the risks posed by dams,
14 reservoirs, and spillways due to its access to technical
15 resources, comprehensive oversight capabilities, subject matter
16 expertise, and public safety mandates; and
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18 WHEREAS, shifting the burden of proof in risk assessments
19 associated with dam ownership to the Department of Land and
20 Natural Resources would establish a multi-level partnership
21 between the State, the Department, and private dam owners to
22 ensure an equitable and efficient process where the safety of
23 the State's infrastructure and communities are prioritized by
24 the most suitable entity; now, therefore,
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26 BE IT RESOLVED by the Senate of the Thirty-third
27 Legislature of the State of Hawaii, Regular Session of 2026, the
28 House of Representatives concurring, that the Department of Land
29 and Natural Resources is requested to:
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- 31 (1) Incorporate into their assessment process the
32 possession or active seeking of dam liability
33 insurance by private dam owners, as part of their
34 valid mitigation measures, in conjunction with
35 approved modifications or repairs;
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- 37 (2) Relax any restrictions and stringent standards on a
38 dam or appurtenance upon verification of insurance
39 coverage;
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- 41 (3) Consider a dam, reservoir, or appurtenance safe absent
42 engineering reports from a licensed engineer and a



