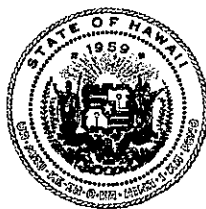


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committees on
ENERGY & ENVIRONMENTAL PROTECTION
and
WATER, LAND, & OCEAN RESOURCES**

**Thursday, March 15, 2012
9:45 A.M.**

State Capitol, Conference Room 325

**In consideration of
SENATE BILL 3003, SENATE DRAFT 1
RELATING TO GEOTHERMAL RESOURCES**

Senate Bill 3003, Senate Draft 1 proposes to differentiate between “geothermal resources exploration” and “geothermal resources development” for the purposes of mining leases and exploration permits; designates “geothermal resources exploration” and “geothermal resources development” as permitted uses in all state land use districts and conservation district zones; and repeals geothermal resource subzone provisions under state land use law. The Department of Land and Natural Resources (Department) strongly supports this measure.

The Department is tasked with the management of geothermal resources and its development to protect the health and safety of the public and to ensure continued viability of the resource. Geothermal resources development in Hawaii is a priority and has contributed to energy diversification in the State. Geothermal energy has proven to be a viable component to meet the State’s renewable energy goals which will reduce the dependence on imported fossil fuels.

The Department recommends the following revisions to the measure to provide clarification and completeness:

1. In PART II, SECTION 2. 1. (1), revise the description of non-invasive geothermal resources exploration activities to include geochemical, remote sensing, and other similar techniques, in addition to geophysical operations.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
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

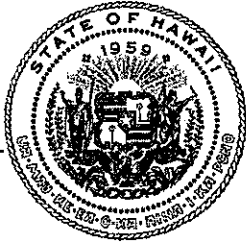
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

2. In PART III and PART IV, in all instances proposing revisions to allow geothermal resources exploration and geothermal resources development in all state land use districts and conservation district zones, revise the word “permitted” to read “permissible”.

The intent of the geothermal subzone designation law, enacted in 1983, was to balance geothermal development in the interest in preserving Hawaii’s unique social and natural environment and to situate geothermal development in areas of the lowest potential environmental impact. Note that at the time, geothermal development was an untested and fairly controversial initiative for Hawaii. However, for nearly 20 years, Hawaii’s only geothermal plant has proven to operate safely in producing clean and sustainable energy for the residents of the Big Island. Removing the geothermal subzone designation process does not eliminate the community’s voice in determining where geothermal production occurs. Multiple opportunities for public comment on any proposed geothermal project exist, including compliance with Chapters 343 and 344, Hawaii Revised Statutes, and in public hearings before the Board of Land and Natural Resources. Landowner rights would not be affected, as neither geothermal resources exploration nor geothermal resources development can take place without the permission and consent of the surface landowner. Eliminating geothermal subzone designation requirements would reduce a significant amount of time of the regulatory process and encourage developers who are ready and willing to help Hawaii meet its clean energy goals.

This measure will provide opportunities to increase clean renewable energy sources, stimulate job creation and assist the State in addressing current and future energy needs.

Thank you for the opportunity to comment.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

NEIL ABERCROMBIE
GOVERNOR

RICHARD C. LIM
DIRECTOR

MARY ALICE EVANS
DEPUTY DIRECTOR

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804
Web site: www.hawaii.gov/dbedt

Telephone: (808) 586-2355
Fax: (808) 586-2377

Statement of
RICHARD C. LIM
Director
Department of Business, Economic Development, and Tourism
before the
**HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
AND
COMMITTEE ON WATER, LAND & OCEAN RESOURCES**
Thursday, March 15, 2012
9:45 am
State Capitol, Conference Room 325

in consideration of

**SB 3003 SD1
RELATING TO GEOTHERMAL RESOURCES.**

Chairs Coffman and Chang; Vice Chairs Kawakami and Har; and Members of the
Committees.

The Department of Business, Economic Development, and Tourism (DBEDT) **supports**
SB 3003 SD1 and respectfully offers the attached definition of "Geothermal resources
exploration" to encompass commonly used non-invasive exploratory techniques.

As this is a geothermal issue, we defer to the appropriate agency for comment.

The removal of the geothermal subzone designation process could take years off the
present process regulating the exploration of geothermal resources without reducing protections
to landowners, the environment, or the general public. In addition, we support DLNR's pending
request to the Environmental Council to exempt certain geothermal exploration activities.

Thank you for the opportunity to offer these comments in support of SB 3003 SD1.

