

**lowen2-Anosh**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 08, 2013 6:52 PM  
**To:** waltestimony  
**Cc:** pamelapcm@gmail.com  
**Subject:** \*Submitted testimony for HB106 on Feb 11, 2013 08:30AM\*

**HB106**

Submitted on: 2/8/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pamela Williams	Individual	Support	No

Comments:

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**Sent:** Saturday, February 09, 2013 3:20 AM  
**To:** waltestimony  
**Cc:** j.lilinoe@gmail.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

**HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Josephine Keliipio	Individual	Support	No

Comments: I support HB 106, please pass it ASAP. Mahalo.

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**Sent:** Saturday, February 09, 2013 6:27 AM  
**To:** waltestimony  
**Cc:** gjlast@gmail.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

### **HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Geoffrey Last	Individual	Support	No

Comments: What i think needs to happen is rep and senators need to be educated by the community of Puna and how Geothermal has effected impacted and divided our community over the years How there are different kinds of geothermal resources and we do not have the clean one How a industry PGV is allowed to self regulate through the guise of the state How emission monitors at PGV are set at 10-12ft and H2S is heavier then air and hugs the ground How for 30 years the community has asked for a fair and unbiased health study and never received it How there is 60,000 gals of isopentane 2000 feet from a residential community HOW THIS ALL GOT STARTED JUST DOING EXPLORATORY WELLS. How the price of solar is going down and HECO realizes their sanctioned monopoly their day in the sun is over How people from outside the community of PUNA are making all the decisions about what happens in Puna How we are never consulted how we feel like collateral damage. Our community has been called a speed bump by the administration, in its zeal for geothermal AND NOW THE FINAL INSULT THE COMPLETE TAKING AWAY OF DEMOCRACY. ACT 97 MUST GO COMPLETELY I could send you a folder with this information in it if you would like. Geoff Last On Feb 8, 20

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 09, 2013 6:45 AM  
**To:** waltestimony  
**Cc:** nschomer@msn.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

**HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nadia Ranne	Individual	Support	No

Comments: Please repeal Act 97. This is a critical issue. It needs to be repealed. It cannot be corrected or fixed, just repealed. Mahalo!

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**Sent:** Saturday, February 09, 2013 7:15 AM  
**To:** waltestimony  
**Cc:** Kumukahi77@gmail.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

**HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dea Rackley	Individual	Support	No

Comments: Description: Repeals Act 97, SLH 2012, relating to geothermal resources which differentiates between "geothermal resources exploration" and "geothermal resources development". Designates "geothermal resources exploration" and "geothermal resources development" as permissible uses in all state land use districts and certain conservation district zones in accordance with chapter 205, HRS. Enacts geothermal resource subzones, designation of areas as geothermal resources subzones, and exploratory wells, which were repealed by Act 97. Effective July 1, 2025. (HB106 HD1) Companion:

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**Sent:** Saturday, February 09, 2013 7:22 AM  
**To:** waltestimony  
**Cc:** Jennifj52@gmail.com  
**Subject:** \*Submitted testimony for HB106 on Feb 11, 2013 08:30AM\*

**HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Jackson	Individual	Support	No

Comments:

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**To:** waltestimony  
**Cc:** lovebutt2518@gmail.com  
**Subject:** \*Submitted testimony for HB106 on Feb 11, 2013 08:30AM\*

**HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rhea Davis	Individual	Support	No

Comments:

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**Sent:** Saturday, February 09, 2013 7:31 AM  
**To:** waltestimony  
**Cc:** joseph.jackson56@gmail.com  
**Subject:** \*Submitted testimony for HB106 on Feb 11, 2013 08:30AM\*

**HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph jackson	Individual	Support	No

Comments:

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**Sent:** Saturday, February 09, 2013 11:20 AM  
**To:** waltestimony  
**Cc:** bisaki@hawaii.edu  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

### **HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bianca Isaki	Individual	Support	No

Comments: I find it very difficult to understand that Act 97 of 2012 passed with no mention and no concern about very important factors. These factors were those of concerns of environment, of people, of hazards, of people's input, and of land use planning. The only purpose mentioned in this sweeping Act was to expedite the geothermal process by the removal of layers of government regulation. Surely the priority of culture, health, environmental concerns, and spiritual care must be of importance and not be completely ignored for the sake of expediting the development of geothermal. This is on the hope that government will be fair and do what is right by law and sense of what is right. This Act 97 cannot be fixed. HB 106 properly provides for its repeal.

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Chris Yuen  
P.O. Box 5  
Ninole, HI 96773

February 9, 2013

Testimony re HB106HD1

Dear Committee Chair Evans and Members of the House Water and Land Committee:

The Legislature should amend HB106HD1 before passage. This bill, in its current form, would basically repeal Act 97, SLH 2012. When Act 97 was being heard in 2012, I submitted testimony opposing it because it took away the geothermal resource permit process, which had been the means for local county planning authorities to have a say on geothermal development.

HB106HD1 properly restores the geothermal resource permit process. But it also restores the requirement that geothermal development can take place only in an area that has been designated by the Board of Land and Natural Resources as a “geothermal resource subzone”. This creates a time-consuming step to geothermal development. As long as actual development can’t occur until there is a local public hearing and decision on the geothermal resource permit, this subzone designation process isn’t necessary.

The subzone designation process may also create unnecessary conflict. The proposed subzone will probably cover a fairly large area—this is what has happened before. People in or near the area will naturally envision a worst-case scenario when the subzone is proposed. But the actual project may later be located in a small portion of the subzone that isn’t controversial. It’s better to have the debate at a point where there is a specific proposal—the geothermal resource permit.

And while much of the objection to geothermal development has been centered in Puna, restoring the subzone process actually makes it easier to develop geothermal energy in Puna than other regions of the state, because there are already two geothermal subzones in Puna.

We should support geothermal development, with reasonable safeguards such as the geothermal resource permit. All forms of energy production have some negative environmental impacts. In the case of fossil fuels, we in Hawai’i get to impose the direct effects of drilling and mining on people who live somewhere else, but we will all suffer the effects of climate change.

Two other bills, HB380 and SB441, restore the geothermal resource permit without adding the unnecessary step of the subzone designation. HB106HD1 should be amended to follow one of those bills.

Yours truly,

Chris Yuen



*The Judiciary, State of Hawaii*

**Testimony to the House Committee on Water and Land**

Representative Cindy Evans, Chair  
Representative Nicole E. Lowen, Vice Chair

Monday, February 11, 2013, 8:30 a.m.  
State Capitol, Conference Room 325

by  
Elizabeth Kent  
Director  
Center for Alternative Dispute Resolution

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** House Bill No. 106, H.D. 1, Relating to Geothermal Resources.

