
A BILL FOR AN ACT

RELATING TO DROUGHT MITIGATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Drought ranks second in terms of national
2 weather-related economic impacts, with annual losses nearing
3 \$9,000,000,000 per year in the U.S. Beyond direct economic
4 impacts, drought can threaten drinking water supplies and
5 ecosystems, and can contribute to increased food prices.

6 Drought has been a chronic problem in Hawaii affecting
7 every part of the State. It has reduced crop yields; diminished
8 livestock herds; desiccated streams, irrigation ditches, and
9 reservoirs; and depleted groundwater supplies. As the potential
10 for future droughts, short and long, is almost a certainty, the
11 State must prepare for more frequent and severe drought
12 conditions.

13 Current responses to drought tend to focus on short-term
14 measures, such as temporary water conservation and efficiency
15 improvements, water transfers, and increased use of groundwater.
16 However, with increased drought risk, the State must incorporate



1 longer-term efforts that increase resilience to more frequent or
2 severe drought conditions.

3 The legislature finds that the State must develop and
4 maintain a dependable water supply to sustain agriculture and
5 move closer toward food security and sustainability. The State
6 must increase water storage with new reservoirs, renovate
7 existing water systems to increase source intake, and reduce
8 distribution losses.

9 The legislature believes that to address the harmful impact
10 of droughts, mitigation measures laid out in the Hawaii drought
11 plan must be implemented. The goal of the Hawaii drought plan
12 is to develop coordinated emergency response mechanisms while at
13 the same time outlining steps toward mitigating the effects of
14 future drought occurrences. The Hawaii drought plan provides
15 clear policies and specifies response entities to implement
16 immediate short-term and long-term response measures to mitigate
17 the impact of droughts.

18 The legislature also finds that in 2004, county drought
19 committees were formed for each of the four counties in Hawaii.
20 Each county drought committee developed a drought mitigation
21 strategy for its respective county, with a focus on drought



1 mitigation projects. These county drought mitigation strategies
2 represent the local needs and concerns of each county and are
3 incorporated by reference into the Hawaii drought plan.

4 The legislature further finds that to implement the Hawaii
5 drought plan adequately, sufficient funding to the counties is
6 necessary to address the many challenges that our agriculture
7 industry faces in preparing for droughts.

8 The purpose of this Act is to provide funding to implement
9 drought mitigation measures across the State and to amend
10 section 179D-6, Hawaii Revised Statutes, to allow waivers or fee
11 reductions for critical dams and reservoirs.

12 SECTION 2. Section 179D-6, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 "(b) The board shall administer the dam and reservoir
15 safety program established by this chapter. In carrying out
16 this chapter, the board shall cooperate, advise, consult,
17 contract, and enter into cooperative agreements with the United
18 States government or any of its agencies, other state agencies,
19 and the county governments or any of their agencies. In the
20 performance of its duties, the board shall:



- 1 (1) Establish by rules adopted under chapter 91, policies,
2 requirements, or standards governing the design,
3 construction, operation, maintenance, enlargement,
4 alteration, repair, removal, and inspection of dams,
5 reservoirs, and appurtenant works for the protection
6 of life and property from structural failure of dams
7 and reservoirs;
- 8 (2) Conduct investigations and collect data, including
9 technological advances made in dam and reservoir
10 safety practices elsewhere, as may be needed for the
11 proper review and study of the various features of the
12 design, construction, repair, removal, inspection,
13 operation, maintenance, alteration, and enlargement of
14 dams, reservoirs, and appurtenant works. The board
15 may require submittal of reports of investigations
16 from all owners;
- 17 (3) Conduct investigations and require reports from all
18 owners to be made from time to time, including
19 watershed investigations and studies, as may be
20 necessary to keep abreast of developments affecting



1 stream runoff and as required to facilitate its
2 decisions;

3 (4) Be authorized to enter upon such private property of
4 the dam or reservoir as may be necessary in making, at
5 the owner's expense, any investigation or inspection
6 required or authorized by this chapter. The entry
7 shall not constitute a cause of action in favor of the
8 owner of the land, except for damages resulting from
9 wilful acts or negligence by the board or its agents;

10 (5) Require the owners to apply for, and obtain from the
11 board written approval of plans and specifications on
12 the construction of any new dam or reservoir or the
13 enlargement of any dam or reservoir prior to
14 commencement of any work;

15 (6) Require the owners to file an application and secure
16 the written approval of the board before commencing
17 the repair, alteration, or removal of a dam or
18 reservoir, including the alteration or removal of a
19 dam or reservoir so that it no longer constitutes a
20 dam or reservoir as defined in this chapter. Repairs



- 1 shall not be deemed to apply to routine maintenance
2 not affecting the safety of the structure;
- 3 (7) Require owners to secure the written approval of the
4 board to impound water;
- 5 (8) Require fees to cover a portion of the board's costs
6 in carrying out the administration of dam and
7 reservoir safety; provided that the board may reduce
8 or waive fees for dams or reservoirs in critical need;
- 9 (9) Cooperate with all public and private agencies created
10 for the purpose of enhancing dam and reservoir safety
11 activities and training, assist these organizations
12 and agencies in coordinating the use of their
13 facilities, and participate in the exchange of ideas,
14 knowledge, and data with these organizations and
15 agencies;
- 16 (10) Consider dams and reservoirs as important water
17 resources for the State that provide significant
18 benefits to the general public, including irrigation
19 for agriculture and other important uses, and
20 acknowledge the need for dams and reservoirs to be
21 consistently maintained and operated in a safe and