ATTACHMENT

We respectfully suggest that Section 2 be amended to read:

"Geothermal resources exploration" means either of the following:

- (1) Conducting non-invasive geophysical, geochemical, remote sensing, and similar operations; or
- (2) Drilling exploration wells for the extraction and removal of minerals of types and quantities that are reasonably required for testing and analysis to provide ground truth or determine the economic viability of geothermal resources. The term does not include "geothermal resources development".

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY
CONTROL
235 S BERETANIA ST. SUITE 702
HONOLULU, HAWAII 96813
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Email: oeqc@doh.hawaii.gov

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

SB3003, SD1, RELATING TO GEOTHERMAL RESOURCES

**Testimony of Gary Hooser
Office of Environmental Quality Control**

March 15, 2012

1 **Office's Position:** COMMENTS

2 **Fiscal Implications:** NONE

3 **Purpose and Justification:** The OEQC has no position on the existing content of SB3003, SD1
4 however remains concerned about ongoing efforts to subvert the Chapter 343 environmental
5 review process. The OEQC thus strongly encourages the committee to continue its support of
6 the existing process now underway in which the Chapter 343 exemption categories are evaluated
7 and implemented via the Environmental Council working in conjunction with the Agency. The
8 Environmental Council is working closely with the DLNR to this end, it is a public process and
9 not overly burdensome or time consuming.

10 Responsible decision making should be based on probable or expected impacts of
11 specific actions in specific set of circumstances rather than broad classes of "one size fits all"
12 actions that govern all situations regardless of circumstances.

1 Finally, existing law under Chapter 343 already allows for the easy exemption for those
2 projects which are minor in nature or for other reasons are expected to have no or negligible
3 impacts on the environment.

4 Thank you.



SB3003 SD1
RELATING TO GEOTHERMAL RESOURCES
House Committee on Energy & Environmental Protection
House Committee on Water, Land, & Ocean

March 15, 2012

9:45 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) **OPPOSES** SB3003 SD1, which would amend several chapters of current statute to allow greater geothermal resource exploration and development.

OHA appreciates the effort to streamline alternative energy exploration and believes that SB3003 SD1 addresses many former concerns about ensuring proper assessment of environmental impacts. However, the bill still undoes an entire area of law created to respond to the unique hazards created by geothermal exploration and development and to ensure opportunity for public comment in the affected communities.

Notably, this draft has removed the section exempting geothermal exploration from the Environmental Assessment and Environmental Impact Statement requirements of HRS § 343. Creating this exemption would have drilled a hole through layers of cultural and environmental protections established by this legislature over many years. DLNR is currently seeking an exemption from the environmental review process through the Environmental Council exemption process as indicated by the Environmental Notice of March 8, 2012. This agency is the proper authority to determine whether such a sweeping exemption is appropriate, as it has the expertise to carefully consider the cultural and environmental hazards inherent in exploration and development of varying degrees.

However, SB3003 SD1 also proposes repealing the subzone provisions in HRS § 205, which would completely controvert the intent of this legislature to assure that geothermal development would only occur “in areas of the lowest potential environmental impact.” Act 296, § 1, 1983 Haw. Sess. Laws 636. Moreover, it is unclear what protections will remain for the most fragile areas of the conservation district if geothermal resource exploration and development are labeled as permitted uses in all zones of the conservation district.

The full range of geothermal exploration and development environmental impacts remain yet unknown. It is unwise to experiment with risky technology in the

most sensitive of protected regions including fragile watershed areas and the habitats of threatened or endangered animal and plant species. Further, since geothermal exploration and development may result in emission of noxious gases and noise and ground surface disturbance, the geothermal resource subzone provisions currently in place provide a necessary additional layer of protection and procedural safeguards. These include a public hearing in the proposed affected community and an opportunity for contested case hearing.

Therefore, OHA urges the committee to HOLD SB3003 SD1. Mahalo for the opportunity to testify on this important measure.

The Pacific Resource
PARTNERSHIP



Testimony of C. Mike Kido
External Affairs
The Pacific Resource Partnership

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Representative Denny Coffman, Chair
Representative Derek S.K. Kawakami, Vice Chair

COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

Representative Jerry L. Chang, Chair
Representative Sharon E. Har, Vice Chair

SB 3003, SD1 – Relating to Geothermal Resources
Thursday, March 15, 2012
9:45 am
Conference Room 325

Aloha Chair Coffman, Chair Chang and Members of the Committees:

My name is C. Mike Kido, External Affairs of the Pacific Resource Partnership (PRP), a labor-management consortium representing over 240 signatory contractors and the Hawaii Regional Council of Carpenters, formerly the Hawaii Carpenters Union.

SB 3003, SD1 moves the state closer to its goal of energy independence by streamlining the geothermal exploration process in all the state land use districts and conservation district zones. Appropriate environmental reviews would be conducted should the explorations prove promising and an entity wishes to take the next step in geothermal resources development.