**Purpose:** Repeals Act 97, SLH 2012, relating to geothermal resources which differentiates between "geothermal resources exploration" and "geothermal resources development." Designates "geothermal resources exploration" and "geothermal resources development" as permissible uses in all state land use districts and certain conservation district zones in accordance with chapter 205, HRS. Enacts geothermal resource subzones, designation of areas as geothermal resources subzones, and exploratory wells, which were repealed by Act 97. Effective July 1, 2025.

**Judiciary's Position:**

The Judiciary takes no position on the merits of this bill. However, one of the main focuses of the Center for Alternative Dispute Resolution is mediation, and in the past we have been told it is useful when we provide technical advice. This testimony relates only to the sections of the bill referring to mediation.

On pages 5 (lines 7 - 10) and 7 (lines 7 - 10), the mediator is required to "submit a written recommendation to the county authority . . .". Additionally, page 10 (lines 5 - 6) also refers to written recommendations to be submitted by the mediator. Generally mediators do not submit recommendations because mediators do not make decisions for the parties. In fact, providing recommendations is prohibited under the Uniform Mediation Act (UMA)(unless agreed to in



House Bill No. 106, H.D. 1, Relating to Geothermal Resources  
House Committee on Water and Land  
Monday, February 11, 2013  
Page 2

writing by the parties), which has been introduced via Senate Bill No. 966 and House Bill No. 418. Should either of these bills be signed in to law and the UMA adopted, provisions included in House Bill No. 106, H.D. 1, and the UMA will be in contravention of each other. The Judiciary notes that Senate Bill No. 966 passed out unamended from the Senate Committee on Judiciary and Labor on February 8, 2013.

There are at least two ways to address this. One is to delete the above-mentioned sentences on pages 5, 7 and 10. The other is to call the process "dispute resolution" instead of "mediation." This second approach was used in Act 48, SLH 2011 (mortgage foreclosure dispute resolution).

Thank you for the opportunity to testify on House Bill No. 106, H. D. 1.

## lowen2-Anosh

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**From:** Jahnava Baldassarre [g\_baldassarre@hotmail.com]  
**Sent:** Saturday, February 09, 2013 11:23 AM  
**To:** waltestimony  
**Subject:** HB106

Aloha,

Please vote to repeal Act 97. I do not think geothermal exploration and geothermal development can be separated. Along with doing away with "home rule" and subzones, this opens up drilling anywhere a company chooses to drill. That is not acceptable, that is not pono. We must remember where we live, and our obligation to protect and preserve this majestically beautiful land.

Sincerely,

Geraldine/Jahnava Bladassarre  
12-4295 Kapiolani St  
Pahoa

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 09, 2013 11:50 AM  
**To:** waltestimony  
**Cc:** nimo1767@gmail.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

### HB106

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Petricci	Puna Pono Alliance	Support	No

Comments: Feb 11, 2013 8:30 AM RE: HB106 WAL Strong Support Aloha Rep. Evans and Committee Members: My name is Robert Petricci, I am testifying for Puna Pono Alliance in support of HB106. Many of the people that live in Puna near the PGV power plant no longer trust the government to protect us. That belief is based in governments failure in it's responsibility to protect our community from great harm caused us by both the states HGP- A geothermal plant and the commercial PGV geothermal plant. The geothermal permitting process to date has failed to protect the environment or surrounding communities. Resulting in the fierce opposition to geothermal development in the communities surrounding the power plant you see today. Act 97 instead of instituting badly needed permitting and regulatory oversight, makes fast tracking geothermal the priority as outlined in the senate report. An already injured and disillusioned community is completely ignored in the report, without so much as a mention or any concern voiced for their welfare. Instead looking at our concerns as a road block to fast tracking an industry that has a record of impacts that can only be described as devastating to the environment and surrounding residents. The state through the NELH cut corners and safety protocols for the original HGP-A plant in order to further the goal of large scale geothermal development. Now act 97 is following in these footsteps. I must ask, have they learned nothing? People around the HGP-A power plant found themselves seriously threatened and impacted with no one to turn to for help. The government through the DOH's deputy director Bruce Anderson called the people being injured liars, and made other derogatory comments about the people asking for help. Whether intentional or not DOH essentially dehumanized residents in order to protect the project. Some of those perceptions still persist today. Those facts are well documented and the comments I am talking about can be found in documents on our web site punapono.com. The constant release of dangerous toxins from HGP-A fouled the air in the surrounding communities and area homes, for 8 years. Finally in 1989 then governor Ben Cayatano by emergency order over the objections of NELH closed the HGP-A plant. HGP-A turned a community that had originally supported geothermal into one that felt threatened by it. Those feelings persist to this day. The opposition you see to geothermal is born of governments failure. Ignoring, criticizing, blaming, or even attacking the people that have been injured, or have to live with these decisions for speaking up, or trying to get better regulation, I believe is an irresponsible response from government to the people they are suppose to protect. Act 97 makes fast tracking geothermal the priority, with no consideration that PGV has the worst record of any power plant in the history of this state. It is unfortunate that after all of the problems geothermal has had that some law makers want to relax regulations and over site at the expense of our communities and environment through legislation like act 97, act 55, and senate resolution 25. Make no mistake there is renewed widespread opposition to geothermal, and it's growing louder, fueled by the renewed push to fast

track more geothermal development. Geothermal fracking is also being explored in Hawaii and this body should seriously consider the ramifications of further fast tracking on our environment and communities without serious oversight of this industry. Current oversight has not worked and is severely lacking. Act 97 was a step in the wrong direction that requires repeal. The reality on the ground in the community is geothermal to date has been an environmental disaster. There have been 19 declared civil defense emergencies including two well blowouts. An Iso Pentane explosion that destroyed a generator. Multiple injection well failures and so many leaks of toxic gas that the incident reports would fill a book. Residents have been forced to file lawsuits against the state and the developers, for basic rights and protections, act 97 will take that need to a new level. We had to sue the state DOH to force them to promulgate air standards for geothermal development. The community not the regulators forced the developer to stop open venting their wells and use BACT as the permits required. We were left with mass civil disobedience as the only resort to be heard, after the state DOH refused to intervene on our behalf. The DOH defiantly fought the community all the way to the supreme court refusing to promulgate air standards, as required by law, they lost of course. DOH's attempt to let PGV set their own air standards was overruled in the Supreme Court. It is a sad realization that that our community has had to fight our own government for basic rights and protections. DOH is charged with protecting the community and has failed to do so. DOH has been protecting geothermal developers instead of our community. It's time you put an end to that. Shockingly the Senate committee's report on act 97 actually criticized act 296, (the previous law) as a go-slow approach to geothermal, without even mentioning the danger, terrible history, or impacts, to the community. The senate report said nothing of the fact that PGV has the worst record on accidents of any power plant in the state. Act 97 opens the flood gates to many geothermal projects without the problems they present having been addressed. This is alarming to say the least to residents. We already have problems with the projects the previous law act 296 allowed. That resulted in the current well documented and long standing issues I have outlined. In fact act 97 allows geothermal power plants to be built anywhere in agricultural and rural districts without a county land use permit or public hearing because it is a right by law. The implications of that are frightening, act 97 must be repealed. Thank you Robert Petricci President Puna Pono Alliance

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**Sent:** Saturday, February 09, 2013 7:50 AM  
**To:** waltestimony  
**Cc:** vsc@hawaiiintel.net  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

**HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
victoria cannon	Individual	Support	No

Comments: I support HB 106 to Repeal Act 97. This Act is bad governance. Victoria Cannon

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**Sent:** Saturday, February 09, 2013 11:16 AM  
**To:** waltestimony  
**Cc:** slwsurfing@yahoo.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

**HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
sharon willeford	Individual	Oppose	No

Comments: Big Island - Geothermal is causing much trouble for the people here. DO NOT pursue this - look at solar and other new methods! Do not desecrate sacred land. Abolish the PLDC!

