



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
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JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

NADINE Y. ANDO
DIRECTOR | KA LUNA HO'OKELE

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

Testimony of the Department of Commerce and Consumer Affairs

Before the
House Committee on Water & Land
And
House Committee on Public Safety
Tuesday, February 11, 2024
9:00 a.m.
Conference Room 411

On the following measure:

S.B. 11, S.D. 2, RELATING TO VEGETATION MANAGEMENT NEAR UTILITY LINES

Chair Hashem, Chair Belatti, 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 offers comments on this bill.

The purpose of this bill is to: (1) require the Department of Land and Natural Resources to create and annually update a wildfire hazard map; (2) require private and public property owners to trim grasses within certain proximities of public rights of way and utility lines, enforced by the State Fire Marshal as to State-owned land and the applicable county fire department as to privately owned land; (3) authorize electric utility companies to enter private or public property to trim or remove hazardous vegetation; and (4) appropriate funds.

The tragedy and devastation of the August 8, 2023 wildfires on Maui must be prevented from reoccurring. The Department supports the intent of this bill, which seeks

to reduce risk from catastrophic wildfires by requiring vegetation management on a seasonal basis and if hazardous vegetation poses a serious threat to life and property.

The Department offers that more investigation is needed into the best practices for vegetation management to prevent wildfire risk at different levels of the electrical grid (transmission and distribution). The most appropriate entities for ensuring compliance with best practices for vegetation management to prevent wildfire risk and to have responsibility for undertaking vegetation management action should be determined as part of this investigation. Any investigation into best practices for vegetation management should also consider the wildfire mitigation actions that were 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 (KIUC)) hazard mitigation plans that were filed with the Public Utilities Commission (Commission) on August 22, 2024. Such plans were filed as part of a non-docketed proceeding under Case No. 2023-04661.

In addition, on January 10, 2025, the Hawaiian Electric Company submitted its Wildfire Safety Strategy for the Commission's and the Department's review in Case No. 2023-04661, and on January 28, 2025, KIUC also submitted its plan in the same case. Hawaiian Electric Company's wildfire plan will be reviewed before the Commission in Docket No. 2025-0156. The Department believes that it is important to incorporate the results of this review into best practices for vegetation management near electrical lines.

Thank you for the opportunity to testify on this bill.

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

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
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 Senate Committees on
WATER & LAND
and
PUBLIC SAFETY

Tuesday, March 11, 2025
9:00 AM

State Capitol, Conference Room 411 and Via Videoconference

In consideration of
SENATE BILL 11, SENATE DRAFT 2
RELATING TO VEGETATION MANAGEMENT NEAR UTILITY LINES

Senate Bill 11, Senate Draft 2 requires the Department of Land and Natural Resources (Department) to create and update annually a wildfire hazard map. It further mandates private and public property owners to trim grasses within designated proximities of public rights-of-way and utility lines, with enforcement responsibilities assigned to the State Fire Marshal for State-owned lands and the county fire departments for privately owned lands. This bill authorizes electric utility companies to enter private or public property to trim or remove hazardous vegetation. **The Department of Land and Natural Resources (Department) strongly opposes this measure.**

The Department opposes this measure's attempt to shift the responsibility of vegetation management away from utility companies, which have an obligation to ensure their infrastructure does not pose a threat to public health and safety, and onto the Department and other landowners. When a utility company is granted an easement by the State, it assumes the duty to maintain the easement area in a clean, sanitary, and orderly condition and its infrastructure in a good and safe condition. This includes trimming and maintaining all vegetation in the easement area so that it does not present a threat to public safety. Moreover, the easement requires the utility company to indemnify and defend the State from all claims for damage, injury, or death, assume all risk associated with the easement, and provide general liability insurance. Shifting these obligations from the utility company – which benefits from holding the easement and voluntarily agreed to its terms – onto the State is neither equitable nor in the public interest.

Furthermore, requiring the Department to identify and map wildfire hazard areas, remove vegetation on behalf of the utility, and enforce against landowners who fail to do so, creates an excessive and unsustainable burden on the Department's staff and financial resources. The Department also opposes any provision that would absolve a utility company from liability that may be incurred as a result of its infrastructure causing damage, injury, or death. Utility companies should be responsible for mapping and maintaining the hazardous vegetation on the easements where their powerlines are located, and should not be shielded from any liability that may result from any fire that their lines ignite including any damage to property or to threatened and endangered species habitat due to a fire that the utility is determined responsible for.

Where feasible, utility companies should install lines underground to reduce potential ignition in wind exposed, high fire danger locations. Moreover, utilities should consult with the Department to ensure compliance with threatened and endangered species habitat concerns where vegetation management will occur as well as any other environmental and cultural regulatory compliance that may apply.

Mahalo for the opportunity to testify in opposition on this measure.

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR



STATE OF HAWAII
PUBLIC UTILITIES COMMISSION
465 S. KING STREET, #103
HONOLULU, HAWAII 96813

LEODOLOFF R. ASUNCION, JR.
CHAIR

NAOMI U. KUWAYE
COMMISSIONER

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COMMISSIONER

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Testimony of the Public Utilities Commission

To the
House Committees on
Water & Land
and
Public Safety

March 11, 2025
9:00 a.m.

Chairs Hashem and Belatti, Vice Chairs Lamosao and Iwamoto, and Members of the Committees:

Measure: S.B. No. 11, S.D. 2
Title: RELATING TO VEGETATION MANAGEMENT NEAR UTILITY LINES.

Position:

The Public Utilities Commission ("Commission") offers the following comments for consideration.

Comments:

The Commission appreciates the intent of this measure to reduce wildfire risk by defining property owner and electric utility vegetation management obligations.

In the most recent amendments to this measure, language exempting electric utilities from the obligation to manage vegetation in its easements was removed. The Commission concurs with this amendment and further believes electric utilities, not private and public property owners, should be responsible for managing vegetation located adjacent to electric facilities, whether within or outside of the utility's easements. As such, the Commission recommends removing §269-(b)(3), which as written would shift responsibility from the utility onto the property owner.

Moreover, elements of this measure related to the Department of Land and Natural Resources' wildfire hazard maps, landowner vegetation management obligations along public rights of way, and enforcement of combustibile-free space along public rights of way by the Office of the State Fire Marshal should not be included in Hawaii Revised Statutes Chapter 269 as proposed, given the Chapter's focus on public utilities. These

elements should be removed from S.B. 11, S.D. 2 and inserted in H.B. 1064, H.D. 2, which defines the State Fire Marshal's responsibilities including enforcement of the fire code.