This measure will reduce the amount of time required to explore geothermal resources. Expediting the development of a firm source of renewable energy will benefit the public by reducing electricity rates throughout the State in the near future.

We respectfully ask for your **support** on SB 3003, SD1. Thank you for the opportunity to share our view with you.



Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.538.6616 hawaii.chapter@sierraclub.org

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION HOUSE COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

March 15, 2012, 9:45 A.M.
(Testimony is 2 pages long)

COMMENTING ON SB 3003 (SD1) WITH PROPOSED AMENDMENTS

Aloha Chairs Coffman and Chang, and Members of the Committee:

The Sierra Club, Hawai'i Chapter, with 10,000 dues paying members and supporters statewide, offers the following comments to SB 3003 (SD1). We appreciate that the SD1 of this measure removed the proposed exemptions from Hawaii's environmental review law, Chapter 343.

Trying to get around environmental review fails to learn the lesson of our past geothermal efforts. Projects run into problems when they attempt to reduce the amount of public engagement rather than building community consensus.

The eloquent mandate of Chapter 343 is simple: it requires agencies and developers to tell the truth. The intent of our environmental review law is quite clear—to ask tough questions and disclose impacts of actions using state land or money. The law requires that environmental, cultural, and socio-economic impacts are fully disclosed so that decision makers can make informed decisions about permitted activities.

Chapter 343 also gives the public a voice and an opportunity to be heard.

We further question whether geothermal exploration would be a “minor” use of land. From the reports received, exploration might require the clear cutting of approximately one acre of land to do staging for the drilling work. In addition, roads might need to be built to allow for the trucks to transport the large drilling bits to the exploration area (reportedly around 55 meters long). In sensitive, pristine forests this type of excavation plainly is not “minor.”

Moreover, there is a potential to contaminate the aquifer. To the extent that drilling penetrates drinking water resources, it is worthwhile to ensure the potential risks are examined and considered before approving the project.

Proposed Amendment:

It is ambiguous what a "permitted use" means. Does geothermal require a permit or is it allowed as a matter of right on all land? Could this language be construed in a fashion to evade chapter 182? Perhaps the word "authorized" is more appropriate. For example:

Notwithstanding this section or any other law to the contrary, geothermal resources exploration and geothermal resources development, as defined under section 182-1, [shall be permitted] may be authorized uses in all zones of the conservation district.

Mahalo for the opportunity to testify.



March 15, 2012

Honorable Rep. Denny Coffman, Chair
Honorable Derek S.K. Kawakami, Vice Chair
House Committee on Energy and Environmental Protection

Honorable Jerry L. Chang, Chair
Honorable Sharon E. Har, Vice Chair
House Committee on Water, Land and Ocean Resources

Re: Support of SB 3003 SD1 – Relating to Geothermal Resources
Conference Room 325– 9:45 A.M.

Dear Chairs Coffman and Chang, Vice Chairs Kawakami and Har, and Members of the Committees:

Since 2004, Ormat Technologies, Inc. has operated the Puna geothermal power plant which now boasts a current generating capacity of 38 MW. Puna Geothermal Venture has been in commercial operation since 1993. Most recently, Ormat completed the construction and is working towards declaration of commercial operation of an 8 MW expansion to provide even more clean, renewable energy to the residents and businesses of Hawaii County.

SB 3003 SD1 amends Chapters 182, 183C, 343 and 205 of the Hawaii Revised Statutes by including geothermal resources exploration and development as permitted uses within the various state land use districts; and, by removing the geothermal subzone designation process as a required step before such exploration and development may occur. Ormat would like to offer these comments in support of SB 3003 SD1:

Much of Hawaii contains undeveloped geothermal resources which have the potential for benefitting the State of Hawaii. In order to harness that potential, it is imperative that developers are able to conduct exploration and development efforts in a timely manner. Therefore, Ormat supports the proposed amendments in SB 3003 SD1 that will reduce current barriers to geothermal exploration and development and to streamline the current regulatory process. In Ormat's humble opinion, the suggested amendments would not diminish the protections afforded to landowners, the environment or the general public related to any activity that would result in development or the production of electricity, which would remain subject to the provisions of Chapter 343 on State or other lands for which the statute applies.

ORMAT TECHNOLOGIES, INC.

6225 Neil Road • Reno, NV 89511-1136 • Phone : (775) 356-9029 • Fax : (775) 356-9039
E-mail: ormat@ormat.com Web site: www.ormat.com



Keeping the goal of streamlining the regulatory process in mind, Ormat supports the portion of this bill which removes the geothermal subzone designation requirement. This step in the process is unnecessary, costly and time consuming. If a location has the potential for the production of renewable geothermal energy, the development of the site can be properly authorized through a permitting and review process which is not dependent upon prior subzone designation.