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**Sent:** Saturday, February 09, 2013 10:49 AM  
**To:** waltestimony  
**Cc:** Lesliewingate7@gmail.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

**HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Leslie Wingate	Individual	Support	No

Comments: Please keep us safe

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 09, 2013 12:25 PM  
**To:** waltestimony  
**Cc:** tabraham08@gmail.com  
**Subject:** \*Submitted testimony for HB1064 on Feb 13, 2013 08:30AM\*

**HB1064**

Submitted on: 2/9/2013

Testimony for WAL/OMH on Feb 13, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Troy Abraham	Individual	Support	No

Comments:

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**Sent:** Saturday, February 09, 2013 1:58 PM  
**To:** waltestimony  
**Cc:** paul@punapono.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

### **HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Paul Kuykendall	Individual	Support	No

Comments: Please support HB106. Only repeal of Act 97 is the pono way to proceed due to the way it was brought into being and the number of protections that were lost when it was enacted. Loss of geothermal subzones the the protections the process for subzones enabled, the loss of county oversight in permitting and the allowance of exploratory drilling without community notice or involvement are some of he significant weaknesses of Act 97. Any attempt to mollify those that see through Act 97 is only that--only repeal will bring us back to a balanced approach to geothermal development.

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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 Committee on  
WATER AND LAND**

**Monday, February 11, 2013  
8:30 A.M.  
State Capitol, Conference Room 325**

**In consideration of  
HOUSE BILL 106 HOUSE DRAFT 1  
RELATING TO GEOTHERMAL RESOURCES**

House Bill 106, House Draft 1 proposes to repeal Act 97, Session Laws of Hawaii 2012 (Act 97). **The Department of Land and Natural Resources (Department) strongly opposes the entire repeal of Act 97 and offers the following suggestions:**

Act 97 provides much needed definitions and distinction between the regulation of “geothermal resource exploration” and “geothermal resource development”. These new definitions resolve ambiguities in the statutes and provide clarity regarding permitting and mining lease requirements. The Department strongly supports maintaining these definitions codified by Act 97.

Act 97 had removed the authority to issue discretionary land use permits at the county level (for Agricultural, Rural and Urban districts). The Department does not oppose restoring home rule authority in issuing land use permits.

Act 97 also eliminated the requirement to designate geothermal resource subzones. The Department strongly opposes the restoration of geothermal resource subzones for the following reasons:

1. A county by county assessment (Assessment) of areas with geothermal potential was required before geothermal resource subzone boundaries were delineated. This Assessment involved examining 7 criteria before an area could be designated a geothermal subzone. These 7 criteria were as follows:
  - o The area’s potential for the production of geothermal

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

**ESTHER KIA’AINA**  
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

- The prospects for the utilization of geothermal energy in the area
- The geologic hazards that potential geothermal projects would encounter
- Social and environmental impacts
- The compatibility of geothermal development and potential related industries with present uses of surrounding land and those uses permitted under the general plan or land use policies of the county in which the area is located
- The potential economic benefits to be derived from geothermal development and potential related industries and
- The compatibility of geothermal development and potential related industries with the uses permitted under chapter 183C and Section 205.2, Hawaii Revised Statutes (HRS), where the area falls within a conservation district

Satisfying these criteria would be very difficult and cost prohibitive and should be performed by the developer, not by the State. To adequately determine geothermal potential (first bullet above) is a risky undertaking that would cost the State millions of dollars. This risk and costs should be borne by a developer based on their own research and technology and where they believe they can gain surface control of the land, as geothermal development cannot occur without landowner consent.

Determining geothermal potential would first involve non-invasive exploration, followed by invasive exploration (drilling of slim hole wells). Non-invasive exploration could cost millions of dollars and years to perform. Subsequently, a single invasive slim hole well could cost approximately \$3-4 million each, with several needed to adequately determine a viable resource. Even after all of this money is sunk into exploration, there still is no guarantee that a viable resource will be located.

2. Prior geothermal subzone boundaries were based on a model, were arbitrary, and not validated by scientific data gathered through “on the ground” exploration activities, which is critical in determining geothermal potential. Arbitrary lines on a map could potentially create significant restrictions or constraints for developers later on in the process. For example, developers could locate geothermal potential and/or potential surface control of the land “outside” of the subzone boundaries. Having to modify a boundary could cause significant delays or the outright inability to designate an area that may have a very high potential for geothermal. The limits of a geothermal development project should be based on a site specific location, after a developer has performed exploration activities, has secured landowner consent, and has located a viable resource. If a site is determined to have geothermal potential, the development of the site can be properly authorized through a permitting and review process which is not dependent upon prior subzone designation. Landowner rights will not be affected, as neither geothermal resources exploration nor geothermal resources development can take place without the permission and consent of the surface landowner.
3. A potential unintended consequence of restoring geothermal subzone designations is its impact on land values and resale potential of property that may happen to fall within a designated geothermal subzone. Also, the creation of premature public fear when large arbitrary areas are proposed to be designated could be problematic and cause significant community opposition. Again, instead of creating a large arbitrary

“footprint” on a map, the Department believes that the best process is to have the developer carefully evaluate the placement of a geothermal development project based on a site specific location, where they can secure landowner consent (surface control) and have already performed adequate exploration activities to locate a viable geothermal resource.

4. The Department disagrees with the comments that through the passage of Act 97, geothermal can be developed “anywhere” or “without any community input”. First of all, due to the significant cost of exploration, developers are going to seek geothermal development where there is a high probability of potential, which is not “anywhere”. Furthermore, there have been other measures introduced this session that would restore the authority for counties to issue land use permits for geothermal resources development within their appropriate land use districts. Restoring the County’s authority to issue land use permits on a site specific geothermal development project will address many of the same criteria that were required in designating geothermal subzones and would be satisfied through public hearings, issuance of discretionary permits, and resolution of public comments through a mediation process.

As stated earlier, Act 97 had removed the authority to issue discretionary land use permits at the county level (for Agricultural, Rural and Urban districts). The Department does not oppose restoring home rule authority, as we believe each individual county should maintain its authority to regulate use that occurs within its appropriate land use districts.