To this end, the Commission believes this measure could be further improved by narrowing the scope to focus only on electric utility immunity for trimming vegetation near electric facilities that poses a potential hazard to public health and safety or could damage electric facilities, provided the utility gives reasonable notice to the property owner. Such statutes exist in Oregon and Washington and are intended to clarify electric utility obligations and encourage the utilities to manage vegetation without fear of legal recourse from the property owner.

Lastly, in January 2025, Hawaiian Electric and Kauai Island Utility Cooperative ("KIUC") submitted their wildfire mitigation plans ("WMP") to the Commission in Case No. 2023-04661. The Commission opened Docket No. 2025-0156 on January 30, 2025 to evaluate Hawaiian Electric's WMP and another docket focused on KIUC's WMP will be opened shortly. The Commission will incorporate the results of these reviews into best practices for vegetation management near electrical facilities. The Commission intends to eventually establish minimum vegetation clearance requirements for electric utilities in its administrative rules with input from the State Fire Marshal, pursuant to the recommendation of the "Phase 3" Forward-Looking Report by the Fire Safety Research Institute.

The Commission's recommended amendments are provided in the attached document.

Thank you for the opportunity to testify on this measure.

A BILL FOR AN ACT

RELATING TO VEGETATION MANAGEMENT NEAR UTILITY LINES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that on August 8, 2023,
2 catastrophic wildfires swept through various communities on
3 Maui. The wildfires impacted human life, the community,
4 housing, education, the economy, the environment, and the health
5 of Maui residents. The legislature further finds that a
6 significant issue regarding fire safety is the presence of
7 grasses, trees, and other vegetation adjacent to or under
8 electric utility lines. Utility companies in Hawaii have miles
9 of utility lines installed throughout the State on private
10 lands, either within or outside established utility easements on
11 public lands, which are often located in the public right of way
12 and mountainous areas of the State. Recognizing this issue, the
13 legislature proposes to establish a vegetation management
14 program for utility lines within public rights of way and on all
15 public and private lands.

16 The purpose of this Act is to reduce wildfire risk by
17 establishing a vegetation management program as it relates to
18 public utility lines that:

1 (1) Defines property owner obligations, which, in limited
2 circumstances will authorize Hawaii's utility companies to
3 either trim or remove hazardous vegetation away from
4 transmission utility lines, distribution utility lines, and
5 service drops, even if the hazardous vegetation is located
6 outside an established easement; and

7 (2) Provides a recovery mechanism to recoup the additional
8 vegetation management costs.

9 SECTION 2. Chapter 269, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§269- ~~Vegetation management; immunity of electric~~
13 ~~utilities in certain cases utility lines; wildfire hazard map;~~
14 ~~hazardous vegetation; property owner obligations; utility~~
15 ~~company rights. (a) The department of land and natural~~
16 ~~resources shall create and annually update a single wildfire~~
17 ~~hazard map that identifies high-risk, medium-risk, and low-risk~~
18 ~~wildfire areas in each county.~~

19 ~~(b) Unless otherwise stated in contractual documents:~~

20 ~~(1) A utility company shall not be obligated to trim or~~
21 ~~remove trees and other vegetation located outside of the utility~~
22 ~~company's easements or outside of a public right of way;~~

1 ~~(2) Any private and public property owner shall be~~
2 ~~responsible for the maintenance of their property and shall~~
3 ~~manage the growth of trees, grasses, and other vegetation~~
4 ~~located thereon, either within or outside of a utility company's~~
5 ~~easements, to mitigate the risk of wildfire ignition on or~~
6 ~~adjacent to the private or public property owner's property;~~

7 ~~(3) A utility company shall not be considered a private or~~
8 ~~public property owner solely because it possesses easement~~
9 ~~rights that cross other private or public properties; and~~

10 ~~(4) Public entities that own and maintain public rights of~~
11 ~~way shall be responsible for the maintenance of its public~~
12 ~~rights of way and shall manage the growth of trees, grasses, and~~
13 ~~other vegetation located thereon to mitigate the risk of~~
14 ~~wildfire ignition on or adjacent to public rights of way.~~

15 ~~(c) From months _____ to _____, each year, any~~
16 ~~private or public property owner whose property is located in~~
17 ~~high- and medium-risk fire areas identified pursuant to~~
18 ~~subsection (a) shall trim grasses located on their property to~~
19 ~~create:~~

20 ~~(1) A combustible-free space within twenty-five feet from~~
21 ~~the edge of any public right of way that is adjacent to or runs~~
22 ~~through the property; and~~

1 ~~(2) A combustible-free space within ten feet from any~~
2 ~~utility line that crosses their property.~~

3 ~~(d) During the months identified in subsection (c), the~~
4 ~~office of the state fire marshal, with respect to a violation on~~
5 ~~state-owned land, or the applicable county fire department, with~~
6 ~~respect to a violation on privately owned land, may provide a~~
7 ~~public or private property owner with notice of a violation of~~
8 ~~subsection (c), a description of the condition that violates~~
9 ~~subsection (c), and request that the owner abate the violation~~
10 ~~within thirty days after the notice is mailed to the property~~
11 ~~owner. The notice provided under this subsection shall be sent~~
12 ~~by certified mail to the last known address of the private or~~
13 ~~public property owner identified on public land records~~
14 ~~associated with the subject property. If the private or public~~
15 ~~property owner has not abated the violation within thirty days~~
16 ~~after the notice mailing date, the authority issuing the notice~~
17 ~~of violation shall issue a fine of \$1,000 against the private or~~
18 ~~public property owner. Each day after the noticed thirty-day~~
19 ~~abatement period that a violation continues shall constitute a~~
20 ~~separate offense.~~

21 ~~(ae) During the months identified in subsection (c), a A~~
22 ~~utility company may is immune from any civil liability for~~
23 ~~trimming or removing trim or remove hazardous vegetation on~~

1 ~~properties in high- and medium-risk fire areas identified~~

2 ~~pursuant to subsection (a);~~ provided that: ~~in the~~

3 (1) the utility company's reasonable commercial judgment,

4 reasonably determines that the hazardous vegetation poses

5 a risk of falling into or interfering with the utility

6 company's utility lines potential threat to damage

7 electric facilities located on private property within or

8 outside of the utility company's easement, and the

9 utility company provides reasonable notice to the

10 property owner; or

11 (2) the utility company reasonably determines that the

12 hazardous vegetation poses an imminent risk to public

13 health and safety, and the utility company provides

14 reasonable notice to the property owner; or

15 (3) the utility company reasonably determines that the

16 hazardous vegetation has come in contact with or caused

17 damage to electric facilities; and

18 (4) ~~provided further that~~ the utility company may trim or

19 remove hazardous vegetation located on public land within

20 or outside of the public right of way.

