

JAN 18 2008

A BILL FOR AN ACT

MAKING AN APPROPRIATION FOR RESERVOIRS, DAMS, AND DITCH SYSTEMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the continued
2 viability of reservoirs, dams, and ditch systems in Kauai county
3 is necessary, since they are a part of the water infrastructure
4 needed by agriculture. Additionally, water from the reservoirs
5 is used by the fire department to suppress brush and wild fires
6 and to recharge the aquifer.

7 The passage of the Hawaii Dam and Reservoir Safety Act (Act
8 262, Session Laws of Hawaii 2007) enlarged the State's authority
9 to regulate dams and reservoirs, adopt rules and standards for
10 dams and reservoirs, and create new fees and penalties for
11 owners in violation.

12 With the increased exposure to penalties and liability,
13 owners of reservoirs, dams, and ditch systems in Kauai county
14 are considering decommissioning. If the systems are
15 decommissioned, the county will lose convenient and affordable
16 sources of water for agriculture and firefighting, and it will
17 also lose control of water runoff. Decommissioning may also
18 place additional burdens on the county's water supply.



1 In many regions around the world, entities have been
2 created to manage, operate, and maintain water storage and
3 distribution facilities for the benefit of agricultural users.
4 These entities are particularly necessary when the owners do not
5 have an incentive to maintain the facilities because they do not
6 need to use them to store or transmit the water for their own
7 purposes.

8 The legislature finds that the creation of an entity to
9 provide countywide or statewide operation and maintenance of
10 reservoir, dam, and ditch systems could have beneficial results.
11 For example, a management entity may be able to obtain insurance
12 coverage unavailable to individual owners, and such an entity
13 could provide an efficient operation and maintenance program
14 across the State.

15 The purpose of this Act is to appropriate moneys for a
16 feasibility study on the creation of a private or governmental
17 entity to manage, operate, and maintain reservoirs, dams, and
18 ditch systems in Kauai county. This entity would enter into
19 voluntary agreements with reservoir, dam, and ditch owners to
20 assume the responsibility to operate and maintain their systems
21 and distribute water to users. While the study would focus on



1 Kauai, the results could be utilized by other counties to
2 address similar issues.

3 SECTION 2. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$350,000 or so much
5 thereof as may be necessary for fiscal year 2008-2009 for a
6 feasibility study on the creation of a private or governmental
7 entity to manage, operate, and maintain reservoirs, dams, and
8 ditch systems in the county of Kauai.

9 SECTION 3. The sum appropriated shall be expended by the
10 county of Kauai for the purposes of this Act.

11 SECTION 4. This Act shall take effect on July 1, 2008.

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Report Title:

Reservoirs; Safety

Description:

Appropriates moneys for a feasibility study on management of dams, reservoirs, and ditch systems. Effective 7/1/08.

