

**State of Hawaii**  
**Department of the Attorney General**



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**REPORT ON EXPENDITURES RELATING TO  
EMERGENCY RELIEF FOR NATURAL  
DISASTERS**

**Pursuant to Section 24, Act 118  
Session Laws of Hawaii 2006**

*Submitted to  
The Twenty-Fourth State Legislature  
Regular Session of 2007*

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#### Report of Expenditures

## PURPOSE OF APPROPRIATION

Section 5 of Act 118 Session Laws of Hawaii (SLH) 2006, appropriated the sum of \$500,000 out of the general revenues of the State of Hawaii for fiscal year 2005-2006 for overtime, travel, and other staff expenses, and to hire consultants and experts to review legal issues related to dam and reservoir failures, and issues relating to the safety of existing dams and reservoirs. These funds could also be used for expenses related to possible litigation concerning dam and reservoir failures.

Section 24 of Act 118, SLH 2006, requires that each department or agency expending funds authorized by this Act shall report to the legislature a summary of their expenditures organized by county. Please see attachment "A" for our report of expenditures.

Since the dam failure and through December 31, 2006, the Department of the Attorney General has expended a total of \$941,171.99, of which, \$414,770.75 was charged to the legal services budget program (ATG100) in fiscal year 2005-2006 within the existing appropriation provided by Act 178, SLH 2005, without any impact on the program and without the need for any additional emergency appropriation in fiscal year 2005-2006.

In fiscal year 2006-2007, the Department of the Attorney General has expended \$526,401.24, exceeding the appropriation provided in Act 118 by \$26,401.24 and has used funds appropriated by Act 160, SLH 2006, for this purpose. The source of funds was ATG100, and there is currently no impact on the program. We have been informed by the Department of Budget and Finance that additional moneys for expenditures relating to the Kaloko Dam breach that we will need for fiscal year 2006-2007 will be transferred to the Department of the Attorney General pursuant to the Kaloko Emergency Proclamations and section 124 of Act 178, SLH 2005, rather than by means of an emergency appropriation.

## CONSULTANTS

Consultants have been contracted to perform geological and hydrological studies, and perform surveyor services regarding the failure at the Kaloko dam. Consultants hired are: (1) Applied Geosciences, LLC; (2) Genterra Consultants, Inc.; and (3) Water Resources Consulting Services.

## LEGAL COUNSEL

Robbins & Associates was retained to assist with tort claims against the State. Robert Carson Godbey was retained as Special Deputy pursuant to House Concurrent Resolution No. 192, House Draft 1, Senate Draft 1, adopted by the Twenty-Third State Legislature during the regular session of 2006.

## RESOURCES UTILIZED

The Department of the Attorney General is utilizing the services of its Investigations Division to collect evidence regarding the dam failure. Two deputy attorneys general are also assigned (part-time) to handle the criminal and civil legal matters.

Attachment A

The Department of the Attorney General  
 Report of Contracts and expenditures through 12/31/06 for Kaloiko Dam failure

Report of expenditures related to Act 178, relating to Emergency Relief for Natural Disasters. (Appropriation = \$500,000)

Prepared by: David Moore 586-1223

County	Date	Purpose/Description	Recipient	Contract Amount	Paid as of 12/31/2006
Kauai	03/15/06	Surveyor Services for Kaloiko Dam failure	Applied Geosciences, LLC	\$30,000.00	
Kauai	04/06/06	Surveyor Services for Kaloiko Dam failure	Applied Geosciences, LLC	\$35,000.00	
Kauai	04/17/06	Geological study for Kaloiko Dam failure	Applied Geosciences, LLC	\$64,600.00	
Kauai	07/17/06	Geological study for Kaloiko Dam failure	Applied Geosciences, LLC	\$80,000.00	
Kauai	10/03/06	Geological study for Kaloiko Dam failure	Applied Geosciences, LLC	\$100,000.00	
		Vendor total		<b>\$309,600.00</b>	<b>\$234,098.63</b>
Kauai	03/14/06	Geological study for Kaloiko Dam failure	Genterra Consultants Inc.	\$50,000.00	
Kauai	04/18/06	Geological study for Kaloiko Dam failure	Genterra Consultants Inc.	\$168,000.00	
Kauai	06/24/06	Geological study for Kaloiko Dam failure	Genterra Consultants Inc.	\$150,000.00	
Kauai	09/11/06	Geological study for Kaloiko Dam failure	Genterra Consultants Inc.	\$195,000.00	
		Vendor total		<b>\$563,000.00</b>	<b>\$400,851.14</b>
Kauai	03/29/06	Hydrological study for Kaloiko Dam failure	Water Resources Consulting Services	\$30,000.00	\$24,446.66
Kauai	06/08/06	Special Deputy to assist in Tort claims against the State	Robbins & Associates	\$150,000.00	\$110,927.68
Kauai	08/01/06	Special Deputy per House Concurrent Resolution No. 192	Godbey Griffiths Reiss Chong LLP	\$250,000.00	\$138,232.84
Kauai	March	Investigations Division - Dam failure investigation	Investigators travel and Overtime	\$15,885.57	\$15,885.57
Kauai	April	Investigations Division - Dam failure investigation	Investigators travel and Overtime	\$6,581.11	\$6,581.11
Kauai	May	Investigations Division - Dam failure investigation	Investigators travel and Overtime	\$2,042.00	\$2,042.00
Kauai	June	Investigations Division - Dam failure investigation	Investigators travel and Overtime	\$119.60	\$119.60
Kauai	July	Investigations Division - Dam failure investigation	Investigators travel and Overtime	\$708.80	\$708.80
Kauai	August	Investigations Division - Dam failure investigation	Investigators travel and Overtime	\$5,708.87	\$5,708.87
Kauai	September	Investigations Division - Dam failure investigation	Investigators travel and Overtime	\$0.00	\$0.00
Kauai	October	Investigations Division - Dam failure investigation	Investigators travel and Overtime	\$0.00	\$0.00
Kauai	November	Investigations Division - Dam failure investigation	Investigators travel and Overtime	\$183.20	\$183.20
Kauai	December	Investigations Division - Dam failure investigation	Investigators travel and Overtime	\$1,385.89	\$1,385.89
		Investigations total		<b>\$32,615.04</b>	<b>\$32,615.04</b>
			<b>Dept. of the Attorney General Total</b>	<b>\$1,335,215.04</b>	<b>\$941,171.99</b>
	NOTE:	Since the dam failure and through December 31, 2006 the Department of the Attorney General has expended a total of \$941,171.99, of which, \$414,770.75 was charged to ATG100 in FY 2006 within the existing appropriation provided by Act 178, SLH 2005, without any impact to the program and without the need for any additional Emergency Appropriation in FY 2006.			