21 (b) A utility company shall have a right of entry to enter

22 private property or public property pursuant to this section. A

23 utility company that trims or removes vegetation pursuant to

24 this subsections (a) (1) and (a) (2) that is located outside of

1 ~~its easement, where no easement exists, or within or outside of~~
2 ~~a public right of way,~~ shall ~~notify provide~~ the private or
3 public property owner ~~with reasonable notice~~ of the utility
4 company's intent to trim or remove the hazardous vegetation. ~~The~~
5 ~~notice shall include and~~ a general location and description of
6 the hazardous vegetation proposed to be trimmed or removed, ~~a~~
7 ~~brief statement of the need and nature of the work intended that~~
8 ~~will impact the owner's property or vegetation, an estimate of~~
9 ~~the time frame in which such work will occur, how the utility~~
10 ~~can be contacted regarding the cutting or removal of vegetation,~~
11 ~~and an explanation of the responsibility of the resident or~~
12 ~~property owner to respond pursuant to the requirements of the~~
13 ~~notice.~~ If the private or public property owner:

14 (1) ~~Fails to respond to the utility company's notice of~~
15 ~~its intent to trim or remove hazardous vegetation located on~~
16 ~~their property; or~~

17 (2) ~~Does not abate the hazardous vegetation within thirty~~
18 ~~days after the notice mailing date,~~

19 ~~the utility company may enter the property in question and trim~~
20 ~~or remove the hazardous vegetation~~ ~~at the private or public~~

21 ~~property owner's expense.~~ The notice provided under ~~this~~
22 ~~subsections (a) (1) and (a) (2)~~ shall be sent by certified mail to

1 the last known address of the private or public property owner
2 identified on public land records associated with the subject
3 property.

4 ~~(f) If a utility company reasonably determines that the~~
5 ~~hazardous vegetation poses an imminent risk of wildfire ignition~~
6 ~~and reasonably believes that the hazardous vegetation must be~~
7 ~~trimmed or removed as soon as feasibly possible, the utility~~
8 ~~company may enter private or public property after giving~~
9 ~~fortyeight hours' notice and may trim or remove the hazardous~~
10 ~~vegetation. After trimming or removing the hazardous vegetation~~
11 ~~pursuant to this subsection, the utility company shall notify~~
12 ~~the private or public property owner of the action taken within~~
13 ~~two days of the action taken. The utility company shall provide~~
14 ~~the notices required under this subsection by phone call, email,~~
15 ~~or, if both are unobtainable, certified mail to the last known~~
16 ~~address of the private or public property owner identified on~~
17 ~~public land records associated with the subject property. All~~
18 ~~utility companies shall regularly report on the notices issued~~
19 ~~under this subsection to the public utilities commission on a~~
20 ~~schedule to be determined by the commission.~~

21 ~~(c) The public utilities commission may adopt rules to~~
22 ~~carry out the purposes of this section.~~

23 ~~(gd) All work performed under this section shall be paid~~
24 ~~not less than the prevailing wage rate for a second-step~~

1 apprentice electrical utility lineman as determined by the
2 director of labor and industrial relations and shall be
3 performed:

4 (1) By a qualified line clearance tree trimmer or an
5 apprentice under the direct supervision and instruction of a
6 qualified line clearance tree trimmer pursuant to 29 C.F.R.
7 section 1910.269 and American National Standards Institute
8 Z133.1 safety standard; or

9 (2) By a journeyman electrical lineman or apprentice under
10 the direct supervision and instruction of a journeyman
11 electrical lineman.

12 (he) For purposes of this section:

13 ~~"Department" means the department of land and natural~~
14 ~~resources.~~

15 "Electric facilities" means lines, conduits, ducts, poles,
16 wires, pipes, conductors, cables, cross-arms, receivers,
17 transmitters, transformers, instruments, machines, appliances,
18 instrumentalities, and all devices and apparatus used, operated,
19 owned, or controlled by a utility company, for the purposes of
20 manufacturing, transforming, transmitting, distributing,
21 selling, or furnishing electricity.

1 "Hazardous vegetation" means any tree or shrub or other
2 vegetation located within or outside of an existing easement or
3 located within or near a public right of way that poses an
4 imminent threat of interfering with or damaging electric **utility**
5 **lines facilities** located within or outside an existing easement
6 or within the public right of way.

7 "Line clearance tree trimmer" means an individual at least
8 eighteen years of age who has successfully completed a state
9 approved- line clearance tree trimmer apprenticeship program and
10 who can provide satisfactory evidence of experience in high
11 voltage line clearance tree trimming of at least half a year
12 full-time or its equivalent, but not less than three thousand
13 hours in the trade under the supervision of a journey worker or
14 supervising line clearance tree trimmer.

15 "Utility company" means any company operating in the State
16 to provide electricity service and is regulated by the public
17 utilities commission."

18 ~~SECTION 3. There is appropriated out of the general~~
19 ~~revenues of the State of Hawaii the sum of \$ _____ or so~~
20 ~~much thereof as may be necessary for fiscal year 2025-2026 and~~
21 ~~the same sum or so much thereof as may be necessary for fiscal~~
22 ~~year 2026-2027 for the purposes of this Act.~~

23 ~~_____ The sums appropriated shall be expended by the department~~
24 ~~of land and natural resources for the purposes of this Act.~~

1 SECTION 43. New statutory material is underscored.

2 SECTION 54. This Act shall take effect on June 1, 2050.

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director

BRADFORD K. VENTURA
Fire Chief

GAVIN L.M. FUJIOKA
Deputy Fire Chief



DEPARTMENT OF FIRE & PUBLIC SAFETY
COUNTY OF MAUI
200 DAIRY ROAD
KAHULUI, MAUI, HAWAII 96732
www.maui-county.gov

March 10, 2025

The Honorable Mark Hashem, Chair
Committee on Water and Land
House of Representatives
State Capitol, Room 424
Honolulu, HI 96813

The Honorable Della Au Belatti, Chair
Committee on Public Safety
House of Representatives
State Capitol, Room 420
Honolulu, HI 96813

Dear Chairs Hashem and Belatti,

SUBJECT: SENATE BILL (SB) 11, SENATE DRAFT (SD) 2, RELATING TO VEGETATION MANAGEMENT NEAR UTILITY LINES

I am Bradford K. Ventura, member of the Hawaii State Fire Council (SFC) and Fire Chief of the Maui Fire Department. The SFC in general supports SB 11, SD 2, which requires the Department of Land and Natural Resources to create and annually update a wildfire hazard map; requires private and public property owners to trim grasses within certain proximities of public rights of way and utility lines, enforced by the State Fire Marshal as to State-owned land and the applicable county fire department as to privately owned land; authorizes electric utility companies to enter private or public property to trim or remove hazardous vegetation; and appropriates funds.