Thank you for the opportunity to provide our comments and for your consideration of our support for this proposed legislation.

Best Regards,

Paul A. Thomsen
Director
Ormat Technologies, Inc.

Re: S.B. 3003, SD 1

Committee: Committee on Energy & Environmental Protection
Committee on Water, Land, and Ocean Resources

Hearing Date: March 15, 2012

Time: 9:45 am

Room: Conference Room 325

Number of copies needed:

Dear Honorable Representatives Coffman & Chang, Chairs; Honorable Representatives Kawakami & Har, Vice Chairs; and Members of the Committees:

My name is Diane Brucato-Thomas, RDH, EF, BS, FAADH, a Puna landowner since 1986 and resident since 1991. This testimony is **in opposition of S.B. 3003, SD1**, which would differentiate between geothermal exploration and development and repeals geothermal subzone provision under state law.

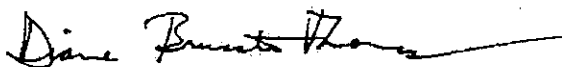
The passing of this bill would:

- 1) facilitate the exploration and development of geothermal in Puna, a rapidly growing residential zone with no regard for residents' right to quiet, dark, and safety, especially considering there are no measures in place for emergency evacuation;
- 2) decrease property values for residents
- 3) interfere with ecotourism of the unique environment of Puna
- 4) potentially interfere with the business of interstellar exploration by telescopes at observatories due to extremely bright lights;
- 5) by not requiring Environmental Assessment or Environmental Impact Statement, there is a great potential for take of Endangered Newell Shearwater known to nest at Puulena Crater, due to:
 - a. Extremely bright lights, which confuse fledglings that navigate by the moon to find the sea
 - b. Overhead high power lines, which interfere with birds' flight patterns.

At this time, the existing geothermal plant has yet to comply with original permits to screen lights so as not to interfere with Puulena Crater. Norma Creps of DLNR has stated that such protective shading is definitely possible, while still maintaining safety for workers, helicopters, and planes.

Please see documentation below, which includes biological survey statement and area map. I urge you to vote "no" on this proposed legislation. Thank you for your consideration.

Sincerely,



Diane Brucato-Thomas, RDH, EF, BS, FAADH



United States Department of the Interior
NATIONAL BIOLOGICAL SERVICE

Hawaii Field Station
P.O. Box 44
Hawaii National Park, HI 96718
Phone: (808) 967-7396 FAX: (808) 967-8568

August 5, 1996

Dear Diane Thomas:

In response to your request for information on the status of specific species that occur at Puulena Crater and the habitat requirements of these species, please refer to the table below.

Table 1. Federally listed birds and bat found at Puulena Crater, Hawaii.

Common name	Species	Regulatory Status ¹
Hawaiian owl, Pueo	<i>Asio flammeus sandwicensis</i>	Not listed, HE on Oahu only
Hawaiian hawk, I'o	<i>Buteo solitarius</i>	FE, HE
Seabirds		
Newell's shearwater, A'o	<i>Puffinus puffinus newelli</i>	MB, FT, HE
Bat		
Hawaiian hoary bat, Ope'ape'a	<i>Lasurus cinereus semotus</i>	FE, HE

¹Regulatory status of each species protected by the U.S. Migratory Bird and Endangered Species Acts. FE = Federally Endangered, FT = Federally Threatened, HE = State of Hawaii Endangered, MB = Migratory Bird

