

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKI'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING 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
DAWN N.S. CHANG
Chairperson

Before the House Committee on
FINANCE

Monday, February 26, 2024
3:30 PM
State Capitol, Conference Room 308

In consideration of
HOUSE BILL 2331, HOUSE DRAFT 1
RELATING TO INFRASTRUCTURE

House Bill 2331, House Draft 1 proposes to establish a dam and reservoir working group to ensure and enhance the continued availability and operation of dams and reservoirs in the State and consider their role in drought mitigation and the maintenance of a dependable water supply. The bill also appropriates funds. **The Department of Land and Natural Resources (Department) acknowledges the intent of the measure and offers the following comments and amendments.**

The Department recognizes the many beneficial uses that dams and reservoirs provide and the importance of the continued availability and operations of these structures for food and water sustainability and public health and safety. However, the Department cautions that any effort of this working group should not compromise any law, administrative rule, or operational policy intended to protect public health and safety and minimize the risk of a dam failure. The Department recommends adding technical experts to the working group who are familiar with current regulations in the dam safety industry to ensure Hawaii remains consistent with national standards.

The 2006 Kaloko Dam failure killed seven people and was the impetus for the Legislature to pass the Dam and Reservoir Safety Act of 2007. Subsequently, the Department spent several years working with dam owners, the agricultural industry, and other stakeholders to develop its dam safety rules found in Chapter 190.1, Hawaii Administrative Rules. The rulemaking process required public hearings where community input was solicited, and comments were addressed and incorporated.

The Department continues to be a resource to dam and reservoir owners/operators and is willing to participate, listen, educate, and work collaboratively to support the proposed working group. The

Department's Dam Safety Program does not receive any State general funds and relies solely on special funds and user fees to operate and fulfill its mandate.

The breadth of the scope of this working group is tasked to perform is complex and anticipated to take a considerable amount of time and resources. This measure appropriates an unspecified amount of general funds to support the proposed working group. As co-chair of the working group, the Department recommends \$1,000,000 in general funds to retain a consultant team to perform the scope of work, reimburse the 20 plus member working group for travel related expenses, and to fund meeting logistics.

The Department also recommends allowing the working group additional time and participants to adequately fulfill the purpose of the measure by making the following amendments:

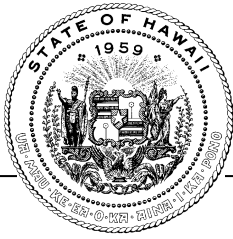
On page 3, after line 17, add the following numbered paragraph:

“(12) Up to three technical experts in the field of dam safety to be selected by the co-chairs of the committee. These members will provide technical assistance and assist in mapping and formulating the working groups needs to the consulting team.”

Revise page 5, lines 11 to read: “prior to the convening of the regular session of 2027”.

Revise page 5, line 16 to read: “exist on June 30, 2027”.

Mahalo for the opportunity to provide testimony offering comments and amendments on this measure.



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
INTERIM DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawaii'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii'i 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

Statement of
MARY ALICE EVANS, Interim Director

before the
HOUSE COMMITTEE ON FINANCE
Monday, February 26, 2024
3:30 PM
State Capitol, Conference Room 308

in consideration of
HOUSE BILL 2331 HD1
RELATING TO INFRASTRUCTURE.

Chair Yamashita, Vice Chair Kitagawa, and Members of the House Committee on Finance:

The Office of Planning and Sustainable Development (OPSD) **supports** HB2331, which would establish a working group to evaluate the current and potential role of the dams and reservoirs in the State for food and water sustainability and public health and safety, prioritize them by county, develop a ten-year dam and reservoir financial and management plan to address the priority dams and reservoirs, and propose appropriate legislation to implement the financial and management plan.

OPSD finds that there are many good reasons to support the creation of such a working group. In the wake of the 2006 Kaloko Dam failure and the Legislature's passage of the Dam and Reservoir Safety Act of 2007, the Department of Land and Natural Resources (DLNR) devoted several years working with dam owners, the agricultural industry, and other stakeholders to develop the current dam safety Hawaii Administrative Rules. Maintaining dam safety standards remains of utmost importance. Our dams, reservoirs, and their distribution systems are also important to our State's response to wildfires and diversifying agriculture.

Given that the OPSD has no staff to conduct the research identified in the measure, we appreciate that funding is being contemplated to help hire a consultant to facilitate the efforts of this working group and defer to the Department of Land and Natural Resources regarding what it would cost to hire a consultant to assist with implementing the necessary research.