The SFC supports establishment and funding for a vegetation management program to reduce fuels which contribute to wildfire propensity to threaten life, property, and critical infrastructure.

If you have any questions, please contact SFC Administrative Specialist Gary Lum at (808) 723-7169 or glum@honolulu.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Ventura".

BRADFORD K. VENTURA
Fire Chief

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

**HONOLULU FIRE DEPARTMENT
KA 'OIHANA KINAI AHI O HONOLULU
CITY AND COUNTY OF HONOLULU**

636 SOUTH STREET • HONOLULU, HAWAII 96813
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RICK BLANGIARDI
MAYOR
MEIA



SHELDON K. HAO
FIRE CHIEF
LUNA NUI KINAI AHI

JASON SAMALA
DEPUTY FIRE CHIEF
HOPE LUNA NUI KINAI AHI

March 10, 2025

The Honorable Mark Hashem, Chair
Committee on Water and Land
House of Representatives
State Capitol, Room 424
Honolulu, Hawai'i 96813

The Honorable Della Au Belatti, Chair
Committee on Public Safety
House of Representatives
State Capitol, Room 420
Honolulu, Hawai'i 96813

Dear Chairs Hashem and Belatti:

Subject: Senate Bill (SB) 11, Senate Draft (SD) 2 Relating to Vegetation Management near Utility Lines

I am Sheldon K. Hao, Fire Chief of the Honolulu Fire Department (HFD). In general, the HFD supports SB 11, SD 2, which requires the Department of Land and Natural Resources to create and annually update a wildfire hazard map; require private and public property owners to trim grasses within certain proximities of public rights of way and utility lines that are enforced by the State Fire Marshal as to State of Hawai'i-owned land and the applicable county fire department as to privately owned land; authorize electric utility companies to enter private or public property to trim or remove hazardous vegetation; and appropriate funds.

The HFD supports the establishment of and funding for a vegetation management program to reduce fuels which contribute to wildland fire propensity to threaten life, property, and critical infrastructure and urges your committees' support of SB 1, SD 2.

Should you have questions, please contact Administrative Specialist Gary Lum at 723-7169 or glum@honolulu.gov.

Sincerely,

SHELDON K. HAO
Fire Chief

SKH/GL:cn



**INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS
LOCAL UNION 1260
EMPOWERING THE PACIFIC**

THIRTY-THIRD LEGISLATURE, 2025

Joint House Committee on Water & Land and Public Safety

HEARING DATE: Tuesday, March 11, 2025

TIME: 09:00 a.m.

PLACE: Senate Committee Room 411

RE: Senate Bill 11 SD2- **IN STRONG SUPPORT**

Aloha Honorable Chair(s) Hashem and Au Belatti, Vice-Chair(s) Lamosao and Iwamoto, and Joint Committee Members;

The International Brotherhood of Electrical Workers Local 1260 (IBEW 1260) would like to offer the following testimony in SUPPORT of Senate Bill 11 SD2.

IBEW Local 1260, is comprised of approximately 3,000 members throughout Hawaii and Guam and consists of a diverse and highly-skilled workforce that supports the electric utility infrastructure across our state as well as government service contracts and broadcasting. We are committed to protecting the well-being of the members we serve and the community at large.

SB11 SD2 requires the Department of Land and Natural Resources to create and annually update a wildfire hazard map, requires private and public property owners to trim grasses within certain proximities of public rights of way and utility lines, and authorizes electric utility companies to enter private or public property to trim or remove hazardous vegetation.

IBEW Local 1260 strongly supports SB11 SD2 which proposes to reduce the likelihood of future catastrophic wildfires by establishing and implementing wildfire mitigation policies consistent with other jurisdictions where similar such events occur. SB11 SD2 also ensures the safety of the public and those performing this extremely hazardous work by requiring that national safety standards are followed, and such work be performed by a properly trained and duly qualified workforce.

Mahalo for the opportunity to testify on this measure.



Testimony of the Hawai'i Climate Change and Health Working Group: SB 11 SD2

Tuesday, March 11, 2025

9:00 AM

Room 411

The Climate Change and Health Working Group (CCHWG) is a cross-sector collaborative interested in strengthening climate and health resiliency in Hawai'i.

Testimony in Support of SB11 SD2: Relating to Vegetation Management Near Utility Lines

To: Chair and Members of the Committee,

We are writing to express our **strong support for SB11 SD2**, relating to vegetation management near utility lines. This bill addresses an urgent need to reduce the risk of wildfires, particularly after the catastrophic events in Maui in August 2023.

The bill takes a proactive approach by establishing a comprehensive vegetation management program that focuses on utility lines within public rights of way and both public and private lands. It aims to mitigate the risk of wildfires igniting from hazardous vegetation near utility lines, which is crucial for safeguarding homes, businesses, and the health of Hawai'i's residents.

We are supportive of this bill because it ensures that property owners, both public and private, are responsible for maintaining their properties and managing vegetation that may pose a fire hazard. By clearly defining the responsibilities of property owners, the bill helps foster accountability, accountability in return helps to ensure that fire prevention measures are completed. Furthermore, the creation and annual updating of a wildfire hazard map by the Department of Land and Natural Resources will serve as a valuable resource for identifying high-risk areas, making sure they are recognized and adequately protected, and preparing for possible wildfire events.

This bill is an important step in protecting the health of the people of Hawai'i. Wildfires have many health implications, some of which are often overlooked. The effects of smoke from wildfires can cause respiratory irritation, reduced lung function, bronchitis, and exacerbation of asthma and heart failure. Furthermore, during the event of a wildfire, structures have the potential to burn and then fall onto important roadways, thus people are at risk of limited and restricted access to proper health care. This bill provides a way in which Hawai'i can mitigate the risk of wildfires, as well as the protection of communities at risk, thus, preventing the health impacts of wildfires.

