

STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

NADINE Y. ANDO
DIRECTOR | KA LUNA HO'OKELE

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

DEAN I HAZAMA
DEPUTY DIRECTOR | KA HOPE LUNA HO'OKELE

KA 'OIHANA PILI KĀLEPA
335 MERCHANT STREET, ROOM 310
P.O. BOX 541
HONOLULU, HAWAII 96809
Phone Number: (808) 586-2850
Fax Number: (808) 586-2856
cca.hawaii.gov

Testimony of the Department of Commerce and Consumer Affairs

Before the
House Committee on Water & Land
Thursday, April 11, 2024
9:00 a.m.
Conference Room 430

On the following measure:

S.C.R. 123, S.D. 1, 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 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 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 perform 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.

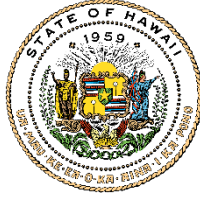
The tragedy and devastation of the wildfires that arose on Maui during the August 8, 2023, windstorm must be prevented from reoccurring. Vegetation management (including the creation of firebreaks and the removal of buildup of flammable vegetation), is viewed as essential for the mitigation of wildfire 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.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

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

Thursday, April 11, 2024
9:00 AM

State Capitol, Conference Room 430 and Via Videoconference

In consideration of
SENATE CONCURRENT RESOLUTION 123 SENATE DRAFT 1
URGING 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

Senate Concurrent Resolution 123 Senate Draft 1 urges the Department of Land and Natural Resources (Department) to convene a working group to make recommendations on solutions to reduce wildfire risk and the feasibility of establishing a vegetation management program for landowners and public utilities. **The Department supports the intent of this resolution and provides the following comments.**

The Department recognizes the need 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 resources. The Department prefers establishing a working group, as per Senate Bill 2842 Senate Draft 2 House Draft 1, which establishes a broader focused working group on the State's overall wildfire preparedness and mitigation strategies. SB2842 SD2 HD1 appropriates funding for the working group's administrative expenses, including funding for establishing an administrative staff position. This group should be able to develop the framework for vegetation management across landowners and public utilities as part of its objectives without the need for an additional separate working group.

Mahalo for the opportunity to comment on this resolution.

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 its 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 consisting of government agencies, fire
8 experts, landowners, and stakeholders is required to find
9 solutions that address the State's wildfire preparedness and
10 mitigation challenges and increase the State's wildfire
11 preparedness and mitigation practices.

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

14 SECTION 2. (a) There is established a wildfire mitigation
15 working group to develop a state wildfire mitigation plan and to
16 advise and make recommendations to state agencies concerning the
17 State's wildfire safety and prevention efforts.



1 (b) The working group shall consist of the following
2 members:

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

6 (2) The chairperson of the state fire council or the
7 chairperson's designee, who shall serve as co-chair of
8 the working group;

9 (3) The administrator of the Hawaii emergency management
10 agency or the administrator's designee;

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

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

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

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

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

20 (9) One member who shall be appointed by the speaker of
21 the house of representatives; and



1 (10) A representative of a Hawaii wildfire management
2 organization, to be invited by the chairperson of the
3 state fire council.

4 (c) In developing the state wildfire mitigation plan, the
5 wildfire mitigation working group shall:

6 (1) Identify and map wildfire susceptibility and
7 vulnerability to determine which communities,
8 landscapes, buildings, and infrastructure are most
9 vulnerable to future wildfires;

10 (2) Identify tax incentives and develop recommendations
11 for a competitive grant funding opportunity to reduce
12 fire risk and support fuels management on private
13 lands;

14 (3) Develop and make recommendations for a system of
15 monetary support for managing public land to reduce
16 fire risk;

17 (4) Review the emergency resources that are available in
18 the State to be deployed to address fires; and

19 (5) Advise and make recommendations to state agencies
20 concerning the State's wildfire safety, prevention,
21 and mitigation efforts.



1 (d) No member of the working group shall be subject to
2 chapter 84, Hawaii Revised Statutes, solely because of that
3 member's participation in the working group.

4 (e) The working group shall submit the state wildfire
5 mitigation plan and a report of its findings and
6 recommendations, including any proposed legislation, to the
7 legislature by December 1, 2026.

8 (f) The working group shall be dissolved on December 31,
9 2026.

10 SECTION 3. In accordance with section 9 of article VII of
11 the Hawaii State Constitution and sections 37-91 and 37-93,
12 Hawaii Revised Statutes, the legislature has determined that the
13 appropriations contained in Act 164, Regular Session of 2023,
14 and this Act will cause the state general fund expenditure
15 ceiling for fiscal year 2024-2025 to be exceeded by
16 \$ or per cent. This current declaration takes
17 into account general fund appropriations authorized for fiscal
18 year 2024-2025 in Act 164, Regular Session of 2023, and this Act
19 only. The reasons for exceeding the general fund expenditure
20 ceiling are that:



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

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

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

14 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Wildfire Mitigation Working Group; DLNR; Wildfire Safety and Prevention; Report; Appropriation; Expenditure Ceiling

Description:

Establishes the Wildfire Mitigation Working Group to develop a state wildfire mitigation plan and advise and make recommendations to state agencies concerning the State's wildfire safety and prevention efforts. Requires report to Legislature. Makes an appropriation. Effective 7/1/3000. (HD1)

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





**Hawaiian
Electric**

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

SCR123, SD1

**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**

Thursday, April 11, 2024
9:00 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 SCR123, SD1, 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.