5. If authority to issue land use entitlements is restored, other discretionary actions by the Board of Land and Natural Resources (Board), through public hearings are still required before any geothermal resources development can occur anywhere. For example, exploration permits, mining leases (in accordance with Chapter 182, HRS), surface leases (if applicable and in accordance with Chapter 171, HRS), all need the Board’s approval. In addition, a full Environmental Impact Statement for geothermal resources development (in accordance Chapter 343, HRS) is required before any geothermal development project can occur.

In summary, the Department believes this measure should be amended to provide for a regulatory framework that evaluates community input and addresses impacts on the environment on a project/site specific basis. The Department believes an additional regulatory layer for geothermal subzone designation is not necessary and safeguards, as required by various laws that protect the environment and allow public input, already exist through multiple permitting processes at both the county and state levels. No other renewable energy industry has a prior subzone designation process and restoration of the requirement to designate geothermal subzones could impact the State’s ability to reach its clean energy goals.

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

**lowen2-Anosh**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 09, 2013 5:02 PM  
**To:** waltestimony  
**Cc:** amara@mindspring.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

**HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amara Karuna	Individual	Support	No

Comments: repeal act 97!

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**lowen2-Anosh**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 09, 2013 5:10 PM  
**To:** waltestimony  
**Cc:** veganmom@gmail.com  
**Subject:** \*Submitted testimony for HB106 on Feb 11, 2013 08:30AM\*

**HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dena Smith Givens	Individual	Support	No

Comments:

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

**NEIL ABERCROMBIE**  
GOVERNOR

**RICHARD C. LIM**  
DIRECTOR

**MARY ALICE EVANS**  
DEPUTY DIRECTOR

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Statement of  
**RICHARD C. LIM**  
**Director**

Department of Business, Economic Development, and Tourism  
before the  
**HOUSE COMMITTEE ON WATER AND LAND**

Monday, February 11, 2013  
8:30 AM  
State Capitol, Conference Room 325

in consideration of  
**HB 106, HD 1**  
**RELATING TO GEOTHERMAL RESOURCES.**

Chair Evans, Vice Chair Lowen, and Members of the Committee.

The Department of Business, Economic Development, and Tourism (DBEDT) respectfully offers comments on HB 106, HD 1, which repeals Act 97 and thus, eliminates definitions distinguishing between geothermal exploration and geothermal development, reauthorizes County Geothermal Resource Permits (GRPs) and re-establishes a procedure for designating geothermal subzones.

Our comments are as follows:

- We do not support repealing Act 97. Act 97 provides much needed definitions and distinction between the regulation of geothermal resource exploration and geothermal resource development. These new definitions resolve inconsistency in the statutes and provide clarity regarding permitting and mining lease requirements at the state and county level.

- An inadvertent consequence of Act 97 was the elimination of statutory County authority to issue GRPs. DBEDT supports the restoration of County GRP authority. We respectfully recommend that you consider amending Act 97 by restoring the Counties' Geothermal Resource Permit authority.
- Act 97 also reduced the layers of State regulation concerning geothermal development through the elimination of subzone designation, helping the State meet its statutory energy goals and reducing project costs passed onto ratepayers. Nonetheless, multiple opportunities for environmental mitigation measures and public input remain in place in the State permitting processes and will be restored at the County level if the GRPs are reauthorized. Hence, we do not support the restoration of subzones.

Thank you for the opportunity to offer these comments.

**lowen2-Anosh**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 09, 2013 6:18 PM  
**To:** waltestimony  
**Cc:** mauibrad@hotmail.com  
**Subject:** \*Submitted testimony for HB106 on Feb 11, 2013 08:30AM\*

**HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brad Parsons	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 09, 2013 7:08 PM  
**To:** waltestimony  
**Cc:** sylviadolena@yahoo.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

### **HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sylvia Dolena	Pele Lani Farm	Support	No

Comments: My Position • I support the repeal of Act 97, SLH 2012 • With the repeal of Act 97, I support the reinstatement of HRS 205-5 • I fully agree with Mr. Harry Kim's conclusion of Act 97, stated below: Conclusion It is strongly felt that the commitments made to the people of this state in the development of geothermal resources through 1983's Act 296 are good and well thought out. The Act emphasized the importance of environment, of people, of hazards, of land use planning, and provided for people's involvement and opportunity for meaningful input. It is also noted here that extensive work was done by the DLNR in identifying geothermal subzones. Additionally, provisions were made for property owners to add or remove their land from geothermal subzone designation after the initial DLNR actions. There is one major factor that has come to light in the past year that all should be concerned about; it is the possible direction that this state moving towards, which is geothermal development using a "fracking" process (also known as an "enhanced geothermal process"). This was brought into focus because of a recent \$2 million state contract to review and explore this method of geothermal development on Oahu. We all should be very concerned about this process because of its possible impact to this precious place. I find it very difficult to understand that Act 97 of 2012 passed with no mention and no concern about very important factors. These factors were those of concerns of environment, of people, of hazards, of people's input, and of land use planning. The only purpose mentioned in this sweeping Act was to expedite the geothermal process by the removal of layers of government regulation. Surely the priority of culture, health, environmental concerns, and spiritual care must be of importance and not be completely ignored for the sake of expediting the development of geothermal. This is on the hope that government will be fair and do what is right by law and sense of what is right. This Act should not have been, it cannot be fixed.

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**lowen2-Anosh**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 09, 2013 7:16 PM  
**To:** waltestimony  
**Cc:** naldajw@gmail.com  
**Subject:** \*Submitted testimony for HB106 on Feb 11, 2013 08:30AM\*

**HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
JW Nalda	Individual	Support	No

Comments:

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## lowen2-Anosh

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 09, 2013 7:22 PM  
**To:** waltestimony  
**Cc:** akamaimom@gmail.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

### **HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Felicia Cowden	Individual	Support	No

Comments: We need to fully repeal Act 97. It is irresponsible legislation to allow the potential for such environmental damage with limited oversight and public input. This is one of a handful of terrible Acts that betray the public trust. I am in agreement with mayor Harry Kim on land resource management in this case. The state must not erode home rule in the counties.

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**lowen2-Anosh**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 09, 2013 7:28 PM  
**To:** waltestimony  
**Cc:** aloha@gaiayoga.org  
**Subject:** \*Submitted testimony for HB106 on Feb 11, 2013 08:30AM\*

**HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dwayne Tarletz	Individual	Support	No

Comments:

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**lowen2-Anosh**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 09, 2013 8:07 PM  
**To:** waltestimony  
**Cc:** tao\_\_\_el@hotmail.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

**HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ellen Levine	Individual	Support	No

Comments: Geothermal will ruin lower puna Let's get more solar power!

