



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

Date: 03/19/2025

Time: 10:30 AM

Location: 411 VIA VIDEOCONFERENCE

Committee: House Public Safety
House Water & Land

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Bill Title: SB 0223, SD2 RELATING TO FIRE PREVENTION.

Purpose of Bill: Requires the Department of Land and Natural Resources to establish an independent program relating to the prevention, control, and extinguishment of wildland fires within forest reserves. Authorizes the Administrator of Forestry and Wildlife to establish and maintain facilities for the performance of fire protection, fire prevention, pest control, and forest and range protection and enhancement activities. Requires the State Fire Council to amend the State Fire Code to require 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 reports to the Legislature. Appropriates funds. (SD2)

Department's Position:

The Hawaii State Department of Education (Department) respectfully provides comments on SB 223, SD 2.

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. While the Department appreciates the mandate for the Department of Land and Natural Resources to establish a community fuels reduction project which would help to reduce hazardous wildfire fuels on state lands including around schools, the Department still believes that Part II of this measure would place additional unfunded mandates on schools. In order to carry out the mandates of Part II of this measure, 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 this measure, 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.

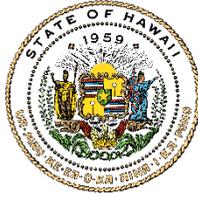
Also, the Department believes it would need to have work units on each of the islands in order to address this in the most efficient way possible.

The Department appreciates the intent of this bill, however, it would first request support for the priorities identified in its Governor-approved budget.

Thank you for the opportunity to provide testimony on this measure.

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

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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 House Committees on
PUBLIC SAFETY
and
WATER AND LAND

Wednesday, March 19, 2025
10:30 AM

State Capitol, Conference Room 411 and Via Videoconference

In consideration of
SENATE BILL 223, SENATE DRAFT 2
RELATING TO FIRE PREVENTION

Senate Bill 223, Senate Draft 2 requires the Department of Land and Natural Resources (Department) to establish an independent program relating to preventing, controlling, and extinguishing wildland fires within forest reserves. Authorizes the Administrator of the Division of Forestry and Wildlife (Division) to establish and maintain facilities for fire protection, fire prevention, pest control, and forest and range protection and enhancement activities. Requires the State Fire Council to amend the State Fire Code to require certain owners and occupants of properties 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. Requires reports to the Legislature. Appropriates funds. **The Department supports this measure and provides comments.**

Part I of SB223 SD2 affirms the Division's role in preventing, controlling, and extinguishing wildland fires on Division-managed lands. Before FY25, the Division was funded around \$3.2M per year for its suppression work, but proportionally to the state's population, around \$2 per resident. FY25 increased DOFAW's fire program funding to \$18,850,000, or \$13.5 per resident. By contrast, a full-time wildland fire agency like CALFIRE spends approximately \$4.2B annually or \$105 per resident. Hawai'i's current fire program budget and staffing levels remain low relative to other fire-prone jurisdictions. Hawai'i's climate is predicted to become hotter and drier, and additional funds and staffing will be required for the Division to continue to meet its statutory mandate.

Regarding Part II of this bill, the Department recommends that the Legislature encourage the Office of the State Fire Marshal to adopt a State Fire Code that adapts to the changing climate and adjusts accordingly rather than creating standards in statute that will be more difficult to modify as changing conditions require adaptive management.

Part III cannot be implemented as written. The Department is not legally authorized to perform fuel reduction work on lands not set aside for the Department. To implement the community fuels reduction project as proposed, 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 job. With such a mandate would come liability that should be addressed. An option is for the Department to work with the Hawaii Wildfire Management Organization and fund a grant program for communities to implement projects. 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.



