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Testimony of the Department of Commerce and Consumer Affairs

Before the
Senate Committee on Water and Land
And
Senate Committee on Public Safety and Intergovernmental and Military Affairs
Wednesday, March 27, 2024
1:30 p.m.
Conference Room 229

On the following measure:
S.C.R. 123/ S.R. 105, REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONVENE A WORKING GROUP TO MAKE RECOMMENDATIONS ON SOLUTIONS TO REDUCE WILDFIRE RISK AND THE FEASIBILITY OF ESTABLISHING A VEGETATION MANAGEMENT PROGRAM AS IT RELATES TO LANDOWNERS AND PUBLIC UTILITIES

Chair Inouye, Chair Wakai, and Members of the Committees:

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 request the Department of Land and Natural Resources (DNLR) to convene a working group (Working Group) to make recommendations on solutions to reduce wildfire risk and the feasibility of establishing a vegetation management program as it relates to landowners and the public utilities. In addition, the resolution requests: (1) that the Working Group study the need for policy, regulation, and guidance pertaining to the management of and responsibility for

vegetation on public and private lands for wildfire mitigation purposes; (2) that the Working Group study, evaluate, and make recommendations regarding regulations that define property owner obligations to preform vegetation management on public and private property for wildfire mitigation purposes; (3) that the Chairperson of the Board of Land and Natural Resources or the Chairperson's designee serve as the chairperson of the Working Group; (4) that a representative of the Division of Consumer Advocacy of the Department, whose purview includes the public utilities, serve as a member of the Working Group; (5) that the Working Group submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than 20 days prior to the convening of the Regular Session of 2025; and (6) 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 convening of a Working Group to, among other things, make recommendations on solutions to reduce wildfire risk and the feasibility of establishing a vegetation management program as it relates to landowners and public utilities, 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
SENATE COMMITTEES ON
WATER AND LAND
and
PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS

March 27, 2024
1:30 p.m.

Chairs Inouye and Wakai, Vice Chair Elefante, and Members of the Committees:

MEASURE: SCR 123 / SR 105

TITLE: REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONVENE A WORKING GROUP TO MAKE RECOMMENDATIONS ON SOLUTIONS TO REDUCE WILDFIRE RISK AND THE FEASIBILITY OF ESTABLISHING A VEGETATION MANAGEMENT PROGRAM AS IT RELATES TO LANDOWNERS AND PUBLIC UTILITIES.

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 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.

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>.



**Hawaiian
Electric**

**TESTIMONY BEFORE THE SENATE COMMITTEES ON
WATER & LAND
AND
PUBLIC SAFETY & INTERGOVERNMENTAL & MILITARY AFFAIRS**

SCR 123 / SR 105

**REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO
CONVENE A WORKING GROUP TO MAKE RECOMMENDATIONS ON SOLUTIONS
TO REDUCE WILDFIRE RISK AND THE FEASIBILITY OF ESTABLISHING A
VEGETATION MANAGEMENT PROGRAM AS IT RELATES TO LANDOWNERS AND
PUBLIC UTILITIES**

Wednesday, March 27, 2024
1:30 PM

State Capitol, Conference Room 229

Wendy Oda
Manager, Land & Rights of Way
Hawaiian Electric

Dear Chair Inouye, Chair Wakai, Vice Chair Elefante, and Members of the Committees,

My name is Wendy Oda and I am testifying on behalf of Hawaiian Electric in **strong support** of SCR 123 / SR 105, which requests the Department of Land and Natural Resources to convene a working group to make recommendations on solutions to reduce wildfire risk and the feasibility of establishing a vegetation management program as it relates to landowners and public utilities.

Hawaiian Electric believes that the formation of a working 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 working 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 SCR 123 / SR 105.