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**lowen2-Anosh**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 09, 2013 8:12 PM  
**To:** waltestimony  
**Cc:** annacarolgalloway@gmail.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

**HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anna Carol Galloway	Individual	Support	No

Comments: I support HB 106 With this support, I support the repeal of Act 97, SLH 2012 I also support the reinstatement of HRS 205-5

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HB 106 must pass! So everyone who lives next to a existing zone or a future zone for geothermal use. Will be as safe and protected as possible. And have a avenue of recourse to seek help if there is something happening that is poisoning the air water land people or animals from geothermal activity.

Dana G. Moss  
Kapaau Hi. 96755

**lowen2-Anosh**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 09, 2013 9:00 PM  
**To:** waltestimony  
**Cc:** jackadamweber@hotmail.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

**HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jack Weber	Individual	Support	No

Comments: I strongly support HB106 to repeal Act 97. Please consider my preference in your decision. Thank you kindly, Jack A. Weber

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February 9, 2013

House Committee on Water & Land  
Rep. Cindy Evans, Chair

Re: Testimony in support of HB106

Aloha Rep. Evans and Committee Members:

This is testimony **in support of HB106 H.D.1** *Relating to Geothermal Resources*. The bill, *inter alia*, enacts former statutory provisions for geothermal resource subzone designation and County permitting that were repealed by Act 97 (2012).

**1. Text of HB106 as drafted and HB106 HD1 as Recommended**

While the former provisions were far from perfect in terms of protecting the community, the absence of any such provisions is potentially devastating insofar as it allows geothermal development to occur anywhere in the state – with no permitting regime specific to geothermal resource activities.

Therefore, an essential first step is the need to *restore the former statutory provisions*.

However, in drafting HB 106 the Legislative Reference Bureau appears to have taken the liberty of fixing what it may have seen as a small contextual error, but in fact that change from the prior statutory text is substantial and should be amended so the provisions of HB106 conform exactly with the statutory text being restored.

Former Hawai'i Revised Statutes (HRS) § 205-5.1 (on geothermal permitting), whether by intent or error, had slightly different permitting standards for state permits and county permits. Former § 205-5.1(c) governing BLNR permits on state conservation lands said, in relevant part:

...The board shall grant a conservation district use permit if it finds that the applicant has demonstrated that:

- (1) The desired uses would not have unreasonable adverse health, environmental, or socio-economic effects on residents or surrounding property; **and**
- (2) The desired uses would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and police and fire protection; **or**
- (3) There are reasonable measures available to mitigate the unreasonable adverse effects or burdens referred to above.

(emphasis supplied)

Former § 205-5.1(d) governing permits in agricultural, rural, or urban districts issued by the “appropriate county authority” (e.g., a county planning commission) said, in relevant part:

The appropriate county authority shall grant a geothermal resource permit if it finds that applicant has demonstrated that:

- (1) The desired uses would not have unreasonable adverse health, environmental, or socio-economic effects on residents or surrounding property;
- (2) The desired uses would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection; **and**
- (3) That there are reasonable measures available to mitigate the unreasonable adverse effects or burdens referred to above.

(emphasis supplied)

The state formula in former § 205-5.1(c) allows subparts (1) and (2) **or** subpart (3) while the counties, in former § 205-5.1(d), had to find subparts (1), (2) **and** (3). The county’s formula was thus more restrictive (an applicant had to show no adverse impacts, no unreasonable public burden **and** reasonable mitigation measures) while the state’s formula was more lenient (as the applicant only had to show no adverse impacts, no unreasonable public burden **or** reasonable mitigation measures.)

HB106 as drafted changes the former statutory text and applies the more lenient former state standard to county permitting, replacing the three criteria list in the former statute with a new two criteria list in parts (d) and (e), providing the permit shall be granted if it is found that:

- (1) The desired uses would not have unreasonable adverse health, environmental, or socio-economic effects on residents or surrounding property and would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and police and fire protection; or
- (2) There are reasonable measures available to mitigate the unreasonable adverse effects or burdens referred to above.

As an example of the significance of that seemingly minor change, please consider Condition 49 of the Geothermal Resources Permit (as amended) issued by the Hawai`i County Planning Commission to Puna Geothermal Venture (PGV.) Condition 49 (earlier referred to as Condition 51) was a mitigation measure that emerged from the mediation process unique to HRS § 205-5.1, creating a community impact mitigation fund. Without that requirement for mandatory reasonable mitigation measures, the permit Condition may not have been included. Eliminating such a requirement in HB106 not only deviates from the statute’s former text but also substantially changes a relevant mitigation provision that has proven to be of significant value in the case of PGV.

*Please amend the text of HB106 H.D.1 so that it faithfully tracks the language of the former statute and accurately repeals the effects of Act 97, rather than creating new substantive*

law for geothermal developers subsequently applying for permits. Although the textual change in the draft may seem insubstantial, it is not, especially in view of the history with PGV.

It may also be noted that Act 97 contained a savings provision for existing permits (PGV being the only entity subject thereto) that has not been addressed in HB106 and therefore would presumably establish a law applicable to the rules governing PGV (promulgated under former HRS § 205-5.1) that is different from the law created by the introduced version of HB106.

## **2. History of Geothermal Resource Subzones and Permitting**

In 1961, the Legislature provided for classification of land in Hawai'i in four categories (urban, rural, agricultural and conservation) under the auspices of a Land Use Commission. In 1976 the first successful geothermal well in Hawai'i was drilled. In 1981 a 3 megawatt plant to generate electricity from geothermal steam was built in Kapoho at a site known as HGP-A. The HGP-A plant experienced difficulties that substantially impacted the surrounding community. Eventually, the Puna Geothermal Venture (PGV) geothermal plant was built next to the HGP-A site, and it also experienced difficulties substantially impacting nearby communities.

Geothermal energy production needs sufficient heat, permeable rock and water at depths where pressure is great, so geothermal brine can form. When brine rises up to lower pressure at the surface it flashes into steam that drives electric generators. A second generation technology called binary geothermal uses the brine's heat to vaporize a volatile liquid (such as isopentane, now in use at PGV) to drive generators. The first step toward designating geothermal resource subzones was to locate places with sufficient heat, permeable rock and water. Without finding a satisfactory brine resource, a geothermal plant cannot operate.<sup>1</sup>

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<sup>1</sup> A new method called Enhanced Geothermal System (EGS) does not rely on brine and can be used in areas of dry and impermeable rock where sufficient heat is present. EGS fractures hot dry rock (through hydraulic stimulation similar to fracking) to create subsurface areas where water can be heated into steam. EGS fracturing of rock by hydraulic stimulation induces seismicity. EGS continually pumps water into fractured hot rock to make steam. Those EGS factors are comparable to the geological, social and environmental concerns that were part of creating brine oriented geothermal resource subzones. "Scientists are set to begin testing for geothermal energy potential on Oahu and other Hawaiian islands. ... Don Thomas ... will be leading a team in the coming weeks composed of university researchers and scientists from the Lawrence Berkeley Lab, aided by \$2 million in state funding and royalties from Puna Geothermal Venture. On Oahu, Thomas' team will be focused on exploration around the island's dormant Waianae and Koolau volcanoes. Testing is expected to take place on the leeward side, around Lualualei Valley, and in the Kapaa area..." [\*Oahu Heating Up? New Geothermal Testing Could Change Energy Plan\*](#), Civil Beat July 25, 2012. They are looking for potential EGS sites. The elimination of geothermal resources subzones may be related to ambitions of parties interested in developing future EGS operations. EGS and brine geothermal compare like apples and oranges.

