

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARK

Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson

Before the Senate Committee on
WATER, LAND, CULTURE AND THE ARTS

Wednesday, April 8, 2026
1:05 PM
State Capitol, Conference Room 224

In consideration of
SENATE CONCURRENT RESOLUTION 125
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.

Senate Concurrent Resolution 125 requests that the Department of Land and Natural Resources (Department): (1) consider whether a dam owner possesses certain insurance in the Department's assessment of condition and risk for the dam; (2) relax any restrictions and stringent standards on a dam or appurtenance upon verification of certain insurance coverage; (3) assume a dam, reservoir, or appurtenance is safe absent engineering reports; (4) not use engineering risk assessment results to classify a dam's hazard classification; and (5) establish additional requirements for the Dam and Appurtenance Improvement or Removal Grant Program. **The Department opposes this measure.**

First, the Department emphasizes that obtaining insurance on a dam does not make the dam safe. While insurance may shield the dam owner from financial liability, it does nothing to protect the downstream community from the consequences of a dam failure. Allowing insurance to serve as a substitute for the responsible operation, maintenance, and repair of a dam could increase both the risk and likelihood of a failure. Such a measure may incentivize dam owners to obtain insurance in place of complying with established safety requirements and allow dam owners to relax on maintenance and inspection of their facilities.

For these reasons, the Department opposes the proposed request related to insurance, as it is inconsistent with the purpose of the dam safety law, which is to minimize the risk of dam failure and protect public health and safety.

This proposed resolution asserts to "not classify a dam as high hazard based on its engineering risk assessment results." Per HRS 179D, the definition of "high hazard" is that

failure of a dam or reservoir will result in probable loss of human life. This potential loss of human life is the only trigger in the statute for that classification. This resolution goes against what is already established in Statute. Furthermore, this definition is a national standard that the United States Army Corps of Engineers uses to track dams on the National Inventory of Dams. Having insurance does not change whether or not these dams meet the classification definition of a high hazard potential dam.

The Department has already established the hazard classifications for all regulated dams in the State. From 2009-2016, the Department partnered with qualified experts at the Pacific Disaster Center to prepare hazard assessment reports, which modeled and mapped a dam failure's downstream inundation zone. If a dam owner does not agree with their current hazard classification or condition assessment, they may submit supporting studies and modeled results prepared by a licensed professional engineer, which the Department will review and consider.

Last, this measure proposes additional requirements to the State's existing Dam and Appurtenance Improvement or Removal Grant Program. The additional requirements are already provided in the 2024 Senate Resolution 152, and thus would be redundant.

Mahalo for the opportunity to testify on this measure.

SCR-125

Submitted on: 4/3/2026 8:43:05 PM

Testimony for WLA on 4/8/2026 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Oppose	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, OPPOSE 117 SR 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.

****DAM LIABILITY IS A HUGE EXPENSE TO TAXPAYERS!! INCLUDING FUTURE LAWSUIT UPON BREACH, LIKE THE KALOKO DAM ON KAUAI. DEFICIENCIES OF THE WILSON DAM SHOULD BE CORRECTED BY DOLE BEFORE ANY PURCHASE AGREEMENT!! ANOTHER LIABILITY TO TAXPAYERS LIKE SKYLINE!!**