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OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

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Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Water & Land
Tuesday, March 19, 2024
9:30 a.m.
Conference Room 430**

On the following measure:

H.C.R. 148/ H.R. 127, URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONVENE A VEGETATION MANAGEMENT WORKING GROUP TO STUDY, EVALUATE, AND MAKE RECOMMENDATIONS REGARDING REGULATIONS THAT DEFINE PROPERTY OWNER OBLIGATIONS TO PERFORM VEGETATION MANAGEMENT ON PUBLIC AND PRIVATE PROPERTY FOR PURPOSES OF WILDFIRE RISK MITIGATION

Chair Ichiyama and Members of the Committee:

My name is Michael Angelo, and I am the Executive Director of the Department of Commerce and Consumer Affairs (Department) Division of Consumer Advocacy. The Department provides comments on this resolution.

The purpose of this resolution is to urge the Department of Land and Natural Resources (DNLN) to convene a Vegetation Management Working Group (Working Group) to study, evaluate, and make recommendations regarding regulations that define property owner obligations to perform vegetation management on public and private property for purpose of wildfire risk mitigation. In addition, the resolution requests: (1) that the Working Group focus on solutions to reduce wildfire risk and the possibility of establishing a vegetation management program as it relates to landowners and public

utilities, (2) that the Chairperson of the Board of Land and Natural Resources or the Chairperson's designee serve as the chairperson of the Working Group; (3) that a representative of the Division of Consumer Advocacy (Consumer Advocate) of the Department, with experience in matters related to regulation of public utilities, be appointed by the Director of the Department as a member of the Working Group (while also naming a number of other agencies and stakeholders for inclusion in the Working Group), (4) that the Working Group submit a report of its findings and recommendations, including any proposed legislation, no later than 20 days prior to the convening of the Regular Session of 2025, and (5) to dissolve the Working Group on June 30, 2025.

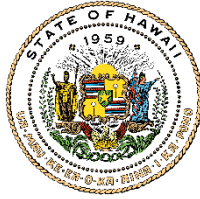
The tragedy and devastation of the wildfires that arose on Maui during the August 8, 2023, windstorm must be prevented from reoccurring. Vegetation management (including the creation of firebreaks and the removal of buildup of flammable vegetation), is viewed as essential for the mitigation of wildfire risks and the promotion of safer conditions for our communities and the environment. Thus, the Department supports the creation of the Working Group to study, evaluate, and make recommendations with respect to vegetation management on public and private property for the purpose of wildfire risk mitigation, as advanced by this resolution.

The Department offers that any review of vegetation management should also consider the wildfire mitigation actions that are being proposed as part of the Hawaiian Electric Company's Climate Adaptation Transmission and Distribution Resilience Program in Docket No. 2022-0135 and the electric utilities' (including Kauai Island Utility Cooperative) hazard mitigation plans to be filed with the Public Utilities Commission (Commission) in the next few months, in response to Commission Order No. 40396. Such plans will be filed as part of a non-docketed proceeding under Case No. 2023-04661.

Thank you for the opportunity to testify on this resolution.

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
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DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING 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
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
DAWN N. S. CHANG
Chairperson**

**Before the House Committee on
WATER & LAND**

**Tuesday, March 19, 2024
9:30 AM**

State Capitol, Conference Room 430 and Via Videoconference

**In consideration of
HOUSE CONCURRENT RESOLUTION 148/HOUSE RESOLUTION 127 URGING
THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONVENE A
VEGETATION MANAGEMENT WORKING GROUP TO STUDY, EVALUATE, AND
MAKE RECOMMENDATIONS REGARDING REGULATIONS THAT DEFINE
PROPERTY OWNER OBLIGATIONS TO PERFORM VEGETATION
MANAGEMENT ON PUBLIC AND PRIVATE PROPERTY FOR PURPOSES OF
WILDFIRE RISK MITIGATION**

House Concurrent Resolution 148/ House Resolution 127 urges the Department of Land and Natural Resources to convene a vegetation management working group to study, evaluate, and make recommendations regarding regulations that define property owner obligations to perform vegetation management on public and private property for wildfire risk mitigation. **The Department of Land and Natural Resources (Department) acknowledges the intent of these measures and provides the following comments.**

The Department recognizes the need for statewide standards and regulations for vegetation management across public and private property, and it would be a willing participant in any working group that the Legislature establishes. However, the Department is concerned that establishing a working group without appropriating funds for the administrative support needs of the group would place an unfunded mandate on the Department that would consume substantial time and limited resources. The Department prefers establishing a working group, according to Senate Bill 2842 Senate Draft 2, which establishes a broader focus on the state's overall wildfire preparedness and mitigation strategies. SB2842 SD2 appropriates funding for the working group's administrative expenses, including funding to establish an administrative staff position.

This group should be able to develop the framework for the vegetation management regulations as part of its objectives without an additional working group.

Mahalo for the opportunity to comment on these measures.

