

MAR 16 2026

SENATE 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
32 Improvement or Removal Grant Program and to reappropriate the
33 funds to financially assist owners of private dams to improve or
34 remove dams and appurtenances; and



1
2 WHEREAS, private dam owners, nevertheless, face significant
3 barriers to maintaining dams or reservoirs in the interest of
4 public safety, as they may not possess the specialized
5 knowledge, financial capacity, or ability to locate assessment
6 firms to conduct rigorous, unbiased risk assessments, leading to
7 delayed projects or inaccurate reporting; and
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9 WHEREAS, the Department of Land and Natural Resources is
10 uniquely positioned to assess the risks posed by dams,
11 reservoirs, and spillways due to its access to technical
12 resources, comprehensive oversight capabilities, subject matter
13 expertise, and public safety mandates; and
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15 WHEREAS, shifting the burden of proof in risk assessments
16 associated with dam ownership to the Department of Land and
17 Natural Resources would establish a multi-level partnership
18 between the State, the Department, and private dam owners to
19 ensure an equitable and efficient process where the safety of
20 the State's infrastructure and communities are prioritized by
21 the most suitable entity; now, therefore,
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23 BE IT RESOLVED by the Senate of the Thirty-third
24 Legislature of the State of Hawaii, Regular Session of 2026,
25 that the Department of Land and Natural Resources is requested
26 to:
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- 28 (1) Incorporate into their assessment process the
29 possession or active seeking of dam liability
30 insurance by private dam owners, as part of their
31 valid mitigation measures, in conjunction with
32 approved modifications or repairs;
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- 34 (2) Relax any restrictions and stringent standards on a
35 dam or appurtenance upon verification of insurance
36 coverage;
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- 38 (3) Consider a dam, reservoir, or appurtenance safe absent
39 engineering reports from a licensed engineer and a
40 certified hydraulic engineer that finds that the
41 failure of the dam, reservoir, or appurtenance will
42 result in probable loss of human life; and



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2 (4) Not classify a dam as high hazard based only on its
3 engineering risk assessment results; and
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5 BE IT FURTHER RESOLVED that the Board of Land and Natural
6 Resources and Department of Land and Natural Resources are urged
7 to, with regard to the Dam and Appurtenance Improvement or
8 Removal Grant Program:
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- 10 (1) Make publicly available the criteria developed by the
11 Department based on which grants are awarded;
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- 13 (2) Prescribe any other requirement or condition for
14 applicants to the Program in a fair, equal manner,
15 based on reasonable and justifiable grounds that are
16 relevant to the purpose for which the grant is awarded
17 and communicated to the applicant in a clear,
18 transparent, and reasonable manner, with one copy in
19 writing submitted to the applicant and another made
20 publicly available; and
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- 22 (3) Allow an applicant to seek clarification of other
23 requirements or conditions prescribed and to appeal
24 the Board's determination of the application pursuant
25 to section 179D-7, Hawaii Revised Statutes; and
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27 BE IT FURTHER RESOLVED that a certified copy of this
28 Resolution be transmitted to the Chairperson of the Board of
29 Land and Natural Resources.
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OFFERED BY: _____



