



Harry Kim
Mayor

Dixie Kaetsu
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i

891 Ululani Street • Hilo, Hawai'i 96720-3982 • (808) 961-8211 • Fax (808) 961-6553
KONA: 75-5706 Kuakini Highway, Suite 103 • Kailua-Kona, Hawai'i 96740
(808) 329-5226 • Fax (808) 326-5663

January 29, 2008

The Honorable Cindy Evans
Chair, Committee on Public Safety
and Military Affairs
415 South Beretania Street
Honolulu, HI 96813

Dear Chair Evans and Committee Members:

Re: HB 2212

The purpose of HB 2212 is to allow the counties to enact ordinances regulating fireworks which are more restrictive than those set forth in Hawaii Revised Statutes Section 132D. The problem with fireworks is well-known, as is the cultural sensitivity and recognition of the traditional role of fireworks in Hawaii. For that reason, it would seem to be appropriate to allow each county to decide for itself whether new restrictions should be placed on fireworks, which might be greater than those imposed by the Legislature a decade ago.

Because of the way HB 2212 is worded, the description of HB 2212 on today's hearing notice may be a bit misleading. Under current law, the counties cannot enact ordinances which are more restrictive than the provisions of Chapter 132D. HB 2212 is meant to assure that the counties will be allowed to be more restrictive, but not less restrictive, than Chapter 132D. That is the intent, and if this Committee feels that the bill is not appropriately worded, we of course would defer to your judgment and welcome any amendments that would clarify the intent.

Whether the exact wording of HB 2212 is appropriate or not, we hope that this Legislature will allow the counties to use their judgment in enacting ordinances that best fit their communities' needs.

Aloha,

Harry Kim
MAYOR

County of Hawai'i is an Equal Opportunity Provider and Employer.

January 29, 2008

VIA E-MAIL: PSMtestimony@Capitol.hawaii.gov

Representative Cindy Evans, Chair
Committee on Public Safety & Military Affairs
House of Representatives
State Capitol, Conference Room 309
415 South Beretania Street
Honolulu, HI 96813

Dear Representative Evans,

RE: HB 2212

As the Fire Chief of the Hawaii Fire Department, I would like to ask for your support and consideration of HB 2212 relating to fireworks.

Each County has unique changing situations, such as drought, environmental, and public safety issues. These conditions place each County in the best position to determine what should or should not be allowed at any given time related to fireworks or articles pyrotechnic sales and use.

This bill will provide each County the latitude to enact ordinances or adopt any rules regulating fireworks or articles pyrotechnic and will ultimately assure proper public safety.

We respectfully urge your favorable consideration on this matter and thank you for the opportunity to testify on this very important issue.

Sincerely,

DARRYL OLIVEIRA
Fire Chief

DO:lk

Testimony of the Puako Community Association
by Robert Shallenberger, President, Puako Community Association

Supporting several bills relating to Fire Management and Protection
House Committee on Public Safety and Military Affairs
January 31, 2008 at 8:30 am in Conference Room 309

The Puako Community Association (PCA) strongly supports enactment of several House bills relating to fire management and protection. Our comments relating to specific bills follow this introductory statement.

The Puako/Waialea community is located on the south Kohala coast of the Big Island, between the Mauna Lani and Hapuna resorts. More than 1,000 acres of grassland and kiawe forest are located immediately adjacent and mauka of the community. Approximately half of this area is State owned land under jurisdiction of the Division of Land Management. This fire prone ecosystem directly threatens life and property in our community. The threat is exacerbated by the very dry and often windy weather. Public safety is also threatened by the presence of only one paved escape road (Puako Beach Drive) and a separate gravel road. However, the gravel road does not provide a functional escape route when the mauka forest land is on fire.

