

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

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**Testimony of
SUZANNE D. CASE
Chairperson**

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

**Friday, February 1, 2019
9:00 A.M.
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 828
RELATING TO DAM SAFETY**

House Bill 828 proposes to require the Department of Land and Natural Resources (Department) to be responsible for the maintenance or to provide for the maintenance of all private dams and reservoirs within the State. **The Department strongly opposes this measure.**

A private dam owner is responsible for maintaining their dam in compliance with dam safety regulations. This measure proposes to shift that responsibility to the Department (and state taxpayers), resulting in the use of public funds for a purely private benefit. Additionally, this measure will potentially increase the State's liability arising from the duty to maintain a private structure located on private property as well as imposing responsibility on the State to resolve any regulatory noncompliance issues caused by a private owner.

Of the 130 regulated dams in the State, 93 are privately owned. Transferring the maintenance responsibility of these privately-owned dams to the Department without providing adequate funding and resources will not only create a financial and liability burden on the Department, but could be counter-productive in ensuring all dams are compliant with current dam safety regulations, hence creating greater safety risks to the public.

All dam owners are required to provide for the adequate and timely maintenance, operation, and inspection of their dams and reservoirs and maintain an operation and maintenance plan which includes an inspection and monitoring program. Shifting the responsibility of any of these key components out of the operation and maintenance plan will create confusion of responsibilities and ultimately could result in greater risk to public safety.

Thank you for the opportunity to comment on this measure.

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
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