Thank you for the opportunity to testify in support of this measure.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



KENNETH S. HARA
DIRECTOR OF EMERGENCY
MANAGEMENT

JAMES DS. BARROS
ADMINISTRATOR OF
EMERGENCY MANAGEMENT

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF DEFENSE
KA 'OIHANA PILI KAUA
HAWAI'I EMERGENCY MANAGEMENT AGENCY
4204 DIAMOND HEAD ROAD
HONOLULU, HAWAI'I 96816-4420

STATE OF HAWAI'I
DEPARTMENT OF DEFENSE
HAWAI'I EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON HOUSE BILL 2331 HD1,
RELATING TO EMERGENCY MANAGEMENT

BEFORE THE SENATE COMMITTEE ON
FINANCE

BY

JAMES DS. BARROS
ADMINISTRATOR
HAWAI'I EMERGENCY MANAGEMENT AGENCY

FEBRUARY 27, 2024

Aloha Chair Yamashita, Vice-Chair Kitagawa, and Members of the Committee:

Thank you for the opportunity to submit testimony to **SUPPORT** HB 2331 HD1.

HI-EMA supports this legislative measure, as it aims to create a working group focused on Hawai'i's dams and reservoirs - to maintain their functionality and availability in the state. The working group will also examine the importance in drought prevention, water supply, and fire mitigation.

The working group will play a significant role in safeguarding the state's water resources and enhancing its resilience to natural disasters.

HI-EMA underscores the importance of this bill, as it ensures the sustainability and safety of Hawai'i's water infrastructure.

Thank you for the opportunity to provide testimony on House Bill 2331 HD1.

James Barros: james.barros@hawaii.gov; 808-733-4300

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



WENDY L. GADY
Executive Director

STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION

235 S. Beretania Street, Suite 205
Honolulu, HI 96813
Phone: (808) 586-0186 Fax: (808) 586-0189

TESTIMONY OF WENDY L. GADY
EXECUTIVE DIRECTOR
AGRIBUSINESS DEVELOPMENT CORPORATION

BEFORE THE HOUSE COMMITTEE ON FINANCE

Monday, February 26, 2024
3:30 p.m.
Conference Room 308 & Videoconference

HOUSE BILL NO. 2331, HD1
RELATING TO INFRASTRUCTURE

Chairperson Yamashita, Vice Chair Kitagawa, and Members of the Committee:

Thank you for the opportunity to testify in support of House Bill No. 2331 HD1, which would establish a working group to evaluate the current and potential role of dams and reservoirs in the State.

ADC finds there are many good reasons to support this bill as the State should have a plan to understand this critical resource as the state works to achieve food security and self-sufficiency, address drought mitigation, water sustainability and the health and safety of the public.

We support this bill provided that its passage does not replace or adversely impact priorities indicated in our Executive Budget. Thank you for your consideration of our testimony.



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hbf.org; www.hbf.org

February 26, 2024

HEARING BEFORE THE
HOUSE COMMITTEE ON FINANCE

TESTIMONY ON HB 2331, HD1
RELATING TO THE DAM AND APPURTENANCE IMPROVEMENT OR REMOVAL
GRANT PROGRAM

Conference Room 308 & Videoconference
3:30 PM

Aloha Chair Yamashita, Vice-Chair Kitagawa, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports HB 2331, HD1, which establishes a Dam and Reservoir Working Group to ensure and enhance the continued availability and operation of dams and reservoirs in the State and consider their role in drought mitigation and the maintenance of a dependable water supply.

While dam and reservoir safety rules represent an important public safety initiative, the rules codified in HRS chapter 179D are having an adverse effect by reducing water storage capacity across the state. At a time when changing weather patterns have demonstrated alternating periods of drought punctuated by significant storm events, coupled with the noble goal of achieving food security for our island state, water storage is more critical than ever. The new rules will discourage new dam and reservoir construction, and in many cases cause dam and reservoir owners to minimize the capacity or decommission existing storage capability.

Many of the reservoirs – built in an era of plantation agriculture—no longer generate enough revenue to be economically sustainable. But they are needed in ways few people have yet imagined. The issue of how to pay for the upgrading and maintenance of this critical infrastructure is now gaining more attention as the state's budget comes into focus.

Dams and reservoirs are the keys not just to a future sustainable agricultural system in Hawai'i, but to the entire water and environmental health of the State. In addition to the conventional benefits of storing and delivering reliable water for agriculture in dry times,

wildlife habitats, flood control during large storms, erosion control, and the reduction of sediment loading on our nearshore ocean reefs, reservoirs also ensure a supply of potable drinking water (after treatment) and provide water to help battle wildfires.

Reservoirs also help recharge our groundwater aquifers by capturing stormwater (for later release) that would otherwise rush to the ocean. There is growing evidence that there will be a pattern of fewer, but larger storms separated by longer intervals of drought. If the large rainfall flows are not captured, overall groundwater recharge may be significantly reduced. Groundwater is our primary source of drinking water and demand is relentlessly rising. We already face declining groundwater recharge every time we place hard impermeable surfaces (e.g. concrete) over previously open ground (agriculture).