This bill overall provides a sensible and necessary response to the growing threat of wildfires in Hawaii. By addressing the role of vegetation near utility lines in fire, this bill significantly enhances our ability to protect our communities, their health, their access to healthcare, as well as the well-being of the environment and property in Hawai'i.

We urge the committee to pass SB11 in order to take an important step toward reducing wildfire hazards across the state and ensuring that our residents are protected in the future. **The climate crisis is a health crisis.**

Sincerely,

The Climate Change and Health Working Group



Testimony Before the House Committees on Water & Land and Public Safety

By David Bissell

President and Chief Executive Officer

Kaua'i Island Utility Cooperative

4463 Pahe'e Street, Suite 1, Līhu'e, Hawai'i, 96766-2000

Tuesday, March 11, 2025; 9:00 am

Conference Room #411 & Videoconference

Senate Bill No. 11 SD2 - RELATING TO VEGETATION MANAGEMENT NEAR UTILITY LINES

To the Honorable Chairs Della Au Belatti and Mark J. Hashem, Vice Chairs Rachelle F. Lamosao and Kim Coco Iwamoto, and Members of the Committees:

Kaua'i Island Utility Cooperative (KIUC) is a not-for-profit utility providing electrical service to more than 34,000 commercial and residential members.

KIUC supports this measure as amended.

KIUC strongly agrees with the premise of this bill that a robust vegetation management program, particularly around electric utility infrastructure, can significantly reduce the risk of wildfire. Historically, KIUC budgeted roughly \$1.2 million a year for this work. In 2024, KIUC spent \$2.1 million on its vegetation management program. That figure is estimated to reach \$3 million in 2025.

Contracted vegetation management crews are responsible for trimming trees and vegetation around energized power lines, utility-owned fiber optic cables, utility poles, and regulators to obtain the minimum required clearance. Beginning in 2024, KIUC adopted a vegetation management plan which provides guidance for contract line clearance tree crews clearing and pruning trees year-round, aiming to re-clear the co-op's power line rights of way on each circuit systematically on a five-year cycle.

KIUC maintains over 970 miles of overhead right of way. This includes not only the maintenance of the hardware, conductors, and poles, but also trees and other vegetation that threaten to fall or grow into the powerlines. ROW maintenance is focused on providing recommended clearances between vegetation and conductors, and not on maintaining growth along the ground, below the powerlines, since grasses and bushes, and even short trees, are well outside of the required contact clearance area.

Requiring landowners to manage the growth of trees, grasses, and other vegetation, and provide a combustible-free space within ten feet from any utility line that crosses their property, will make a significant contribution to mitigating the risk of wildfire ignition around utility poles and lines.

KIUC also appreciates the intent of sections in the bill that would allow the utility to enter private or public property to trim or remove hazardous vegetation should the property owner fail to do so. While there may be circumstances where such hazards come to the attention of KIUC and action might be taken, we do not consider that this bill creates an obligation for KIUC to proactively search for, identify and remove hazardous vegetation from private or public property. We agree with amendments to the bill that provide exemptions from liability for utility companies in the performance and non-performance of vegetation management on private or public property.

Mahalo for your consideration.

Hawai'i State Legislature
House Committee on Water and Land
House Committee on Public Safety

March 10, 2025

Filed via electronic testimony submission system

RE: SB 11, SD2, Vegetation Management Program - NAMIC's Testimony – statement of opposition

Thank you for providing the National Association of Mutual Insurance Companies (NAMIC) an opportunity to submit written testimony to your committee for the March 11, 2025, public hearing. Unfortunately, I will not be able to attend the public hearing, because of a previously scheduled professional obligation.

The National Association of Mutual Insurance Companies consists of nearly 1,500 member companies, including seven of the top 10 property/casualty insurers in the United States. The association supports local and regional mutual insurance companies on main streets across America as well as many of the country's largest national insurers. NAMIC member companies write approximately \$391 billion in annual premiums and represent 68 percent of homeowners, 56 percent of automobile, and 31 percent of the business insurance.

NAMIC commends the bill sponsors for the desire to establish a clear vegetation management program for the state. We fully support public safety measures designed to reduce wildfire risk and programs that help facilitate wildfire risk mitigation. NAMIC believes that wildfire prevention and risk management is an activity that needs to be undertaken by individuals, communities, businesses and governmental agencies in a cooperative manner that encourages all to be vigorously engaged in this necessary and important public safety endeavor. Consequently, while some of the provisions in SB 11, SD2 provide a reasonable framework, we are gravely concerned with the majority of the provision, specifically those provisions which seem to shift the burden of vegetation management away from utility companies who have the knowledge, expertise, and skill to develop and implement an effective vegetation management plan. The average property owner does not possess the requisite knowledge to know what vegetation may create a hazard, how to minimize the hazard, or whether it is safe to do so.

NAMIC is expressly opposed to the following provisions in the proposed legislation, because they are inconsistent with the welfare of the citizens of the state and increase wildfire risk exposure for all:

(b) Unless otherwise stated in contractual documents:



(1) A utility company shall not be obligated to trim or remove trees and other vegetation located outside of the utility company's easements or outside of a public right of way;

*(2) Any private and public property owner shall be responsible for the maintenance of their property and shall manage the growth of trees, grasses, and other vegetation located thereon, either within or outside of a utility company's easements, to mitigate the risk of wildfire ignition on or adjacent to the private or public property owner's property;
[Emphasis Added]*

NAMIC does not understand the rationale for giving utility companies a “free pass” on being responsible for trimming or removing trees or vegetation that may cause or contribute to wildfire risk exposure, especially for vegetation *within* their easement where they may have utilities equipment prone to wildfire ignition. We appreciate the language in subsection (2) that requires private and public property owners to mitigate vegetation, but why is this NOT a coordinated effort and project that involved BOTH the private and public property owner and the electrical utility? When it comes to the electrical utilities’ equipment on an easement or public right of way, NO ONE has better knowledge and experience with risk mitigation involving contact between their electrical equipment and vegetation than the electrical utilities. NAMIC is concerned that this language disincentivizes electrical utilities from coordinating with and sharing their vegetation management expertise with private property and public property owners. Having legal liability “skin in the game” is always the best way to encourage proactive vigilance in risk mitigation management. Don’t the citizens of the State of Hawai’i deserve the best wildfire risk mitigation management practices?

