
HOUSE CONCURRENT RESOLUTION

REQUESTING THE ATTORNEY GENERAL TO APPOINT A SPECIAL DEPUTY
ATTORNEY GENERAL TO INDEPENDENTLY AND IMPARTIALLY
INVESTIGATE THE KALOKO RESERVOIR DAM COLLAPSE.

1 WHEREAS, the Kaloko reservoir dam breach on March 14, 2006,
2 on the island of Kauai, resulted in the loss of seven lives,
3 massive flooding, and extensive property damage; and

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5 WHEREAS, the people of Hawaii and, more specifically, the
6 residents of Kilauea, Kauai, deserve and expect a complete and
7 thorough investigation into the facts and circumstances that led
8 to the tragic circumstances of the Kaloko dam breach; and

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10 WHEREAS, the Department of the Attorney General,
11 immediately after the incident, launched an investigation
12 related to the Kaloko dam failure and hired consultants and
13 experts to collect information and evidence and to review the
14 engineering and legal issues related to the incident; and

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16 WHEREAS, in the aftermath of this tragic event, there have
17 been numerous media and citizen reports making claims and
18 accusations about both the actions and inactions by the State,
19 the county of Kauai, and the private landowners that may have
20 caused, contributed to, or exacerbated the conditions leading to
21 the Kaloko dam failure; and

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23 WHEREAS, whether real or perceived, the State's ability to
24 investigate the incident may appear to be compromised by these
25 claims and accusations which jeopardize the credibility of such
26 a thorough investigation; and

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28 WHEREAS, in view of the fact that the Kaloko reservoir was
29 privately owned and the State of Hawaii was responsible for
30 regulating the dam, there is a question as to who may be held
31 liable for the breach; and



1 WHEREAS, the State is preparing for possible litigation, as
2 evidenced by the emergency appropriations submitted by the
3 Governor in House Bill No. 970, House Draft 1, Senate Draft 1;
4 and

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6 WHEREAS, House Bill No. 970, House Draft 1, Senate Draft 1,
7 currently provides an appropriation to the Attorney General to,
8 among other things, "conduct an independent investigation
9 regarding reservoir failures"; and

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11 WHEREAS, the investigation of the Kaloko dam breach,
12 conclusions about its cause, and possible subsequent legal
13 actions to place responsibility for it should not be jeopardized
14 or mired in conflict of interest charges; now, therefore,

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16 BE IT RESOLVED by the House of Representatives of the
17 Twenty-third Legislature of the State of Hawaii, Regular Session
18 of 2006, the Senate concurring, that the Attorney General is
19 requested to appoint a special deputy attorney general, in
20 regard to the Kaloko reservoir dam breach, to independently and
21 with impartiality:

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- 23 (1) Investigate the role and possible culpability of the
- 24 State of Hawaii;
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- 26 (2) Investigate the role and possible culpability of the
- 27 County of Kauai;
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- 29 (3) Investigate the role and possible culpability of the
- 30 private landowners; and
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- 32 (4) Investigate the role and possible culpability of other
- 33 yet to be identified parties; and
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35 BE IT FURTHER RESOLVED that the Attorney General is
36 requested to report the findings of the special deputy attorney
37 general to the Legislature not later than twenty days prior to
38 the convening of the Regular Session of 2007; and

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40 BE IT FURTHER RESOLVED that certified copies of this
41 Concurrent Resolution be transmitted to the Governor, the
42 Attorney General, the Mayor of the County of Kauai, James
43 Pflueger, and the Mary N. Lucas Trust.