In the mid-1980's the board of land and natural resources began assessing potential sites. The board applied the several factors specified in HRS § 205-5.2, including the area's geological potential for providing a satisfactory resource; prospects for using electricity in the area; hazards from geology; social and environmental impacts and compatibility with present and permitted nearby land uses. The board formally adopted [HAR Title 13 Chapter 184](#) in mid-1984 with criteria for designating subzones (elaborating on the factors set forth in HRS § 205-5.2(b).) The rules, in §13-184-6, titled *Criteria for designation of subzones*, say:

The board, in designating an area as a geothermal resource subzone, shall be guided by the selection of those areas that can demonstrate an acceptable balance among the criteria set forth below:

- (1) That the area has potential for geothermal development activities;
- (2) That there is a known or likely prospect for the utilization of geothermal resources for electrical energy production;
- (3) That any potential geologic hazards to geothermal production or use in the proposed area are examined;
- (4) That any environmental or social impacts of the development of geothermal resources within the proposed area be considered;
- (5) That the compatibility of development and utilization of geothermal resources within the proposed area is considered with other allowed uses within the area and within the surrounding lands; and
- (6) That the potential benefits to be derived from geothermal development and utilization in the proposed area be in the interest of the county or counties involved and the State as a whole.

Last year, testifying about Act 97, DLNR's Chairperson said that "[t]he 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."

A paper titled [Designation of Geothermal Subzones in Hawaii](#) says the assessment was intended to balance economic development and environmental preservation.<sup>2</sup> The paper says the board found 20 potential geothermal areas. Seven of them had a 25% or greater probability of sufficiently high temperature. After holding public hearings, based on an acceptable balance of the specified factors, the board designated geothermal resource subzones in the seven areas. After potential areas were identified based on science, the board created geothermal resource subzones based on social and environmental considerations. The HGP-A site became a subzone under a 'grand-fathering' provision contained in 1984's Act 151.

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<sup>2</sup> The paper says, "Hawaii's state Legislature in 1983 enacted the Geothermal Resource Subzone Assessment and Designation Law (Act 296-83), determining that the development and exploration of Hawaii's geothermal resources is of statewide concern, and that this interest must be balanced with interests in preserving Hawaii's unique social and natural environment."



Former HRS § 205-5.1 limited geothermal *development* to designated subzones. The law provided for DLNR to permit geothermal development in conservation district subzones and provided for counties to permit geothermal development in subzones in the agricultural, rural and urban districts. Those streamlined permitting procedures eliminated contested cases and other ordinary permitting steps.<sup>3</sup>

Former HRS § 205-5.3 provided geothermal resource *exploration* wells could be “drilled for scientific purposes or to determine the economic viability of a geothermal resource” without regard for geothermal resource subzones or land use classifications, although existing state and county laws would apply. Geothermal exploration was allowed anywhere subject to existing permitting and environmental review.<sup>4</sup>

Act 97 repealed geothermal resource subzones and county permitting; repealed HRS §§ 205-5.1, -5.2 and -5.3; provided for the board to authorize geothermal exploration; and allowed development in all districts. Elimination of the previous laws allows geothermal development anywhere in the state without local involvement in geothermal resource permits.

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<sup>3</sup> Former Hawai`i County Planning Director Christopher J. Yuen’s April 2, 2012, testimony against SB3003 of 2012 (that became Act 97) said, “Unless this bill is amended, a geothermal power plant could be built anywhere in the state land use agricultural or rural districts – even across the street from a residential neighborhood – without any county land use permit or public hearing. Because SB3003 says that geothermal development is a ‘permitted use’ in the agricultural or rural districts, it would be treated like a barn or any other land use that is routinely allowed as a matter of right.... A geothermal power plant is a major industrial facility. In Hawai`i County, at least half the population lives in the agricultural district, and on all islands, residential neighborhoods are intermingled within and next to the agricultural district. We shouldn’t allow such major facilities without special scrutiny. And there is a possibility of a catastrophic event, like the well blowout in 1991. The impacts may be different in different areas. For example, the level of hydrogen sulfide may be different.... The GRP process, HRS sec. 205-5.1(c)-(h), was devised to be quicker and simpler for geothermal development than the typical process for a conservation district use permit or a county special permit in the agricultural or rural areas. It doesn’t allow a contested case hearing, which can be complex and time-consuming, has a six month time limit (which can be extended with the consent of the applicant), has a direct appeal to the intermediate court of appeals, and doesn’t require LUC approval, unlike a normal special permit for areas exceeding 15 acres....”

<sup>4</sup> Some testimony on HB 106 infers a mistaken impression that Act 97 created a statutory distinction between geothermal exploration and development (*see, e.g.*, DBEDT and DLNR on HB106 that said Act 97 “provides much needed definitions and distinction between the regulation of geothermal resource exploration and geothermal resource development.”) That impression is mistaken because the distinction between regulation of geothermal exploration and geothermal development existed in the previous law that Act 97 repealed (*see, e.g.*, former HRS § 205-5.3 allowing geothermal exploration without regard for geothermal subzones.)

Thirty years ago the state created a two step process for regulating geothermal. First was evaluation of locations based on geological, social and environmental factors. Second was the permitting regime for development in those areas. The first step was based on general concerns such as the science of producing geothermal energy, electricity demand in the area, geological hazards, social and environmental impacts, and compatibility of development with present and permitted uses of surrounding land. The second step was specific to geothermal development applicants seeking a permit, based on review of their proposed plans and specifications.

The subzone and permitting processes were designed as a whole to regulate potentially damaging developments – and they also were designed to streamline the process to encourage development. While some may think a complete absence of such regulations would encourage development, balancing factors relating to economic growth and preserving Hawaii’s unique social and natural environment may be more important today than it was thirty years ago.

An argument that streamlined permitting alone can adequately preserve Hawaii’s unique social and natural environment overlooks how subzones and permitting were dovetailed in the former statutory scheme to sensibly regulate geothermal development. The subzone procedure cautiously identified potential areas while permitting procedures simplified things for potential developers. Putting back only the weaker half of the former regulatory structure (*i.e.* permitting) would ignore the geological, social and environmental considerations of the subzones.

### **3. Restoring the Former Statutory Regime**

This year, five bills have addressed Act 97:

HB106 (introduced by Reps. Hanohano, Nakashima and Tsuji) repeals Act 97.

SB371 (introduced by Sens. Ruderman, Espero, Green, Ihara and Slom) repeals Act 97.