NAMIC recommends that the above referenced provision in the bill should be amended so that interested stakeholders (personal property owner, public property owners and electrical utilities) ALL have a clear legal duty of care to be responsible for wildfire vegetation mitigation management. We suggest language similar to:

*(1) A utility company **shall** be obligated to trim or remove trees and other vegetation located **within and** outside of the utility company's easements or **within and** outside of a public right of way **that poses a known or reasonably foreseeable wildfire risk hazard**;*

*(2) Any private and public property owner shall be responsible for the maintenance of their property and shall manage the growth of trees, grasses, and other vegetation located thereon, **and coordinate vegetation mitigation management activities with the electrical utilities for property** within or outside of a utility company's easements **or public right of way**, to mitigate the risk of wildfire ignition on or adjacent to the private or public property owner's property; [Emphasis Added]*



NAMIC supports the provision in the bill that clearly enumerates the duties of homeowners to engage in reasonable wildfire risk mitigation activities and the State Fire Marshall's duty to inspect for compliance and issue citations for wildfire vegetation mitigation violations to homeowners. However, we believe that it is in the best interest of all citizens for the State Fire Marshall to also inspect for compliance and issue citation violations to electrical utility companies for them not doing their part to reduce wildfire risk exposure from vegetation.

Why should homeowners have a clear legal duty of care and utility companies be given *de-facto liability immunity via an expressed statutory statement that they do not have a legal duty of care* to address known or reasonably knowable liability exposure unless it is within their easement, and even if it is within their easement their duty of care is ambiguous at best and arguably excused or qualified by the expressed statement that the private or public property owner of the easement land or public right of way has the affirmative duty of care to mitigate vegetation risk?

NAMIC also suggests that the "may" language in several sections of the bill should be changed to "shall" so that utility companies have an affirmative legal duty of care to access private property to mitigate wildfire risk posed by "hazardous vegetation" to their utilities' equipment. For example, the following "may" should be amended to say "shall":

(e) During the months identified in subsection (c), a utility company may (shall) trim or remove hazardous vegetation on properties in high- and medium-risk fire areas identified pursuant to subsection (a); provided that in the utility company's reasonable commercial judgment, the hazardous vegetation poses a risk of falling into or interfering with the utility company's utility lines located on private property within or outside of the utility company's easement; provided further that the utility company may (shall) trim or remove hazardous vegetation located on public land within or outside of the public right of way. [Emphasis added]

NAMIC also suggests the following revisions to subsection (e):

If the private or public property owner: (1) Fails to respond to the utility company's notice of its intent to trim or remove hazardous vegetation located on their property; or (2) Does not abate the hazardous vegetation within thirty days after the notice mailing date, the utility company (shall) enter the property in question and trim or remove the hazardous vegetation at the private or public property owner's expense. [Emphasis added]

Further, NAMIC suggests the following amendment to subsection (f):

(f) If a utility company reasonably determines that hazardous vegetation poses an imminent risk of wildfire ignition and reasonably believes that the hazardous vegetation must be



trimmed or removed as soon as feasibly possible, the utility company (shall) enter private or public property after giving forty-eight hours' notice and (shall) trim or remove the hazardous vegetation... [Emphasis added]

NAMIC believes that it clearly in the best interest of public safety for electrical utilities to have an affirmative duty to address any “imminent risk of wildfire ignition”. This should not be optional as denoted by the current use of the term “may”.

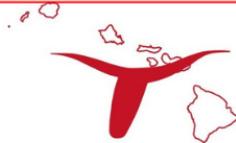
Wildfire risk, as evidenced by the 2023 tragedy in Maui, is a significant public safety concern that requires enhanced personal and professional attention and legal responsibility, something the utilities are in a unique position to provide. SB 11, SD2 should be amended to establish a clear duty of care and promote/require/facilitate greater wildfire risk mitigation and vegetation management.

NAMIC looks forward to working with the sponsors and leadership on the specifics of the proposed legislation as the bill is further evaluated throughout the legislative process.

Thank you for your time and consideration. Please feel free to contact me at 303.907.0587 or at crataj@namic.org, if you would like to discuss NAMIC’s written testimony.

Respectfully,

Christian John Rataj, Esq.
NAMIC Senior Regional Vice President
State Government Affairs, Western Region



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON WATER & LAND
Rep. Mark J. Hashem, Chair
Rep. Rachele F. Lamosao, Vice Chair

COMMITTEE ON PUBLIC SAFETY
Rep. Della Au Belatti, Chair
Rep. Kim Coco Iwamoto, Vice Chair

SB11 SD2

RELATING TO VEGETATION MANAGEMENT NEAR UTILITY LINES

Tuesday, March 11, 2025, 9:00AM
Conference Room 411 & Videoconference

Chairs Hashem & Belatti, Vice Chairs Lamosao & Iwamoto, and members of the committees,

The Hawaii Cattlemen's Council **offers comments on SB11 SD2** which requires the Department of Land and Natural Resources to create and annually update a wildfire hazard map, requires private and public property owners to trim grasses within certain proximities of public rights of way and utility lines, enforced by the State Fire Marshal as to State-owned land and the applicable county fire department as to privately owned land, and authorizes electric utility companies to enter private or public property to trim or remove hazardous vegetation.

While we appreciate the efforts towards wildfire prevention, we have concerns about the impacts on farmers, ranchers, and rural landowners. Well-managed grazing is a positive contribution to wildfire management, but this is not acknowledged in the bill, and in some drafts of this bill instead puts the onus on the rancher to keep lines clear, and removes liability from the utilities company. We also oppose allowing for access to land without landowner's permission. This is a matter of safety and security of both those seeking entrance, as well as the landowners and their operation.

We appreciate the opportunity to testify on this measure. The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county-level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director



**TESTIMONY OF EVAN OUE ON BEHALF OF THE HAWAII
ASSOCIATION FOR JUSTICE (HAJ) PROVIDING COMMENTS ON
SB 11**

Date: Tuesday, March 11, 2025

Time: 9:00 a.m.

My name is Evan Oue and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) providing comments on **SB 11, VEGETATION MANAGEMENT NEAR UTILITY LINES.**

HAJ appreciates the amendments from the previous eliminating immunity from liability for utility companies by removing sections (g) and (h). We respectfully recommend that the immunity from liability remain deleted from SB 11.

Immunity from liability is bad public policy and removes accountability for utility companies to ensure and maintain vegetation on their easements. Specifically, for SB 11 there is no justification to provide immunity for the utility company when trimming or maintaining an easement or vegetation around a utility pole. Liability immunity only benefits the utility company and allows them to negligently perform their duties at the cost to the property owner, who already is being forced to provide the utility company an easement in the first place.