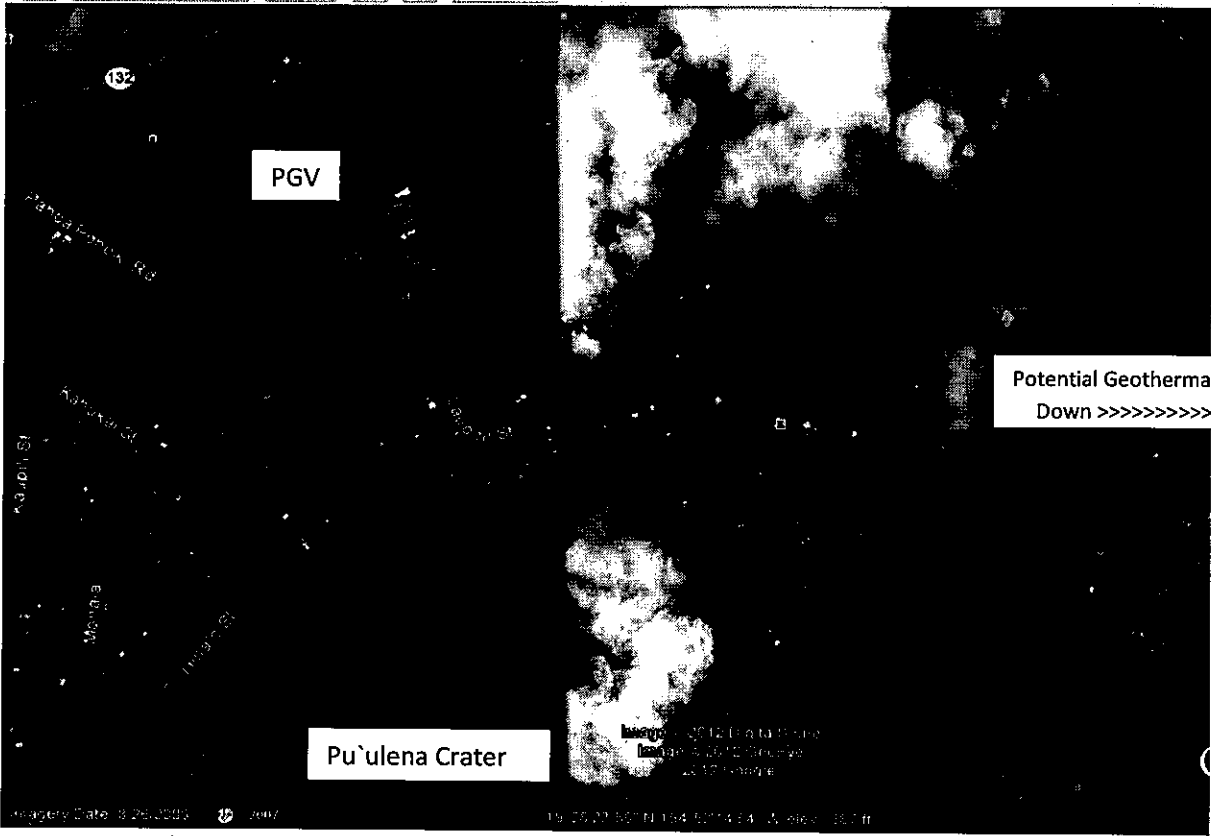
In 1993 and 1994 we confirmed the presence of Hawaiian hoary bat, Newell's shearwater, Hawaiian hawk in Puna at Puulena Crater. Newell's shearwater and the Hawaiian Hawk use Puulena Crater for breeding. The Hawaiian Hawk is dependent on nesting trees around the crater, and the Newell's Shearwater is dependent on the uluhe fern (*Dicranopteris linearis*) and ohia trees (*Metrosideros polymorpha*). The thick barrier of uluhe fern surrounding the crater provides some protection against predators as well as nesting habitat.

Puulena Crater is an important natural resource. It is the largest of only three nesting areas known in Puna for the Newell's Shearwater. It is also a unique area in that it supports two species of Hawaiian Honeycreepers (Apapane and Amakihi) at the lowest known elevation. The native vegetation surrounding the crater is important to the survival of the native Hawaiian wildlife that has been extirpated throughout much of lower Puna.

Thank you in your interest in the conservation of the unique wildlife found at Puulena Crater.

Sincerely,

Michelle Reynolds
Wildlife Biologist



132

PGV

Potential Geothermal Drilling Sites
Down >>>>>>>>>Pohoiki Rd.

Pu'ulena Crater

Mapbox © 2012
© 2012 GeoEye
© 2012 Mapbox
© 2012 GeoEye

Imagery Date: 8/26/2009



© 2009

19 26 31 50 N 154 50 14 34 W elev: 18.7 ft

I am writing to express my strong opposition to SB3003 regarding geothermal exploration and development. By exempting geothermal exploration from current public hearing and environmental laws, this bill would open the door to unforeseen negative impacts on the people, land, fauna and communities where the geothermal exploration would take place.

As the members of my community in Puna have learned, geothermal exploration and development are not benign for those who live and work close to these activities. We are concerned about the negative impacts of geothermal exploration to our health, to the air and water table as well as the noise and light pollution. By excluding the local community from hearings and exempting geothermal exploration from environmental impact assessments, this bill would send a message to local communities throughout the state that those communities and the environment are not as important as speeding geothermal development. The irony is that, instead of speeding the development of the geothermal resource, this bill would slow down the process by galvanizing resistance to all geothermal development by local communities and undermining trust in the legal and legislative process.

Last night I attended Mayor Billy Kenoi's community meeting in Pahoehoe. I can tell you that, based upon the comments and emotions expressed at that meeting, efforts such as this bill to bypass the current environmental protections are adding to the distrust and resistance to geothermal development in our community.

