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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.

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.