Puako and Waialea have had a history of fire events that threatened life and property. A fire in 1987 consumed three houses and damaged several others. A fire in July, 2007 burned 25 acres adjacent to the entrance road into Puako. On October 28, 2007, nine fires were set in the Puako/Kawaihae/Waikoloa area. The community was evacuated as the largest of these fires, in excess of 1,000 acres, approached within a ¼ mile of Puako Beach Drive. Only a fortuitous shift in wind prevented a huge loss of property (estimated value in excess of \$500 million). Those people who refused to evacuate were also at risk.

While pockets of the mauka forest were still burning, State and County agencies took action to widen the fuel break immediately mauka of the houses on Puako Beach Drive. This fuel break will need extensive continuing maintenance to prevent regeneration of the kiawe forest. We are working with government officials to develop a forest management plan that will mitigate the fire threat, but it will take effective collaboration and significant funding to address this problem. The legislation under discussion at this hearing will facilitate efforts to protect fire-threatened communities such as ours.

HB 2212: Relating to Fireworks:

The PCA supports this bill which would ensure that counties do not adopt rules regarding fireworks that are less restrictive than State regulations. Fireworks present a significant hazard in our community, particularly on July 4, when conditions are typically drier than usual.

HB 2376: Relating to the State Fire Council:

The PCA supports the development of a statewide brushfire mitigation plan and the appropriation of funds to implement the plan. We believe it is critically important to focus more attention on land management actions that will minimize the ignition and spread of fire. The State Fire Council is the appropriate entity to propose legislation to reduce the frequency of fires and to mitigate the harmful effects when they occur. The SFC should work closely with local fire-related organizations, such as the West Hawaii Fire Management Organization, who have an in-depth understanding of fire threats on a regional level.

HB 2463: Relating to Disaster Relief:

Although this bill does not focus directly on fire-related issues, it does have a potential link to fire mitigation. The PCA supports the use of inmate labor for disaster relief. We believe consideration should be given to an expanded definition of "disaster." The bill refers to "the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property." We would prefer wording that would make it possible to enlist inmate labor in the maintenance of fuel breaks and in other forest management activities to reduce the risk of wildfire. Perhaps it would be sufficient just to drop the word "imminent."

HB 2464: Relating to Fire Protection:

The PCA supports this bill which would lead to better identification and protection of hazardous fire areas and establish a task force to develop a statewide hazardous fire area program. We recommend that the coverage be broadened to specifically include lands under jurisdiction of the Division of Land Management, such as is the case at Puako. While we support the specific identification of fines for arson fires, we believe such acts should be a felony offense with serious fines and jail time imposed after conviction. The potential for loss of life and major loss of property is much too serious to treat as a misdemeanor.

HB 2465: Relating to the State Fire Code

This bill would make the state fire code, or any updates to the code, immediately effective upon transmission to county councils. The PCA supports this bill.

HB 2466: Relating to Wildfire Management:

This bill would allow counties to designate any geographic area with an average annual rainfall of less than 10 inches as a fireworks prohibited zone. While we support the intent of this bill, we believe that counties should have the latitude to adopt rules that are more restrictive than the State rules if determined to be appropriate. The use of a 10 inch standard is arbitrary. Wildfire threat is dependent on other factors, such as type and condition of fuels, presence/absence of fuel breaks, intensity and direction of winds and proximity of housing or other structures.

HB 2467: Relating to Fire Protection

This bill would amend the state fire code to include road and sign standards, minimum private water supply reserves, fuel breaks and green belts. The PCA supports this bill with one minor change. In the section on fuel breaks, the definition reads “a wide strip of land from which the native vegetation is permanently reduced or removed...” Use of the word “native” is misleading, as most of the vegetation in fire-prone areas in the Islands is made up of introduced grasses and other non-native species. It may be sufficient to change the reference to “fire prone vegetation” or simply drop the word “native.”

HB 2485: Relating to Fires

This bill would establish the firewise Hawaii program within DLNR and creates a firewise Hawaii special fund. Although Puako is not officially designated as a Firewise community, we have worked closely with the program at a local and statewide level. We anticipate becoming a Firewise community in the future. We support establishment of a firewise Hawaii program within DLNR and urge the legislature to ensure that sufficient funds are appropriated to make this program effective.