For these reasons I respectfully request that this SB3003 not be made into law. By stopping this bill, you will be sending a strong message that the people, land and environment are as important as energy development and that we can all work together to meet the State of Hawaii's energy challenges.

Thank you for the opportunity to express my opposition to this bill.

Sincerely,

Paul Kuykendall

kawakami1 - Marissa

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 12:06 AM
To: EEPtestimony
Cc: SUZANNEWAKELIN@YAHOO.COM
Subject: Testimony for SB3003 on 3/15/2012 9:45:00 AM

Testimony for EEP/WLO 3/15/2012 9:45:00 AM SB3003

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: SUZANNE WAKELIN
Organization: Individual
E-mail: SUZANNEWAKELIN@YAHOO.COM
Submitted on: 3/14/2012

Comments:

While I appreciate the need for Hawai'i to address energy independence, I have serious concerns about SB 3003 and the proponents desire to place blanket exemptions for geothermal energy exploration and development.

Often geothermal power is portrayed as a benign and renewable source of "clean" energy. However there is significant data that shows that there are numerous health and environmental risks associated with it, including serious risks to the neighboring community and environment from uncontrolled poisonous gas releases and toxic contamination of the water table as well as unpredictable effects on the geology. These health and environmental problems have been well documented in areas in which geothermal power is in use such as Iceland and the Philippines and closer to home in Hawai'i Puna District where geothermal power is presently in operation. Development of geothermal resources must address these issues in order to be viable energy alternative.

SB 30003 appears to have no requirement for geothermal "exploration" to address adverse health, environmental or socioeconomic effects on residents or surrounding property. However, the actual manner of "explorations" is not explicit. Within the industry, it is understood that "exploration" can include (and is not limited to): a combination of geological, geochemical, and geophysical surveys.

Geophysical surveys can include:

1. Seismic-imaging surveys using explosive charges or man-made vibrations to direct waves into the subsurface at the location of a suspected geothermal resource
2. Thermal gradient holes (TGH), usually drilled before drilling a deeper exploration hole ("slim hole"), which are then followed by drilling a full-scale production well

The drilling of the first production well at a geothermal resource is widely considered to still be an exploration phase activity. A prospect is usually not considered as being in the drilling phase until after at least one production well has been drilled successfully.

These statements are quoted from a 2009 paper "Research and Development in Geothermal Exploration and Drilling" authored by Dan Dennejohn at GEOTHERMAL ENERGY ASSOCIATION http://www.novoco.com/energy/resource_files/reports/geo_rd_1209.pdf

I oppose SB 3003 because it allows the above development and implementation to occur under the guise of "exploration" without the necessary safeguards of environmental assessment and community consultation.

kawakami1 - Marissa

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 1:37 AM
To: EEPtestimony
Cc: OccupyHiloMedia@yahoo.com
Subject: Testimony for SB3003 on 3/15/2012 9:45:00 AM

Testimony for EEP/WLO 3/15/2012 9:45:00 AM SB3003

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Kerri Marks
Organization: Individual
E-mail: OccupyHiloMedia@yahoo.com
Submitted on: 3/14/2012

Comments:

I oppose SB3003. Environmental studies should be done BEFORE geothermal drilling, exploratory or developmental. Test drilling is not a small kine thing. It's noisy, dirty, and unsafe. Land has already been leased for these investigatory purposes in the Puna district. Do not fast track the Big Island and Maui into an industrial wasteland of lights, noise and chemical and physical dangers. Do the right thing, and consider the people and the environment that will be forever affected before you drill for money.

kawakami1 - Marissa

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 9:42 PM
To: EEPtestimony
Cc: saralegal@live.com
Subject: Testimony for SB3003 on 3/15/2012 9:45:00 AM

Testimony for EEP/WLO 3/15/2012 9:45:00 AM SB3003

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Sara Steiner
Organization: Individual
E-mail: saralegal@live.com
Submitted on: 3/13/2012

Comments:

Aloha Legislators,

I am asking you to vote no on this terrible bill which would turn our islands into toxic geothermal waste sites. Please read the geothermal working group's findings in Iceland, and how that country is ruined because of it. We need actual sustainable power like wind, water and sun, not stinky, toxic, fracking, monstrosities which pollute our groundwater, air and make noise 24 hours a day, and lights which can be seen all the way in Hilo from Puna 35 miles away...

Geothermal is not renewable, the wells collapse all the time, and new wells are constantly being drilled, super toxic chemicals are being injected with the waste brine, and they are spreading out through the lava tube system and coming up all over the place.

Geothermal is just another way to line Helco's pockets with profits, while the people are taxed. You think you are getting royalties? That is the tax payer, rate payer's money every month getting shared around by the State, County and OHA, you are taking from the poor and giving to the rich...

