

MAR 08 2024

SENATE RESOLUTION

URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND BOARD OF LAND AND NATURAL RESOURCES TO ADOPT CERTAIN PROCEDURES RELATING TO THE DAM AND APPURTENANCE IMPROVEMENT OR REMOVAL GRANT PROGRAM TO ASSIST APPLICANTS IN OBTAINING GRANTS.

1 WHEREAS, Hawaii's dams, reservoirs, and spillways are an
2 integral part of the State's existing infrastructure and benefit
3 the State by providing flood protection, viable water supply
4 resources, hydropower, and irrigation access, yet some of these
5 structures possess features that are considered deficient and
6 not in compliance with current safety standards; and

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8 WHEREAS, the majority of the dams and reservoirs in the
9 State were constructed approximately one hundred years prior,
10 when booming economic activity in the sugarcane and pineapple
11 industries were a driving force in the construction and
12 maintenance of these structures; and

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14 WHEREAS, the sugarcane and pineapple industries have
15 dwindled over the past decades, and now render these structures
16 without a significant economic incentive for investment unless
17 the State intervenes to ensure that further dilapidation and
18 deterioration do not occur; and

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20 WHEREAS, ensuring the safety of Hawaii's dams is one of the
21 important functions of the Department of Land and Natural
22 Resources; and

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24 WHEREAS, Act 134, Session Laws of Hawaii 2023, codified as
25 179D-31, Hawaii Revised Statutes, established a Dam and
26 Appurtenance Improvement or Removal Grant Program to be
27 developed and administered by the Department of Land and Natural
28 Resources for the improvement or removal of deficient dams in
29 the State; and

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31 WHEREAS, the Dam and Appurtenance Improvement or Removal
32 Grant Program provides funding to owners of private dams for
33 plans, design, construction, and equipment to improve or remove



1 deficient dams and appurtenances, as determined by the
2 Department of Land and Natural Resources; and

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4 WHEREAS, section 179D-31(d), Hawaii Revised Statutes,
5 allows the Department of Land and Natural Resources to award
6 grants from the Dam and Appurtenance Improvement or Removal
7 Grant Program based on criteria developed by the Department and
8 the Board of Land and Natural Resources, and therefore, the
9 applications to receive grants are subject to the discretion of
10 and uneven application of criteria by the Department and the
11 Board; and

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13 WHEREAS, the stringent regulatory framework and muddled
14 processes to improve and maintain dams, reservoirs, and
15 spillways in the State often disincentivize investment, thereby
16 rendering these structures dilapidated, abandoned, and
17 vulnerable to natural disasters; and

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19 WHEREAS, accessing existing funding mechanisms to improve
20 and maintain these structures also prove challenging for dam and
21 reservoir owners throughout the State; now, therefore,

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23 BE IT RESOLVED by the Senate of the Thirty-second
24 Legislature of the State of Hawaii, Regular Session of 2024,
25 that the Department of Land and Natural Resources and Board of
26 Land and Natural Resources are urged to adopt certain procedures
27 relating to the Dam and Appurtenance Improvement or Removal
28 Grant Program to assist applicants in obtaining grants; and

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30 BE IT FURTHER RESOLVED that the Department of Land and
31 Natural Resources is urged to make publicly available the
32 criteria it develops for the award of grants from the Dam and
33 Appurtenance Improvement or Removal Grant Program; and

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35 BE IT FURTHER RESOLVED that, when prescribing other
36 requirements or conditions for compliance by an applicant of the
37 Dam and Appurtenance Improvement or Removal Grant Program
38 pursuant to section 179D-91(d)(10), Hawaii Revised Statutes, the
39 Department of Land and Natural Resources and Board of Land and
40 Natural Resources are urged to prescribe the requirements and
41 conditions in a manner that is consistent with the principles of
42 fairness and equal treatment; and



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BE IT FURTHER RESOLVED that the requirements and conditions prescribed by the Department of Land and Natural Resources or Board of Land and Natural Resources pursuant to section 179D-91(d)(10), Hawaii Revised Statutes, are urged to be:

- (1) Based on reasonable and justifiable grounds and relevant to the purpose for which the grant is awarded;
- (2) Communicated to the applicant in a clear, transparent, and reasonable manner; and
- (3) Readily available to the applicant in writing, with one copy submitted to the applicant and another made publicly available; and

BE IT FURTHER RESOLVED that the Department of Land and Natural Resources and Board of Land and Natural Resources are urged to allow applicants of the Dam and Appurtenance Improvement or Removal Grant Program to:

- (1) Seek clarification of the additional requirements or conditions prescribed; and
- (2) Appeal the determination of their applications in accordance with section 1790-7, Hawaii Revised Statutes; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be transmitted to the Chairperson of the Board of Land and Natural Resources.

OFFERED BY: 