Recent Dam and Reservoir Safety rules levy additional burdens on reservoir owners and Hawai'i farmers. Fuel, labor, equipment, transportation, and other expenses are already higher in Hawai'i than on the mainland, placing locally-grown products at a competitive disadvantage. Inevitably, increased costs will be passed on to consumers and are counterproductive to efforts to grow more food in Hawai'i. Some landowners will simply decommission their dams, abandon their reservoir systems, and decide what to do with their now-fallow lands when agriculture is no longer viable.

Thank you for the opportunity to testify on this matter of great importance to the agricultural community.



Email: communications@ulupono.com

HOUSE COMMITTEE ON FINANCE
Monday, February 26, 2024 — 3:30 p.m.

Ulupono Initiative supports HB 2331 HD1, Relating to Infrastructure.

Dear Chair Yamashita and Members of the Committee:

My name is Micah Munekata, and I am the Director of Government Affairs at Ulupono Initiative. We are a Hawai'i-focused impact investment firm that strives to improve the quality of life throughout the islands by helping our communities become more resilient and self-sufficient through locally produced food, renewable energy, clean transportation choices, and better management of freshwater resources.

Ulupono supports HB 2331 HD1, which establishes a dam and reservoir working group to ensure and enhance the continued availability and operation of dams and reservoirs in the State and consider their role in drought mitigation and the maintenance of a dependable water supply.

Ulupono supports funding for critical water infrastructure across the State. The working group established in this measure will be useful for the State as we seek to provide safe, reliable water resources for local agriculture and our communities. According to the Association of State Dam Safety Officials' latest Dam Safety Performance Report, more than a third of Hawai'i's dams are rated either in poor or unsatisfactory condition. Many of our dams and reservoirs require our attention, and walking away from such important infrastructure will not serve our communities as we look to battle climate change.

Thank you for the opportunity to testify.

Respectfully,

Micah Munekata
Director of Government Affairs

Investing in a Sustainable Hawai'i

HB-2331-HD-1

Submitted on: 2/26/2024 10:36:36 AM

Testimony for FIN on 2/26/2024 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Yoshito LHote	Aina Hookupu o Kilauea	Support	Remotely Via Zoom

Comments:

We are in strong support of this bill as it is the starting point to have a comprehensive conversation about what role the state should take in light of the realization that the arbitrary decommissioning of reservoirs might go against the mandate for the state's obligation to protect, control and regulate the use of Hawai'i water resources for the benefit of its people, under Article XI, section 7.

This funding is necessary to assess the value and need of reservoirs to help mitigate the negative impact of dramatic events like the Lahaina fires that will cost the state infinitely more.

The dramatic event that happened at Ka Loko 17 years ago has prompted a knee-jerk reaction where DLNR Dam Safety has to increase the regulations where no one has been able to comply. They are now resolved to implement fines on the daily to strong-arm owners to take very costly actions in the understanding that they are expected to accommodate part of the management of water that is a public trust!!

Under that public trust responsibility, the state needs to discuss and understand its managerial and fiduciary duties and engage with reservoir owners to assess the needs of each one and the impact of decommissioning if that is the preferred course of action.

This bill is the beginning of the ability for the state to properly engage with the physical reality in many watersheds and the complexity of solutions needed to ensure the future of ag, fire suppression, housing, and the environment as they are all affected by irreversible action taken by Dam Safety from a single standpoint instead of a holistic one.

It is vital to stop finger pointing and blaming. We need to work together on this vital problem and this bill is the right step in the right conversation

HB-2331-HD-1

Submitted on: 2/24/2024 11:09:03 AM

Testimony for FIN on 2/26/2024 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Sandi Kato-Klutke	Individual	Support	Written Testimony Only

Comments:

I am in full support. This would help with potential projects to decommissioning of reservoirs and dams that are vital to the agriculture community

Thank you

HB-2331-HD-1

Submitted on: 2/25/2024 2:19:01 PM

Testimony for FIN on 2/26/2024 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
J Ashman	Individual	Support	Written Testimony Only

Comments:

I support HB 2331. Recent dam and reservoir safety requirements have had an adverse effect on Hawaii's needs by reducing water storage capacity across the islands. Upgrading and maintenance of these important structures, not just decommissioning, must be seriously considered. Thank you.

HB-2331-HD-1

Submitted on: 2/26/2024 8:38:40 AM

Testimony for FIN on 2/26/2024 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Brad Seymour	Individual	Support	Written Testimony Only

Comments:

These reservoirs that are already constructed and in good operation would be a tremendous loss to our community and agricultural economy. With the irrigation infrastructure in place we can continue to re-develop the ag industry on the east side of Kauai. This is an opportunity that we cannot afford to pass up. These reservoirs provide a foundation by which we can irrigate and produce vast amounts of food.