Thank you for your concern in this matter.

kawakami1 - Marissa

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 9:20 PM
To: EEPtestimony
Cc: nimo1767@gmail.com
Subject: Testimony for SB3003 on 3/15/2012 9:45:00 AM

Testimony for EEP/WLO 3/15/2012 9:45:00 AM SB3003

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Robert Petricci
Organization: Individual
E-mail: nimo1767@gmail.com
Submitted on: 3/13/2012

Comments:

Conservation zone are suppose to be to protect those areas from damage, this bill is a blatant attempt to get around a proper permuting process necessary to insure these areas are in fact protected. What kind of message is the state sending in allowing drill rigs to go into these areas.

This change in the laws protecting the aina are ill conceived and misguided in my opinion giving geothermal drilling companies free reign to decimate any area they like with no public input or over site. How can geothermal be represented as a green and environmentally friendly alternative when they are free to go anywhere in conservation or state lands without the protections that were intended for these lands. I strongly object to this, the community in Puna is only now recognizing the scale of these projects and the damage and negative impact they present. The community is going to resist this leading to protest and mass arrest in my opinion as we saw once before 20 years ago. There are many times more people living in the area now than there was before. In other areas these developments are not put in the middle of large preexisting residential communities. Now they want to go into conservation districts and eliminate EIS and public scrutiny. That is a mistake that will end up cost everyone dearly. If these projects can stand on their merits they should not need special laws to exempt them from the hard won protections we have. Please kill this bill for the good of the people in the area and the health of our shrinking pristine areas.

Thank you for your consideration
Robert Petricci
13-430 Pohoiki rd
Pahoa, Hi. 96778

March 13, 2012

House Committee on Energy & Environmental Protection
House Committee on Water, Land, & Ocean Resources

Re: SB 3003 SD1 Relating to Geothermal Resources

Dear Committee Members,

The proposed legislation would amend existing law to allow geothermal resources exploration and geothermal resources development in all state land use districts and all conservation district zones and repeal the geothermal resource subzone provisions.

This legislation contributes to the appearance that a renewed push to develop geothermal energy has built momentum out of the public view and now the snowball is rolling fast, hoping to make a political avalanche to push projects through despite community concerns and opposition.

While geothermal is again being mistakenly touted as a safe, clean, renewable source of energy, the history of geothermal development in Hawai'i shows that it is not. It produces toxic gas, it requires industrial sites that pollute and blight their neighborhoods and the wells used for energy production deplete the resource while wells used for reinjection can induce seismicity.

The Senate Committees on Ways and Means and Commerce and Consumer Protection reported on SB 3003 (SCR 2618) saying, "[g]eothermal energy is a firm source of indigenous, renewable energy..." If that belief is wrong, it could prove to be a terribly expensive error in view of these accelerating efforts to go whole hog on geothermal.

Only the volcano is indigenous. The pipes, liners, chemicals and other materials and supplies used by the existing geothermal plant in Puna are shipped to Hawai'i in large quantities – those plant parts and supplies are not indigenous. If transportation to Hawai'i became impeded or disrupted, that could make it difficult to operate the plant. The energy is not indigenous.

The geothermal plant in Puna has had to continually repair corroded equipment and drill new wells because Hawai'i's geothermal resource is harsh and it depletes, well by well, much more quickly than was anticipated. In other words, it is not renewable.

The uncontrolled blowouts that have occurred at the Puna geothermal plant, requiring emergency evacuation of large numbers of surrounding residents, illustrate dramatically how geothermal is both unsafe and unclean.

In August of 2007, Sen. Daniel K. Inouye said he initially supported geothermal development in Woa Kele o Puna in the 1980s, but realized he had made a "bad mistake" and told the crowd "I hope all of you will forgive me" for his earlier support for geothermal drilling on the site. Now this legislation ignores whatever lesson was learned by Sen. Inouye and says drill anywhere.

I can think of no reason why there should be such haste and stealth in greasing the skids for this new round of proposed geothermal development. These efforts make sense only to benefit the supposed economic and political interests of those wishing to expand geothermal development, and that is not a legitimate reason for doing so.

Before opening up all state lands for geothermal development, you should look with much more care at the idea itself and reevaluate the policy that supposes in error the factors that favor it.

Aloha,

A handwritten signature in black ink that reads "Bill Smith". The signature is written in a cursive, slightly slanted style.