The repeal approach, supported by a Hawai`i County Council Resolution that was supported by Mayor Kenoi, would restore geothermal resource subzones and county permitting.

SB441 and HB380 (both in Hawai`i County’s legislative package) restores permitting.

HB1235 (introduced by Rep. Coffman) restores permitting.

The approach taken in SB441, HB380 and HB1235 does not restore subzones.

These five bills define two options: (1) restore geothermal resource subzones and county permitting by repealing Act 97 or (2) restore only county permitting and not subzones. While it seems three bills favor permitting only while two seek both subzones and permitting, Hawai`i County’s Planning Director testified in support of a Hawai`i County Council Resolution that the county administration supports the repeal of Act 97 and “will be working toward that goal.” In that case, only one of the bills favors permitting while four seek both subzones and permitting (assuming SB441 and HB380 from Hawai`i County’s legislative package are amended to repeal

Act 97 and restore both subzones and permitting.) Maui County's Planning Department also has submitted testimony supporting HR106 and repeal of act 97.

Opposition efforts regarding Act 97 generally focus on geothermal resource subzones (only a few people oppose any remedy regarding Act 97.) Restoring county permitting has been generally conceded. Efforts to avoid restoration of the subzones probably relate more to EGS (*see* footnote 1, above) than brine-based geothermal. After all, the first criteria of a subzone is the likely presence of brine that is essential for first and second generation geothermal systems. No law can compel nature to provide geothermal brine anywhere in the state.

#### **4. Future Geothermal Issues**

It would be foolhardy to countenance efforts to sneak EGS plants into operation behind Act 97. In 2006, Basel, Switzerland, experienced 100 tremors from EGS causing damage to buildings amounting to about \$9 million – the Swiss Government terminated the project. In 2009, the DOE closed a geothermal fracturing project in California that used similar procedures to the previously halted Basel project following an investigation into the cause of increased seismic activity in the area. If, as some seem to hope, EGS was allowed to proceed unregulated in Hawai'i it will have unfortunate ends. A system of regulation similar to 1983's Act 296 needs to be tailored to EGS. Eliminating present geothermal resource subzones would not be a prudent approach to encouraging EGS.

Disregarding the ambitions of EGS proponents, recognizing the pre-existing possibility to conduct exploratory drilling anywhere, outside of subzones, acknowledging the fact that it is necessary to have geothermal brine to operate pre-EGS plants and considering subzones in the context of the whole scheme created in 1983 (that included relaxed permitting procedures), it is evident that no sensible basis exists to support the continued elimination of the subzones. EGS proponents should not reasonably expect to avoid EGS-specific regulatory action when the time is ripe, so hiding EGS in the vacuum created by Act 97 will not work. Brine-based geothermal *exploration* is not restricted by subzones. Brine-based geothermal *production* is unlikely even to be possible outside of the subzones.

Thank you for considering this testimony in support of HB106 H.D.1 (with the slight amendment noted above.)

Aloha,



Bill Smith  
P.O. Box 1211  
Volcano, HI 96789

**lowen2-Anosh**

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**Cc:** garciasgoats@gmail.com  
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**HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Aurora Garcia	Individual	Support	No

Comments:

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**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

**HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Toni Auld Yardley	Individual	Support	No

Comments: Please honor TUTU PELE and do not put our people of Hawai`i at risk. It is that plain and clear - no matter what. Malama Hawai`i Nei - it is your Kuleana.

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HARRY KIM  
471 HO'OKINA PLACE  
HILO, HAWAII 96720

February 11, 2013

Representative Cindy Evans, Chair, and Members of the  
House Committee on Water & Land

Representative Faye P. Hanohano, Chair, and Members of the  
House Committee on Ocean, Marine Resources, & Hawaiian Affairs

**HB 106 HD 1 Relating to Geothermal Resources**  
Hearing on February 11, 2013 at 8:30 a.m.

I truly wish this testimony could be made in person, but the responsibility of prior commitments makes this impossible.

It is understood that members of these committees have read or heard most of the positions for or against HB106 through membership on the House Committee on Energy and Environmental Protection. I won't repeat most of the points made in my earlier testimonies on January 31 and February 4, but am attaching copies to this letter for your reference.

It is noted that testimony presented by the Office of Hawaiian Affairs to these committees in support of HB106 HD1 seems to summarize so very well the major reasons for supporting the repeal of Act 97.

In my recent weeks of talks with people on Maui, Molokai, Oahu and Hawaii Island, I have encountered a growing feeling of people so disenfranchised with our government. True feelings that their government and its decisions are not for the people of this land, not for this life styles, not for the care of the land, but for special interest groups or for short term benefits. The most frightening is the growing belief that the people of government don't care, and therefore a loss of hope by so many.

I ask for understanding that this is not just an issue of the geothermal industry and finding good alternate energy sources. This is also about the relationship between the people and their government. This is of the hope and belief that we all seek, that our government will be fair and do what is right by law and a sense of what is right. This is at the heart of the relationship between people and their government. This is a matter of truth.

I ask for the repeal of Act 97 by supporting HB106 HD1.

Aloha,

Harry Kim

Attachments

HARRY KIM  
471 HO'OKINA PLACE  
HILO, HAWAII 96720

January 29, 2013

Representative Chris Lee, Chair and Members of the  
Committee on Energy & Environmental Protection  
State of Hawaii House of Representatives  
State Capitol  
Honolulu, Hawaii

Re: **HB 106 Relating to Geothermal Resources**

Position: **SUPPORT**

Thank you for this time to allow the opportunity to comment on HB 106 which calls for the repeal of Act 97 of 2012. Other testimony will cover very well the specific issues of Act 97, which primarily revolve around:

- The removal of an entire area of law that created geothermal subzones to address the unique hazards of geothermal exploration and development;
- The elimination of the permitting process of the county governments of Hawaii Island and Maui, which effectively removed the opportunity for meaningful public comments.

I would like to take this opportunity instead to address what I believe to be the very heart of the movement and concerns of so many against Act 97. It is understood that the legislators who supported Act 97 did not fully understand the consequences of its passage.

In recent weeks of travel to Maui, Molokai, Oahu and communities on Hawaii Island, some common themes have emerged in the discussions of Act 97. It is feelings of a growing disconnect of the people and their government. Beliefs that decisions are made not for those most affected, not for the care of the land, but rather for special interest groups. It is a feeling that no real attempt is made to include people of the community, or worse, even care what they feel.

Along with the feelings of the growing disconnect is the deepening distrust of our government, and sadly with that is almost a loss of hope that their concerns and participation matters. A loss of hope that their lifestyle, their hardships and their cares of earth are of importance in the development of needed alternate energy sources and economic growth.

Perhaps the saddest feeling projected is that decision makers don't care, but the most disturbing to me is a loss of a feeling by the people that this is their government.

