



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

S.B. NO. 223, RELATING TO FIRE PREVENTION.

BEFORE THE:

SENATE COMMITTEES ON WATER AND LAND AND ON PUBLIC SAFETY AND
MILITARY AFFAIRS

DATE: Monday, February 3, 2025 **TIME:** 1:05 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Hiroyuki S. Takei, Deputy Attorney General

Chairs Inouye and Elefante and Members of the Committees:

The Department of the Attorney General provides the following comments.

This bill requires property owners and persons having charge of or control over any building, structure, or other premises located in hazardous fire areas to maintain firebreaks within thirty feet of structures, or one hundred feet of structures where thirty feet is insufficient to provide reasonable safety. In addition, this bill requires the removal of certain portions of trees and deadwood as well as roof maintenance.

We are concerned that the bill uses vague and overly broad wording, which could lead to disputes over applicability and enforcement. It uses terms such as:

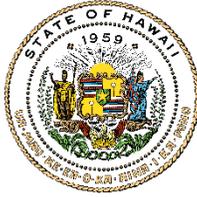
- "Hazardous fire area" defined as "any geographic area that contains the type and condition of vegetation, topography, weather, and structure density that materially increases the possibility of vegetation conflagration fires" (page 2, lines 15-19);
- "Flammable vegetation and combustible growth" (page 1, lines 10 and 17; page 3, line 14);
- "Single specimens of trees, ornamental shrubbery, or similar plants used as ground cover that do not rapidly transmit fire" (page 1, lines 12-14);
- "Hazardous conditions" (page 2, line 2);
- "Hazardous wildfire fuels" (page 3, line 6); and
- "Flammable grasses" (page 3, line 16)

To ensure clarity and avoid potential enforcement issues, these terms should be clearly defined. Alternatively, under section 132-2, HRS, the county fire chiefs of the State could adopt rules to define the terms. We are available to assist the Committee in drafting any necessary amendments.

We respectfully ask the Committees to consider our comments. Thank you for the opportunity to testify.

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'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

CIARA W.K. KAHAHANE
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
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committees on
WATER AND LAND
and
PUBLIC SAFETY AND MILITARY AFFAIRS

Monday, February 3, 2025
1:05 PM

State Capitol, Conference Room 229 and Via Videoconference

In consideration of
SENATE BILL 223
RELATING TO FIRE PREVENTION

Senate Bill 223 proposes that owners and occupants of properties in hazardous fire areas be required to maintain effective firebreaks within thirty feet of the property and practice other fire prevention activities. Establishes the Community Fuels Reduction Project to be administered by the Department of Land and Natural Resources (Department). Requires a report to the Legislature. Appropriates funds. **The Department of Land and Natural Resources appreciates the intent of this measure and offers comments.**

The Department suggests incorporating the proposed defensible space requirements in Section 1 of this measure into the State Fire Code rather than enacting them through statutory law. The State Fire Code, adopted pursuant to HRS section 132-3, is periodically updated to reflect evolving fire science, technological advancements, and changing environmental conditions. Codifying defensible space requirements into statute may make it challenging to adjust regulations as needed. In contrast, the State Fire Council and the Office of the State Fire Marshal can amend the Fire Code more efficiently to respond to emerging wildfire threats. Placing these provisions into statute may lead to conflicts or redundancies with the Fire Code.

Regarding Part II Section 2 of this bill, the Department is not legally authorized to perform fuel reduction work on lands not set aside to the Department. To implement the community fuels reduction project as written, HRS Chapter 185 would need to be amended to grant the Department the authority to perform this work on lands they do not own or control, and the Legislature would need to provide funding and

personnel to perform the work. And with such a mandate would come liability that should be addressed. Department staff can work with legislators and legislative staff to provide more details on these issues.

Mahalo for the opportunity to provide testimony in support of this measure.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/03/2025

Time: 01:05 PM

Location: CR 229 & Videoconference

Committee: Senate Water and Land
Senate Public Safety and Military Affairs

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Bill Title: SB 0223 RELATING TO FIRE PREVENTION.

Purpose of Bill: Requires certain owners and occupants of properties located in hazardous fire areas to maintain effective firebreaks within thirty feet of the property and to practice other fire prevention activities. Establishes the Community Fuels Reduction Project to be administered by the Department of Land and Natural Resources. Requires a report to the Legislature. Appropriates funds.

Department's Position:

The Hawaii State Department of Education (Department) respectfully provides comments on SB 223.

The Department recognizes the importance of maintaining an effective firebreak by removing and clearing flammable vegetation and combustible growth from areas near buildings, structures, and other premises. However, in order to carry out the mandates of this bill resources and funding will be needed and pursuant to Section 302A-1316, Hawaii Revised Statutes, individual schools can no longer use any school funds to maintain any geographically disadvantageous land on or adjacent to its property.

While the Department supports the overall concept of SB 223, we currently do not have the staff and resources to implement this. The Department would need funding for the following:

1. Full-Time Positions (e.g., certified arborist, tree trimmers, laborers, truck drivers);
2. Vehicles (e.g., pickup trucks, bucket truck with boom, chipper trucks, landscape trucks);
3. Equipment (e.g., excavator, stump grinder, wood chipper); and
4. Work Location (e.g., baseyard where the staff, vehicles, and equipment will be housed).

As this will require continuous, ongoing maintenance, the Department would need to be appropriated funds annually in order to do this.

Also, the Department believes it would need to have work units on each of the islands in order to address this in the most efficient way possible.

The Department appreciates this proposal but asks that any potential consideration of positions or funding for the Department to implement does not affect the Department's Board-approved top budget priorities.

Thank you for the opportunity to provide testimony on SB 223.



Kamehameha Schools®

Senate Committee on Water and Land
Senate Committee on Public Safety and Military Affairs

Time: 1:05 p.m.
Date: February 3, 2025
Where: Conference Room 229

TESTIMONY

By Kā'eo Duarte
Vice President, 'Āina Pauahi

RE: **SB 223 Relating to Fire Prevention**

Aloha e nā Luna Ho'omalua Inouye, Elefante, nā Hope Luna Ho'omalua Wakai, a me nā Lālā o nā Kōmike.

Kamehameha Schools appreciates this opportunity to provide comments on SB 223.

We are in support of the intent of this bill which outlines the duty of owners to create effective firebreaks and to establish a community fuels reduction project. As stewards of our 'Āina Pauahi, we mālama this 'āina for the education of Native Hawaiian children in perpetuity. An essential part of this vision is to work with local governments and the community to ensure the safety of our keiki and kaiāulu.

Defensible space requirements and efforts to reduce fuel loads can help to keep our communities safe. An alternative approach may be the recommendation in SB 1383 (pg 17, line 20 to pg 20, line 5) relating to the creation of minimum defensible space requirements, which, among other expectations, requires the State Fire Marshal to “establish requirements that are consistent with and do not exceed the standards pertaining to defensible space in generally accepted evidence-based codes and standards;” and “consider best practices specific to the State and traditional and customary practices relating to defensible space.” This bill is also being heard today.

We believe that this approach may allow better alignment between state and county fire officials and can provide guidance to landowners grounded in practice.

Founded in 1887 by the legacy of Princess Bernice Pauahi Bishop, Kamehameha Schools (KS) is a private, educational, charitable trust committed to improving the capability and well-being of Native Hawaiian people through education. KS envisions a thriving lāhui where learners, grounded in Christian and Hawaiian values, grow into 'ōiwi leaders who inspire and contribute to their communities, both locally and globally.