Responsibility and liability for conducting maintenance in a reasonable way should fall on the utility company as the easement holder. Utility companies are better equipped with the resources, personnel, and expertise to manage vegetation around power lines and should be held accountable for its maintenance. The measure should be amended to reflect California's vegetation management laws (California Public Utilities Commission General Order 95, Rule 35) which put the responsibility for utility line vegetation maintenance squarely on the utility companies, requiring them to maintain specified clearances.

Thank you for allowing us to testify regarding this measure. Please feel free to contact us should you have any questions or desire additional information.



**Hawaiian
Electric**

**TESTIMONY BEFORE THE HOUSE COMMITTEES ON
WATER & LAND AND PUBLIC SAFETY**

**SB11, SD2
Relating to Vegetation Management Near Utility Lines**

Tuesday, March 11, 2025
9:00 AM
State Capitol, Conference Room 411

Wendy Oda
Manager, Land & Rights of Way
Hawaiian Electric

Dear Chairs Hashem and Belatti, Vice Chairs Lamosao and Iwamoto, and Members of the Committees,

My name is Wendy Oda and I am testifying on behalf of Hawaiian Electric in support of SB11, SD2, Relating to Vegetation Management Near Utility Lines, and offer amendments for the committees consideration.

Hawaiian Electric believes that SB11, SD2 is a good first step toward establishing a comprehensive statewide vegetation management program that will help reduce wildfire risks across the state. However, removing the proviso absolving a utility company's obligation to trim or remove trees and other vegetation located within the utility company's easements, is problematic as the company's existing easement rights do not provide authority for it to do so. Rather, the utility companies' existing easements allow these companies to manage vegetation that threatens its equipment, particularly utility lines and pole-situated equipment, and the trimming of grass and ground level vegetation generally falls outside of this right. Further, if a utility company is permitted or required to act outside of its normal vegetation management practices by

way of legislation, it should be exempt from any liability if such acts cause inadvertent property damage from the hazardous vegetation removal.

As such, we respectfully request that the following language be reinserted back into the SD2 on page 3, line 2:

(1) A utility company shall not be obligated to trim or remove trees and other vegetation located within the utility company's easements or within a public right of way.

Hawaiian Electric would also like to recommend that: (1) language allowing the utilities to enter public or private property to remove hazardous vegetation around power lines that poses an imminent wildfire risk, without notice to the landowner, and (2) language limiting liability against utility companies who perform, or who choose not to perform, vegetation management pursuant to the conditions set forth in the bill be inserted into the measure on page 7 after subsection (f) to read as follows:

(g) If a utility company trims or removes hazardous vegetation as provided in subsection (e), the utility company shall be exempt from any liability arising from the utility company's performance, either by itself or through others, of any work authorized under subsection (e), including but not limited to any damage to other vegetation or other property caused in whole or in part by the utility company's actions or omissions, acting by itself or through others.

(h) A utility company shall not be liable for any failure to determine the existence of hazardous vegetation on private or public property that is located within or outside of the utility company's easements or within or outside a public right of way. A utility company that does not trim or remove hazardous vegetation as provided in subsections (e) and (f) shall be exempt from any liability associated with the utility company's decision to refrain from doing so.

We strongly support the requirement of private and public property owners being responsible for managing vegetation located on their property, either within or outside of a utility company's easements. Nevertheless, authorizing a utility company to use its discretion to enter public and private properties to perform vegetation management within or outside of the utility company's easement, when a property owner will not, all without fear of liability, will support an effective vegetation management program and is in the public interest.

Additionally, currently there are not enough qualified line clearance tree trimmers in the State of Hawaii to effectively execute the proposed trimming to the extent of and at the frequency being proposed. However, we are confident that over time the workforce will be trained and ready to perform such work. Our utility workers execute some parts of the vegetation clearing under our normal vegetation management practices.

Thank you for this opportunity to testify in support and offering proposed amendments.



Testimony of **Lahaina Strong**
Before the House Committees on
Water and Land & Public Safety

In Consideration of Senate Bill No. 11 SD2
RELATING TO VEGETATION MANAGEMENT NEAR UTILITY LINES.

To Chair Hashem, Chair Belatti, Vice Chair Lamosao, Vice Chair Iwamoto and the honorable members of the committees,

We are writing on behalf of Lāhainā Strong, an organization deeply rooted in our community's resilience and advocacy. Originally formed in 2018 following the Hurricane Lane fire in Lahaina and revitalized after the devastating fires of August 8, 2023, Lahaina Strong has become the largest grassroots, Lahaina-based community organization, with over 35,000 supporters. Our mission is to amplify local voices and champion community-driven solutions, which are more critical than ever as we continue rebuilding and recovering.

Lāhainā Strong, stands in **support of Senate Bill 11 SD2** which establishes clear vegetation management responsibilities and ensures that all property owners-private and public-are held accountable for maintaining their land. Unfortunately, our community knows all too well the devastation wildfires bring. We have seen firsthand the consequences of unchecked hazardous vegetation, unclear responsibility, and weak enforcement. We cannot afford to let history repeat itself—here or anywhere in the state.

This bill provides necessary structure and enforcement. Wildfire risk is not just a theoretical concern; it is a life-threatening reality that demands immediate action. Private landowners must be required to clear hazardous vegetation, especially in high- and medium-risk fire zones. Too often, lands go unmanaged, overgrown with dry brush that turns into kindling in the wrong conditions. Without enforcement, this negligence continues to endanger surrounding communities.

Utility companies should not be forced to take on the burden of clearing vegetation outside of their easements or public rights of way, but they must have the right to remove hazardous vegetation when landowners fail to act. This bill ensures that when necessary, that work can be done at the landowner's expense—because inaction has consequences.

Public agencies also have a role to play in managing vegetation along roadsides and rights of way. Fires spread rapidly when brush and overgrowth are left unchecked along public lands. It is not enough to acknowledge the risk—we must act to mitigate it.

This bill is a step toward real wildfire prevention, but its effectiveness will depend on enforcement. Without clear penalties and strong follow-through, the same conditions that fueled the Lāhainā fire will persist. We urge the Legislature to **support Senate Bill 11 SD2** and to ensure that enforcement remains a priority. Lives, homes, and communities depend on it.

Mahalo for your time and leadership in addressing this urgent issue.

Sincerely,

Lāhainā Strong



Kamehameha Schools®

House Committee on Water and Land
House Committee on Public Safety

Time: 9 a.m.
Date: March 11, 2025
Where: Conference Room 411

TESTIMONY

By Kā'eo Duarte, Vice President, 'Āina Pauahi

RE: SB11, SD2 Relating to Vegetation Management Near Utility Lines.

