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GOVERNOR OF  
HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
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 PARKS

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the House Committee on  
WATER, LAND, & HAWAIIAN AFFAIRS**

**Wednesday, January 30, 2019  
9:00 A.M.  
State Capitol, Conference Room 325**

**In consideration of  
HOUSE BILL 427  
RELATING TO DAM AND RESERVOIR SAFETY**

House Bill 427 proposes to require the Board of Land and Natural Resources to prepare all studies to determine the safe removal or retirement of a dam or reservoir upon the request of a homeowner association or homeowner of property where a dam or reservoir is situated. **The Department of Land and Natural Resources (Department) opposes this measure.**

The Department believes that each private dam owner should be responsible to comply with the law, which includes bearing the cost of the studies needed to remove their own dams. This measure shifts a private responsibility to the Department and raises concerns of the use of public funds for private purposes. Whether you are a seller or buyer of a property that a dam resides on, the obligation to conduct these studies should remain a private responsibility. Disclosure and due diligence should be performed in the conveyance of any property, so each party clearly understands their obligations. This measure also creates a loophole which could have a significant fiscal impact if numerous studies are requested to be conducted by the Department. Because the Department's Dam Safety Program relies on fees collected from dam owners to operate, this measure could also have negative implications on other dam owners that may not benefit from this proposed revision.

Thank you for the opportunity to comment on this measure.