- 1 feasible manner that sustains their roles as important
2 water resources; provided that public safety concerns
3 are addressed;
- 4 (11) Prepare, publish, and issue printed pamphlets,
5 bulletins, or advisories, or conduct training as the
6 board deems necessary for the dissemination of
7 information to the public;
- 8 (12) Appoint and remove agents and employees, including
9 hearing officers, specialists, and consultants, as
10 necessary to carry out the purposes of this chapter,
11 who may be engaged by the board without regard to the
12 requirements of chapter 76;
- 13 (13) Catalog and maintain an inventory of all regulated
14 dams and reservoirs in the State pursuant to this
15 chapter without regard to chapter 91;
- 16 (14) Establish similar or consistent hazard potential
17 classifications in conjunction with other applicable
18 state or federal guidelines for all regulated dams and
19 reservoirs in the State pursuant to this chapter
20 without regard to chapter 91;



- 1 (15) Examine and approve or disapprove applications for
2 approval of the construction, enlargement, repair,
3 alteration, or removal of a dam or reservoir and
4 applications for certificates of approval to impound;
- 5 (16) Order the suspension, revocation, or both, of any
6 application approval or certificate of approval to
7 impound for any act or failure to comply with this
8 chapter or with any rules or orders adopted pursuant
9 to this chapter, or with any of the conditions
10 contained in or attached to the application approval
11 or certificate of approval to impound;
- 12 (17) Issue orders requiring the adoption by an owner of
13 remedial measures necessary for the safety of life or
14 public or private property, or for carrying out this
15 chapter or rules issued under this chapter;
- 16 (18) Order the immediate cessation of any act that is
17 started or continued without an application approval
18 or certificate of approval to impound as required by
19 this chapter;
- 20 (19) Enter private property and immediately take actions
21 necessary to provide protection to life or property at



1 the owner's expense, including removal of the dam or
2 reservoir. The entry shall not constitute a cause of
3 action in favor of the owner of the land, except for
4 damages resulting from wilful acts or gross negligence
5 by the board or its agents;

6 (20) Recover from the owner, in the name of the State, the
7 expenses incurred in taking any action required by the
8 owner of the dam or reservoir in the same manner that
9 debts are recoverable by law;

10 (21) Assess civil penalties for violation of this chapter
11 or any rule or standard adopted or order issued by the
12 board pursuant to this chapter;

13 (22) Place liens, as needed, on the owner's property, to be
14 collected as delinquent taxes against the lands and
15 property, if the owner neglects to pay any costs,
16 expenses, or penalties chargeable to the owner under
17 this chapter or any rule, order, or condition adopted,
18 issued, or required under this chapter;

19 (23) With the assistance of the attorney general, institute
20 and prosecute all court actions that may be necessary



1 to obtain the enforcement of any order issued by the
2 board in carrying out this chapter; and

3 (24) Take any and all other actions as may be necessary to
4 carry out this chapter."

5 SECTION 3. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so much
7 thereof as may be necessary for fiscal year 2016-2017 for
8 providing incentives to enhance water storage capacity using
9 existing dams and reservoirs for drought mitigation.

10 SECTION 4. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$ for fiscal
12 year 2016-2017 for deposit into the dam and reservoir safety
13 special fund established by section 179D-25, Hawaii Revised
14 Statutes.

15 SECTION 5. There is appropriated out of the dam and
16 reservoir safety special fund the sum of \$ or so much
17 thereof as may be necessary for fiscal year 2016-2017 to offset
18 potential losses resulting from the reduction and waiver of fees
19 authorized by this Act.

20 SECTION 6. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so much

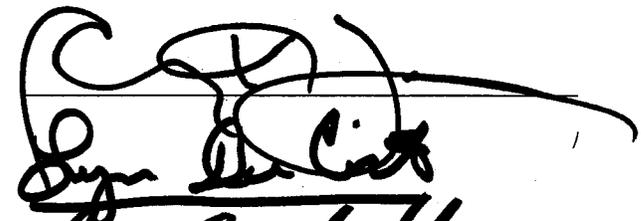
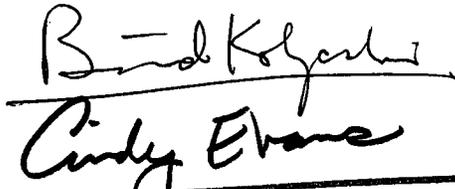
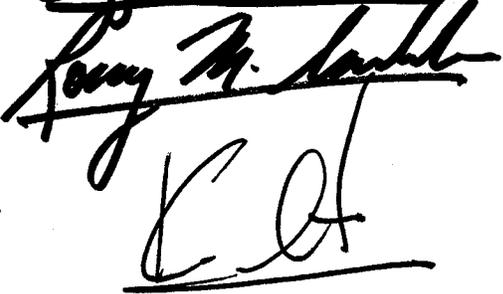
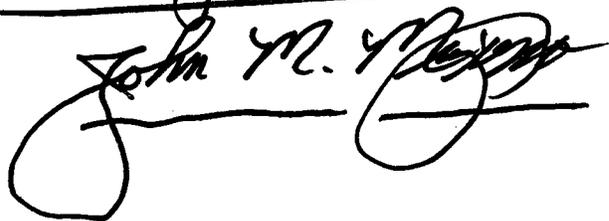


1 thereof as may be necessary for fiscal year 2016-2017 for
2 drought mitigation projects and measures identified by the
3 drought committees in each county of the State.

4 SECTION 7. The sums appropriated shall be expended by the
5 department of land and natural resources for the purposes of
6 this Act.

7 SECTION 8. This Act shall take effect on July 1, 2051.
8

INTRODUCED BY:

JAN 26 2016



Report Title:

Dams and Reservoirs; Department of Land and Natural Resources
Appropriations

Description:

Allows for a reduction or waiver of fees for critical dams and reservoirs and provides funding to implement drought mitigation measures across the State.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