March 19, 2025

Representative Della Au Belatti, Chair
Representative Kim Coco Iwamoto, Vice Chair
House Committee on Public Safety

Representative Mark J. Hashem, Chair
Representative Rachele F. Lamosao, Vice Chair
House Committee on Water & Land

Comments and Concerns Regarding SB 223, SD2, RELATING TO FIRE PREVENTION (Requires the Department of Land and Natural Resources [DLNR] to establish an independent program relating to the prevention, control, and extinguishment of wildland fires within forest reserves. Authorizes the Administrator of Forestry and Wildlife to establish and maintain facilities for the performance of fire protection, fire prevention, pest control, and forest and range protection and enhancement activities. Requires the State Fire Council to amend the State Fire Code to require 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 DLNR. Requires reports to the Legislature. Appropriates funds. [SD2])

**Wednesday, March 19, 2025, at 10:30 a.m.
State Capitol, Conference Room 411 & VIA VIDEOCONFERENCE**

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers, and utility companies. LURF's mission is to advocate for reasonable, rational, and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF appreciates the opportunity to express its **comments and concerns regarding SB 223, SD2.**

SB 223, SD2. This measure does not include any purpose clause, however, it requires the DLNR to establish an independent program relating to the prevention, control, and extinguishment of wildland fires within forest reserves; authorizes the Administrator of Forestry and Wildlife to establish and maintain facilities for the performance of fire protection, fire prevention, pest control, and forest and range protection and enhancement activities; requires the State Fire Council to amend the State Fire Code to require 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 DLNR; requires reports to the Legislature; and appropriates funds.

LURF's Position. LURF supports the intent of this measure but has major concerns. We offer the following **comments and amendments** for your consideration:

1. **Easement holders should also be responsible for maintaining effective firebreaks and practice other fire prevention activities.**
The current version of the bill requires the State Fire Council to amend the State Fire Code to require only 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.” Utility easements are granted by private property owners to utilities to provide areas for the utility’s infrastructure, and it is usually the duty of the utility to maintain those easement areas. It would be unfair and impracticable to shift the burden only to private property owners for maintenance on easement lands because the utilities control the infrastructure on the easement lands. The utility companies are better equipped with the resources, personnel, and expertise to manage vegetation around power lines and should be held accountable for the maintenance of easement areas pursuant to the terms of their easement agreements.
2. **The State Fire Marshall should work in coordination and collaboration with the Public Utilities Commission (Commission) to investigate and determine appropriate wildfire mitigation actions, in pending Commission dockets, cases and future administrative rules.** According to the State Consumer Advocate and the Commission, such wildfire mitigation actions have been proposed as part of:
 - **the Climate Adaptation Transmission and Distribution Resilience Program by Hawaiian Electric Company’s (Hawaiian Electric)** in Commission Docket No. 2022-0135;
 - **the Wildfire Mitigation Plans submitted by Hawaiian Electric and Kauai Island Utility Cooperative (KIUC)** filed as part of a non-docketed proceeding under Commission Case No. 2023-04661;
 - **the Wildfire Plan submitted by Hawaiian Electric** in Commission Docket No. 2025-0156; and
 - **KIUC’s Wildfire Mitigation Plan**, which will be docketed in the near future by the Commission.

Also, based on its prior testimony, the Commission also intends to establish **minimum vegetation clearance requirements for electric utilities** in its administrative rules with input from the State Fire Marshal, pursuant to the “Phase 3” Forward-Looking Report by the Fire Safety Research Institute.

LURF believes that this Commission’s administrative process will allow sufficient time to present, review and discuss expert testimony and information, and will provide ample opportunities for input by the Commission, DCCA, State Fire Marshall, county fire departments, the public utilities, landowners, elected officials, the public, and other stakeholders.

Coordination and collaboration between DLN and the Commission will assure consistent requirements, guidelines and enforcement of fire prevention and mitigation in Hawaii.

LURF and its members are willing to continue to collaborate with all stakeholders regarding these matters.

Based on the above comments and concerns, LURF supports the general intent of SB **223, SD2**, but respectfully recommends that your committees consider amending this measure as described above.

Thank you for the opportunity to provide comments in support of and amendment to this bill.