

Honolulu, Hawaii

FEB 17 2011

RE: S.B. No. 142

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Water, Land, and Housing, to which was referred S.B. No. 142 entitled:

"A BILL FOR AN ACT RELATING TO DAMS AND RESERVOIRS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Declare dams and reservoirs as important water resources that provide certain benefits to the public;
- (2) Require the Board of Land and Natural Resources, in administering the Dam and Reservoir Safety Program, to consider the need to consistently maintain and operate dams and reservoirs in a feasible manner;
- (3) Require the Board of Land and Natural Resources to charge fees to cover a portion of the Board's costs in administering dam and reservoir safety;
- (4) Require the Board of Land and Natural Resources to consider a lower hazard potential classification for operating systems that enable the direct control of water inflow; and
- (5) Require the Department of Land and Natural Resources to include in its annual report initiatives implemented to ensure that dams and reservoirs continue to be retained and operated in a feasible manner to sustain their roles as important water resources.



Your Committee received testimony in support of this measure from Hawaii Cattlemen's Council, Inc.; Maui County Farm Bureau; Hawaii Farm Bureau Federation; and Alexander & Baldwin, Inc. Your Committee received comments on this measure from the Department of Land and Natural Resources, Department of Agriculture, and Office of Hawaiian Affairs.

Your Committee recognizes the need for farmers and ranchers to comply with safety measures for dams and reservoirs. A major concern is overfilling the reservoir during a major storm event, which could lead to dam failure. Nevertheless, many reservoirs are filled by pipe, which can be turned off during a storm event.

Your Committee finds that enacting overly burdensome regulations for the operation and maintenance of dams and reservoirs will contribute little to the public good. Dams and reservoirs allow farmers and ranchers to keep land in use for agriculture and cattle and to provide drinking water for the citizens of the State, hydropower for the generation of renewable energy, and flood control and drainage for public safety. Through this measure, your Committee supports the use of a risk based safety classification system, which provides adequate safeguards for the public safety and preserves and maintains private dam ownership.

As affirmed by the record of votes of the members of your Committee on Water, Land, and Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 142 and recommends that it pass Second Reading and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land, and
Housing,


DONOVAN M. DELA CRUZ, Chair