A BILL FOR AN ACT

RELATING TO WILDFIRE SAFETY AND PREVENTION.

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

1 SECTION 1. The legislature finds that the State recognizes
2 the increasing threat of wildfires to our communities, natural
3 resources, and economy and that the State is committed to
4 proactively addressing this growing challenge through a
5 comprehensive and collaborative approach. Understanding the
6 need for a multifaceted strategy, the legislature further finds
7 that a working group comprising government agencies, fire
8 experts, landowners, and stakeholders is required to identify
9 solutions that address the State's wildfire preparedness and
10 mitigation challenges and improve the State's wildfire
11 preparedness and mitigation practices.

12 Accordingly, the purpose of this Act is to establish a
13 wildfire mitigation working group.

14 SECTION 2. (a) There is established within the department
15 of land and natural resources a wildfire mitigation working
16 group to develop a state wildfire mitigation plan and to advise



1 and make recommendations to state agencies concerning the
2 State's wildfire safety and prevention efforts.

3 (b) The working group shall comprise the following
4 members:

5 (1) The chairperson of the board of land and natural
6 resources, or the chairperson's designee, who shall
7 serve as co-chair of the working group;

8 (2) The chairperson of the state fire council, who shall
9 serve as co-chair of the working group;

10 (3) The executive officer of the Hawaii emergency
11 management agency or the executive officer's designee;

12 (4) The director of the office of planning and sustainable
13 development or the director's designee;

14 (5) The director of transportation or the director's
15 designee;

16 (6) The director of taxation or the director's designee;

17 (7) A representative of the ranching industry, to be
18 invited by the chairperson of the state fire council;

19 (8) One member who shall be appointed by the president of
20 the senate;



- 1 (9) One member who shall be appointed by the speaker of
2 the house of representatives; and
- 3 (10) A representative of a Hawaii wildfire management
4 organization, to be invited by the chairperson of the
5 state fire council.
- 6 (c) The state wildfire mitigation plan shall:
- 7 (1) Identify and map wildfire susceptibility and
8 vulnerability to determine which communities,
9 landscapes, buildings, and infrastructure are most
10 vulnerable to future wildfires;
- 11 (2) Identify tax incentives and develop recommendations
12 for a competitive grant funding opportunity to reduce
13 fire risk and support fuels management of private
14 lands;
- 15 (3) Develop and make recommendations for a system of
16 monetary support for managing public land to reduce
17 fire risk;
- 18 (4) Review the emergency resources that are available in
19 the State to be deployed to address fires;



- 1 (5) Advise and make recommendations to state agencies
2 concerning the State's wildfire safety, prevention,
3 and mitigation efforts;
- 4 (6) Develop and make recommendations to the public
5 utilities commission related to utility wildfire
6 safety and mitigation performance metrics;
- 7 (7) Develop and make recommendations related to the
8 contents of electric utility wildfire mitigation and
9 protection plans and plan updates, pursuant to section
10 269- , Hawaii Revised Statutes; and
- 11 (8) Provide other advice and recommendations related to
12 wildfire safety, as requested by the public utilities
13 commission.
- 14 (d) No member of the working group shall be subject to
15 chapter 84, Hawaii Revised Statutes, for the sole reason that
16 the member participates in the working group.
- 17 (e) The working group shall be dissolved on December 31,
18 2026.

19 SECTION 3. In accordance with section 9 of article VII of
20 the Hawaii State Constitution and sections 37-91 and 37-93,
21 Hawaii Revised Statutes, the legislature has determined that the



1 appropriations contained in Act 164, Regular Session of 2023,
 2 and this Act will cause the state general fund expenditure
 3 ceiling for fiscal year 2024-2025 to be exceeded by
 4 \$ or per cent. This current declaration takes
 5 into account general fund appropriations authorized for fiscal
 6 year 2024-2025 in Act 164, Regular Session of 2023, and this Act
 7 only. The reasons for exceeding the general fund expenditure
 8 ceiling are that:

- 9 (1) The appropriation made in this Act is necessary to
- 10 serve the public interest; and
- 11 (2) The appropriation made in this Act meets the needs
- 12 addressed by this Act.

13 SECTION 4. There is appropriated out of the general
 14 revenues of the State of Hawaii the sum of \$ or so much
 15 thereof as may be necessary for fiscal year 2024-2025 for the
 16 administrative expenses of the wildfire mitigation working group
 17 established pursuant to section 2 of this Act, including the
 18 establishment of one full-time equivalent (1.0 FTE)
 19 administrative staff position.

20 The sum appropriated shall be expended by the department of
 21 land and natural resources for the purposes of this Act.



1 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Wildfire Mitigation Working Group; DLNR; Wildfire Safety and Prevention; General Fund Expenditure Ceiling Exceeded; Appropriation

Description:

Establishes the Wildfire Mitigation Working Group within the Department of Land and Natural Resources to advise and make recommendations to state agencies concerning the State's wildfire safety and prevention efforts. Makes an appropriation. Declares that the appropriation exceeds the general fund expenditure ceiling for 2024-2025. Effective 7/1/2050. (SD2)

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



TESTIMONY OF
LEODOLOFF R. ASUNCION, JR.
CHAIR, PUBLIC UTILITIES COMMISSION
STATE OF HAWAII

TO THE
HOUSE COMMITTEE ON
WATER AND LAND

March 19, 2024
9:30 a.m.

Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee:

MEASURE: HCR 148 / HR 127

TITLE: URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONVENE A VEGETATION MANAGEMENT WORKING GROUP TO STUDY, EVALUATE, AND MAKE RECOMMENDATIONS REGARDING REGULATIONS THAT DEFINE PROPERTY OWNER OBLIGATIONS TO PERFORM VEGETATION MANAGEMENT ON PUBLIC AND PRIVATE PROPERTY FOR PURPOSES OF WILDFIRE RISK MITIGATION.

POSITION:

The Public Utilities Commission (“Commission”) offers the following comments for consideration.

COMMENTS:

The Commission appreciates the intent of these Resolutions to find solutions to reduce wildfire risk and the possibility of establishing a vegetation management program as it relates to landowners and public utilities.

The Commission observes several major challenges to vegetation management and landowner compliance that could be addressed by this Working Group. These include fragmented and overlapping responsibilities, lack of consistent statewide data, lack of resources, authority, and motivation, and a poor understanding of cost-effectiveness of different approaches to vegetation management.¹ The Commission agrees with the Resolutions that there is a need to define property owner obligations to perform

¹ See California Legislative Analyst’s Office, “Reducing the Destructiveness of Wildfires: Promoting Defensible Space in California,” published September 30, 2021, available at: <https://lao.ca.gov/Publications/Report/4457>.

vegetation management on public and private property. To this end, it may also be beneficial for the Working Group to create or review maps that define areas of the state in which the financial responsibility of preventing and suppressing fires lies with the state.

The Commission is amenable to serving as a member of the Working Group and looks forward to participating. The Working Group's findings and recommendations will complement the Commission's efforts to further develop requirements for and evaluate utility vegetation management programs and wildfire protection plans.

Thank you for the opportunity to testify on these Resolutions.



**Hawaiian
Electric**

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON
WATER & LAND**

HCR 148 / HR 127

**Urging the Department of Land and Natural Resources to convene a
Vegetation Management Working Group to study, evaluate, and make
recommendations regarding regulations that define property owner
obligations to perform vegetation management on public and
private property for purposes of wildfire risk mitigation**

Tuesday, March 19, 2024
9:30 AM

State Capitol, Conference Room 430

Wendy Oda
Manager, Land & Rights of Way
Hawaiian Electric

Dear Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee,

My name is Wendy Oda and I am testifying on behalf of Hawaiian Electric in **strong support** of HCR 148 / HR 127, which urges the Department of Land and Natural Resources to convene a Vegetation Management Working Group (“Group”) to study, evaluate, and make recommendations regarding regulations that define property owner obligations to perform vegetation management on public and private property for purposes of wildfire risk mitigation.

Hawaiian Electric believes that the formation of a Group, consisting of representatives of the State, the Counties, public and private utilities, large private landowners and other stakeholders, is a critical step in addressing the risk of future wildfires in the State. The Group will consider needed wildfire mitigation measures such as regulations identifying the vegetation management obligations of public and private landowners as well as a practical vegetation management program for landowners and public utilities.

Thank you for this opportunity to testify in strong support of HCR 148 / HR 127.



HOUSE COMMITTEE ON WATER & LAND

HEARING DATE: Tuesday, March 19, 2024
TIME: 9:30 a.m.
PLACE: State Capitol
Conference Room 430

RE: Testimony in **Strong Support** of House Concurrent Resolution 148

Aloha Honorable Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee;

The International Brotherhood of Electrical Workers Local 1260 (IBEW 1260) would like to respectfully offer the following testimony in **Strong Support** of House Concurrent Resolution 148 (HCR 148).

IBEW 1260 is comprised of approximately 3,000 members representing Hawaii's electric utility companies as well as Government Service Contracts throughout Hawaii, Guam, and Wake Island. Our members are a diverse local workforce of dedicated, highly skilled, and trained individuals working 24 hours a day, 7 days a week, to generate, transmit, and distribute electricity throughout Hawai'i and to ensure the reliability of this precious resource.

IBEW 1260 supports HCR 148 urging the Department of Land and Natural Resources to convene a vegetation management working group to study, evaluate, and make recommendations regarding regulations that define property owner obligations to perform vegetation management on public and private property for purposes of wildfire risk mitigation.

As noted in HCR 148, utilities maintain assets throughout Hawai'i, surrounded by public and private lands covered with vegetation that may cause wildfires. IBEW1260 supports its participation in this working group and looks forward to discussing potential solutions that mitigate such risks by developing a vegetation management program that considers and includes public and worker safety.

Mahalo for the opportunity to testify on this important matter.