Bill Smith
bill@puna.us

kawakami1 - Marissa

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 10:34 AM
To: EEPtestimony
Cc: murry@hawaii.edu
Subject: Testimony for SB3003 on 3/15/2012 9:45:00 AM

Testimony for EEP/WLO 3/15/2012 9:45:00 AM SB3003

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Carol Murry
Organization: Individual
E-mail: murry@hawaii.edu
Submitted on: 3/14/2012

Comments:

This legislation will erode decades of environmental protections, creating a lack of oversight which could devastate our environmental and cultural resources and potentially lead to severe economic damage through uninformed planning decisions. This is indeed a sad day for our public, and it brings shame to our Legislature.

kawakami1 - Marissa

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 11:33 PM
To: EEPtestimony
Cc: lance.duncan@live.com
Subject: Testimony for SB3003 on 3/15/2012 9:45:00 AM

Testimony for EEP/WLO 3/15/2012 9:45:00 AM SB3003

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Lance Duncan
Organization: Individual
E-mail: lance.duncan@live.com
Submitted on: 3/13/2012

Comments:

I respectfully request you table any further motion on SB3003.

While it does appear that SB3003 attempts to strengthen proper assessment of environmental impacts, the bill is has an overall worse impact that leaving current legislation in place. This bill repeals legal provisions created to address and minimize the unique hazards created by geothermal exploration and development in our unique and fragile environment, and to ensure democratic processes by allowing opportunity for public comment. This is especially important to be heard from the communities affected by exploration or development.

This legislation appears to repeal the requirements for geothermal exploration and development from the current Environmental Assessment and Environmental Impact Statement provisions of HR5 §343. It is through environmental impact assessments and environmental impact statements that we develop an understanding of the cultural, economic, environmental, and community impacts of any proposed project. Such an approach is in essence government acting to ensure proposed developments are good and responsible neighbors to their citizens.

5B3003 SD1 also repeals the subzone provisions in HR5 §205, which would completely undermine the legislative intent of ensuring that any geothermal development would only occur "in areas of the lowest potential environmental impact." Act 296, §1, 1983 Haw. 5ess. laws 636. As much of proposed development in the Puna district is in the last fragile and pristine tropical rainforest, it is unclear how (without these provisions) adequate protection of this priceless environmental and cultural resource will be preserved and protected, especially for the most fragile and irreplaceable areas of the conservation district should geothermal resource exploration and development become permitted uses in all zones of the conservation district. It is part of our generation's and our government's kuleana to preserve both the heritage and environmental resources for the future, not to do the converse -- offer them for sale, lease, or development to the most attractive bidder. As this bill is written, the full range of geothermal exploration, development, and potentially destructive environmental impacts remain unknown, but can be predicted to be less than ideal.

It also seems very unwise to experiment with expensive and risky technology in the most sensitive of protected regions, and to invest heavily at what amounts to taxpayer underwritten expense in areas subject to damaging earth movements and lava intrusions, as well as to damage fragile watershed areas and the habitats of threatened or endangered animal and plant species.

Since geothermal exploration and development in Hawaii already has a documented history of exposing the population and environment to emissions of noxious gases, noise, vibration, nighttime illumination, and ground surface disturbance, the geothermal resource subzone provisions currently in place provide a necessary additional layer of protection and procedural safeguards.

These include a public hearing in the proposed affected community and an opportunity for contested case hearing. Residents in the affected communities are making it quite clear they want their perspectives heard in any development or exploration proposal.

Therefore, this bill should be tabled and existing procedural safeguards for the community and environment left intact.

Respectfully,

Lance Duncan
Pahoa, HI

kawakami1 - Marissa

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 12:21 PM
To: EEPtestimony
Cc: ja@malu-aina.org
Subject: Testimony for SB3003 on 3/15/2012 9:45:00 AM

Testimony for EEP/WLO 3/15/2012 9:45:00 AM SB3003

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Jim Albertini
Organization: Malu 'Aina
E-mail: ja@malu-aina.org
Submitted on: 3/14/2012

Comments:

Liability issue: Years back (approx 20 years ago) at PGV it was disclosed that a major earthquake could shear off the wells requiring a 4 mile radius (8 mile diameter PERMANENT EVACUATION ZONE around the plant and drill sites due to uncontrolled venting. The real estate value then would have been hundreds of millions of dollars and PGV's insurance policy as I recall was \$20 million. Why would government (county and state) allow an entity to operate and not require bonding for the potential damage that could be caused. (FUKUSHIMA IS ANOTHER EXAMPLE). Today, the more dispersed the drill sites the greater the area of possible liability. This is just one example that needs to be looked at carefully. For me, the bottom line in Hawaii is that geothermal views Pele as a commodity and disregards the sacredness of Hawaiian religious beliefs. Drilling for profit becomes the main focus which tramples and desecrates the sacred. Geothermal energy development violates the sacredness of Hawaiian religious values and I want no part of that. Respect Pele. Let Pele be!