Hawaiian Electric believes that the formation of a Vegetation Management Working Group, consisting of representatives of the State, the Counties, public and private utilities, large private landowners and other stakeholders, including a representative of the telecommunication industry, IBEW 1260, and the University of Hawaii College of Tropical Agriculture and Human Resources, is a critical step in addressing the risk of future wildfires in the State, as 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 SCR 123, SD1.



Charter Communications
Testimony of Rebecca Lieberman, Director of Government Affairs

HOUSE COMMITTEE ON WATER & LAND

Hawaii State Capitol
Thursday, April 11, 2024

COMMENTS ON S.C.R. 123, S.D. 1 - 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 Ichiyama, Vice Chair Poepoe, and Members of the Committee.

Thank you for the opportunity to provide comments and proposed amendments to S.C.R 123, S.D. 1, a resolution that requests the Department of Land and Natural Resources (DLNR) 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.

We appreciate the legislature's consideration of including a representative of the telecommunications industry in this working group. However, this working group relates to landowners and public utilities, and Charter does not own the kind of real property at issue and does not own electrical utility poles. Further, other wildfire-related bills, including H.B. 2700 and S.B. 3344, were amended to remove telecommunications companies as parties.

Given this information and to create consistency across bills, we respectfully request that the committee consider the following amendment:

- Page 3, line 39:

(16) ~~One member representing the telecommunications industry, to be invited by the chairperson of the working group; and~~

Mahalo for the opportunity to provide comments and suggested amendments.

Written Statement of

Jeannine Souki, Senior Manager – Government & Regulatory Affairs

BEFORE THE HOUSE COMMITTEE ON WATER & LAND

April 11, 2024, 9 AM

State Capitol, Conference Room 430 & Videoconference

COMMENT WITH REQUESTED AMENDMENT FOR:
S.C.R. 123, SD1 – 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

To: Rep. Linda Ichiyama, Chair
Rep. Mahina Poepoe, Vice Chair
Members of the Committee

Re: Testimony providing comment with a requested amendment for SCR 123, SD1

Aloha Honorable Chair, Vice-Chair, and Committee Members:

Thank you for this opportunity to submit comments with a requested amendment for SCR 123, SD1. This resolution requests that the Department of Land and Natural Resources convene a vegetation management working group to make recommendations on solutions to reduce wildfire risk and the feasibility of establishing a vegetation management program for landowners and public utilities.

Hawaiian Telcom prefers the original version of this measure, and respectfully requests an amendment to remove SD1 changes which added a representative of the telecommunications industry to the working group.

Hawaiian Telcom understands and appreciates the importance of supporting communities affected by wildfires during this challenging time as residents and businesses continue to recover. The Maui wildfires resulted in a tragic loss of life and property. Hawaiian Telcom's

employees and business were also directly impacted by the wildfires, and our company is committed to working collaboratively with federal, state, county, and community leaders to support the recovery of Lahaina. While we hope that we never experience another wildfire, we understand the importance of being prepared in case of such an event occurs and commend the legislature for exploring prudent steps to mitigate future wildfires.

Hawai'i's state and county laws and practices provide a patchwork of policies governing various responsibilities for preventing and controlling wildfires, including managing trees and vegetation. Electric utilities also maintain vegetation management programs to prevent trees from growing into high-voltage power lines.

Because Hawaiian Telcom's communication equipment does not independently create a wildfire risk, our company's role in vegetation management is appropriately limited. When our company receives notice or identifies that vegetation requires maintenance, a Hawaiian Telcom local manager usually contacts the property owners or right-of-way owners. If tree trimming is needed to access an electric utility pole, our company requests that the electric utility prune the area so our crews can safely access their facility.

Finally, this requested amendment aligns with similar changes to the wildfire fund bills, which do not include telecommunication service providers.

For the aforementioned reasons, Hawaiian Telcom respectfully requests that your Committee consider the following amendment to strike out the language on Page 3, lines 39 to 41 of this measure.

- 30
- 31 (14) One member representing cooperative electric
- 32 utilities, to be invited by the chairperson of the
- 33 working group;
- 34
- 35 (15) One member representing privately-owned electric
- 36 utilities, to be invited by the chairperson of the
- 37 working group;
- 38
- 39 ~~(16) One member representing the telecommunications~~
- 40 ~~industry, to be invited by the chairperson of the~~
- 41 ~~working group; and~~
- 42

2024-2387 SCR123 SD1 SMA.docx



3

Thank you for the opportunity to testify on SCR 123, SD1.