

A Bill for an Act Relating to Assisting Dam and Reservoir Owners.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 39A-341, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of “appurtenant works” to read:

~~““Appurtenant works” [shall have the same meaning in this part as it has in section 179D-3.]~~ means any structure, such as spillways in the dam or separate therefrom, the reservoir and its rim, low level outlet works, aboveground fresh-water storage tanks, and water conduits, such as tunnels, pipelines, or penstocks, through the dam or its abutment.”

2. By amending the definition of “dam” to read:

~~““Dam” [shall have the same meaning in this part as it has in section 179D-3.]~~ means any artificial barrier, including appurtenant works, that impounds or diverts water and that:

- (1) Is twenty-five feet or more in height from the natural bed of the stream or watercourse measured at the downstream toe of the barrier, or from the lowest elevation of the outside limit of the barrier if it is not across a stream channel or watercourse to a maximum water storage elevation;
- (2) Has an impounding capacity at maximum water storage elevation of fifty acre-feet or more; provided that this definition shall not apply to any artificial barrier that is less than six feet in height regardless of storage capacity or that has a storage capacity at maximum water storage elevation less than fifteen acre-feet regardless of height; or
- (3) Meets additional criteria or is specifically exempt as determined pursuant to rules adopted by the board of land and natural resources.”

3. By amending the definition of “reservoir” to read:

~~““Reservoir” [shall have the same meaning in this part as it has in section 179D-3.]~~ means any basin that contains or will contain water impounded by a dam, including appurtenant works.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved July 10, 2017.)