Aloha e nā Luna Ho'omalū Hashem, Belatti, nā Hope Luna Ho'omalū Lamosao, Iwamoto a me nā Lālā o nā Kōmike.

Kamehameha Schools appreciates this opportunity to provide comments on SB11, SD2.

We support the efforts to reduce wildfire risks around utility lines, but we continue to be concerned with the impact this bill could have on the community.

We appreciate the purpose of this bill, however, no single group—whether families, farmers, nonprofits, businesses, or cultural stewards—should bear the full burden of fire mitigation for utility lines. The solution to mitigate risks around utility lines is a complex one and requires discussion among many parties. It should be guided by the Office of State Fire Marshal in partnership with county fire officials, the Public Utilities Commission, local stakeholders, and the community. Defensible space requirements and vegetation practices must also align with best practices and traditional Hawaiian land management approaches.

Founded in 1887 by the legacy of Princess Bernice Pauahi Bishop, Kamehameha Schools (KS) is a private, educational, charitable trust committed to improving the capability and well-being of Native Hawaiian people through education. KS envisions a thriving lāhui where learners, grounded in Christian and Hawaiian values, grow into 'ōiwi leaders who inspire and contribute to their communities, both locally and globally.



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

March 11, 2025

HEARING BEFORE THE
HOUSE COMMITTEE ON WATER & LAND
HOUSE COMMITTEE ON PUBLIC SAFETY

TESTIMONY ON SB 11, SD2
RELATING TO VEGETATION MANAGEMENT NEAR UTILITY LINES

Conference Room 411 & Videoconference
9:00 AM

Aloha Chairs Hashem and Belatti, Vice-Chairs Lamosao and Iwamoto, and Members of the Committees:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau provides comments on SB 11 SD2, which requires the Department of Land and Natural Resources to create and update a wildfire hazard map annually, mandates that private and public property owners trim vegetation within certain proximities of public rights of way and utility lines, and authorizes electric utility companies to enter private or public property to remove hazardous vegetation.

Hawai'i's farmers and ranchers recognize the devastating impact that wildfires can have on communities, natural resources, and agricultural lands. Proactive vegetation management is necessary to mitigate wildfire risks, but any such requirements must balance fire prevention with the realities of agricultural operations and land management challenges.

We appreciate the intent of this measure but have concerns about the potential burdens on farmers and ranchers. Many agricultural properties have extensive vegetation that may be costly and labor-intensive to maintain at the level required in this bill. Small-scale and family-owned farms may struggle to comply without financial assistance or technical support. We urge the Legislature to consider funding mechanisms such as cost-sharing programs or grants to help landowners meet these new requirements.

Additionally, SB 11, SD2, grants electric utility companies broad authority to enter private or public property to trim or remove vegetation deemed hazardous. We recommend clear guidelines to ensure that property owners are provided with adequate notice and an opportunity to address vegetation concerns before utility companies take action. It is also important to ensure that any vegetation removal does not disrupt agricultural operations or damage crops.

Another concern is the enforcement mechanism. The bill places enforcement responsibilities on the State Fire Marshal for state-owned lands and county fire departments for privately owned lands. Clarification is needed regarding how enforcement will be conducted, particularly in rural areas where compliance may be more difficult due to land size and limited resources.

To strengthen the effectiveness and fairness of this bill, we recommend:

- Establishing financial assistance programs to support compliance, particularly for farmers and ranchers who manage large land areas.
- Requiring clear notification procedures and property owner engagement before utility companies take vegetation management actions.
- Providing a phased implementation plan to allow landowners sufficient time to adjust and comply with new requirements.
- Ensuring that enforcement is conducted in a way that takes into account the challenges of maintaining large agricultural properties.

We appreciate the effort to address wildfire prevention through proactive vegetation management but urge the committee to consider the potential impacts on Hawai'i's agricultural community. Collaboration with stakeholders and additional support for landowners will be essential in implementing this measure effectively and equitably.

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

SB-11-SD-2

Submitted on: 3/10/2025 3:53:24 PM

Testimony for WAL on 3/11/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Kiefer	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of S.B. No. 11 – Relating to Vegetation Management Near Utility Lines

To: Chair and Members of the Committee,

I am writing to express my **strong support for Senate Bill 11**, relating to vegetation management near utility lines. This bill addresses an urgent need to reduce the risk of wildfires, particularly after the catastrophic events in Maui in August 2023.

The bill takes a proactive approach by establishing a comprehensive vegetation management program that focuses on utility lines within public rights of way and both public and private lands. It aims to mitigate the risk of wildfires igniting from hazardous vegetation near utility lines, which is crucial for safeguarding homes, businesses, and the health of Hawai'i's residents.

I am supportive of this bill because it ensures that property owners, both public and private, are responsible for maintaining their properties and managing vegetation that may pose a fire hazard. By clearly defining the responsibilities of property owners, the bill helps foster accountability, accountability in return helps to ensure that fire prevention measures are completed. Furthermore, the creation and annual updating of a wildfire hazard map by the Department of Land and Natural Resources will serve as a valuable resource for identifying high-risk areas, making sure they are recognized and adequately protected, and preparing for possible wildfire events.

This bill is an important step in protecting the health of the people of Hawai'i. Wildfires have many health implications, some of which are often overlooked. The effects of smoke from wildfires can cause respiratory irritation, reduced lung function, bronchitis, and exacerbation of asthma and heart failure. Furthermore, during the event of a wildfire, structures have the potential to burn and then fall onto important roadways, thus people are at risk of limited and restricted access to proper health care. This bill provides a way in which Hawai'i can mitigate

the risk of wildfires, as well as the protection of communities at risk, thus, preventing the health impacts of wildfires.

This bill overall provides a sensible and necessary response to the growing threat of wildfires in Hawai'i. By addressing the role of vegetation near utility lines in fire, this bill significantly enhances our ability to protect our communities, their health, their access to healthcare, as well as the well-being of the environment and property in Hawai'i.

I urge the committee to pass S.B. No. 11 in order to take an important step toward reducing wildfire hazards across the state and ensuring that our residents are better protected in the future. **The climate crisis is a health crisis.**

Thank you for considering my testimony in support of this important legislation.

Sincerely,

Elizabeth Kiefer MD MPH

SB-11-SD-2

Submitted on: 3/11/2025 6:32:55 AM

Testimony for WAL on 3/11/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Frank Schultz	Individual	Support	Written Testimony Only

Comments:

I support this initiative.