

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Engineering Division
Honolulu, Hawaii 96813

January 27, 2012

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

INFORMATION BRIEFING

**STATUS OF DAM SAFETY PROGRAM ADMINISTRATIVE RULES
(Repeal H.A.R. Title 13-7, Chapter 190; adopt H.A.R. Title 13-7, Chapter 190.1)
“Hawaii Dam and Reservoir Safety Act of 2007,” Hawaii Revised Statutes Chapter 179D**

Following the 2006 Ka Loko dam failure, the Legislature adopted the new “Hawaii Dam and Reservoir Safety Act of 2007,” Hawaii Revised Statutes (HRS) Chapter 179D. The Department of Land and Natural Resources prepared new administrative rules to carry out the 2007 law. On November 22, 2010, the Board of Land and Natural Resources approved the rules. The new rules have been submitted to the Governor and is awaiting his approval.

There are approximately 138 regulated dams and reservoirs in Hawaii. There are over 180 other dams that have been identified, which do not come within the regulatory jurisdiction of this law.

A. Background

November 22, 2010. The Board voted to repeal the existing Administrative Rules (H.A.R. Title 13-7, Chapter 190), adopt new Administrative Rules (Title 13-7, Chapter 190.1) (Rules), and approve the dam remediation incentive program (See Attachment 1 for Nov 22, 2010 Board Submittal).

January 2011. DLNR submitted the new rules to the Governor’s office, but requested that the Governor defer signing the rules until DLNR could meet again with representatives of the Hawaii Farm Bureau, the Department of Agriculture (DOA), and dam owners to discuss their concerns about how the rules would be implemented, clarify procedures, and answer questions.

February 2011 through November 2011. DLNR met with representatives of the Farm Bureau, dam owners, and others in a series of meetings/teleconferences to discuss how the rules would be implemented:

Feb. 17 – Meeting
March 3 – Conference call
March 10 – Conference call