*Attachment 1*

I believe that a review of the records of Act 97 will clearly show that the only identified purpose by the sponsors and supporters of this Act was to expedite the development of geothermal and remove all barriers. This included a failed attempt to exempt all exploratory geothermal drilling from any EA or EIS requirement. No mention is ever made in regards to the concern of people, of land, or of lifestyle. No mention is ever made of the need to consult with the local government or the people the Act would affect. This resulted in the creation of Act 97 that should not have been.

We all must be on guard against actions that will add to the disconnect and distrust of the government and the people they govern. We must draw a line to say “stop” to the disregard and disrespect of this special place and its people.

I ask that we refocus on our responsibilities to social, environmental, cultural and spiritual care in the stewardship of Hawaii, our home. Let us start by repealing Act 97. I ask for your support of HB 106.

Much aloha,

Harry Kim



HARRY KIM  
471 HO'OKINA PLACE  
HILO, HAWAII 96720

February 4, 2013

Representative Chris Lee, Chair  
Committee on Energy & Environmental Protection  
State of Hawaii House of Representatives  
State Capitol  
Honolulu, Hawaii

Re: **HB 106 Relating to Geothermal Resources**

**Purpose of HB 106**

- Repeal Act 97 of 2012

**My Position**

- I support the repeal of Act 97, SLH 2012
- With the repeal of Act 97, I support the reinstatement of HRS 205-5

**Background of Geothermal Resource Subzones (HRS 205-5.1)**

- Geothermal subzones were required by Act 296, passed in 1983 by the state legislature. Act 296 added new sections of HRS as HRS 205-5.
- In adopting Act 296, the legislature found that the development and exploration of Hawaii's geothermal resources is of "statewide concern" and "**must be balanced with interests in preserving Hawaii's unique social and natural environment.**" (*Section 1, Act 296*)
- The purpose of Act 296 was to provide policies that "**will assist in the location of geothermal resources development in areas of the lowest potential environmental impact.**" (*Section 1, Act 296*)
- Established the permitting process for geothermal resource permits. **This authority was assigned to County government.**

The following are the legislative guidelines directing the Board of Land and Natural Resources in the designation of geothermal subzones (HAR 13-184-6):

- (1) That the area has potential for geothermal development activities;
- (2) That there is a known or likely prospect for the utilization of geothermal resources for electrical energy production;
- (3) **That any potential geologic hazards to geothermal production or use in the proposed area are examined;**
- (4) **That any environmental or social impacts of the development of geothermal resources within the proposed area be considered;**
- (5) **That the compatibility of development and utilization of geothermal resources within the proposed area is considered with other allowed uses within the area and within the surrounding lands;**

*Attachment 2*

- (6) That the potential benefits to be derived from geothermal development and utilization in the proposed area be in the interest of the county or counties involved and the state as a whole.

### **Permitting Process**

Act 296 SLH 1983 (HRS 205-5) provided for local control and provided an opportunity for people's input about affected areas by giving the County government the authority in the permitting process. The geothermal resource permit process was under the total auspices of the County government.

### **Act 97 SLH 2012**

It is surprising to note that Act 97 contains sweeping legislative changes that did not explain why these changes were being made. Those changes were mainly of exempting geothermal resource exploration and development from the existing processes (HRS 205-5) for land use designation and environmental review. This concern was also echoed by the University of Hawaii Environmental Center in its review and comment on this proposal. The only reasoning given by the supporters of this sweeping change of Act 97 was that it eliminated geothermal subzone designation requirements and streamlined portions of the regulatory processes and reduced layers of state regulation concerning geothermal development. These positions were made by the DBEDT and DLNR in testimony presented to committee.

Serious concerns about Act 97:

- Act 97 **eliminates 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.
- Eliminates the subzone provisions which **completely controverts the intent of the legislature** to ensure that geothermal development would only occur in areas of the "lowest potential environmental impact."
- **Completely disregards the compatibility of the development of geothermal resources with other uses within the area and within the surrounding lands.**
- **It allows for a geothermal power plant to be built anywhere in agricultural and rural districts without a County land use permit or public hearing because it is a right by law.** This is so because Act 97 states this is a permitted use in those districts. Bear in mind that this is a major industrial plant.
- **It allows geothermal exploration and development in all state land use categories: conservation, urban, rural, and agricultural (including ceded lands.)**
- It removed all meaningful input opportunity by the community and its people who are most affected. **This was done by stripping the County government of its land use control over geothermal development.**

## **Conclusion**

It is strongly felt that the commitments made to the people of this state in the development of geothermal resources through 1983's Act 296 are good and well thought out. The Act emphasized the importance of environment, of people, of hazards, of land use planning, and provided for people's involvement and opportunity for meaningful input. It is also noted here that extensive work was done by the DLNR in identifying geothermal subzones. Additionally, provisions were made for property owners to add or remove their land from geothermal subzone designation after the initial DLNR actions.

There is one major factor that has come to light in the past year that all should be concerned about; it is the possible direction that this state moving towards, which is geothermal development using a "fracking" process (also known as an "enhanced geothermal process"). This was brought into focus because of a recent \$2 million state contract to review and explore this method of geothermal development on Oahu. We all should be very concerned about this process because of its possible impact to this precious place.

I find it very difficult to understand that Act 97 of 2012 passed with no mention and no concern about very important factors. These factors were those of concerns of environment, of people, of hazards, of people's input, and of land use planning. The only purpose mentioned in this sweeping Act was to expedite the geothermal process by the removal of layers of government regulation. Surely the priority of culture, health, environmental concerns, and spiritual care must be of importance and not be completely ignored for the sake of expediting the development of geothermal. This is on the hope that government will be fair and do what is right by law and sense of what is right.

**This Act should not have been, it cannot be fixed.**

Sincerely,

Harry Kim

Suzanne Wakelin, Ph.D  
PO Box 160  
Pahoa, HI 96778

February 9<sup>th</sup>, 2013

Representative Cindy Evans, Chair  
Committee on Water & Land  
State of Hawaii House of Representatives

Aloha,

This testimony is in STRONG SUPPORT of HB106 to repeal Act 97.

Act 97:

- 1) Implemented definitions differentiating "Geothermal resources development" which included electrical generation or direct-use activities and "Geothermal resources exploration" which included non-invasive and invasive drilling exploration.
- 2) Removed all of the original measures that were in place in Section 205-5.1, Hawaii Revised Statutes that provided important safeguards in the implementation of "geothermal subzones" for the protection of the environment, the community and addressed the need to consider hazards and land-use compatibility.
- 3) Took away the permitting authority of the local counties.

Proponents of Act 97 may argue that there are sufficient measures in place to address these issues without the existence of geothermal subzones, They may also argue that the definitions differentiating geothermal "exploration" and "development" are important to allow rapid exploitation of geothermal resources. However, ACT 97 HAS REMOVED ANY MEANINGFUL OPPORTUNITY FOR INPUT BY THE COMMUNITY AND THOSE WHO ARE MOST AFFECTED. Efforts to simply re-instate County permitting authority without a full repeal of Act 97 still place Hawaii at great risk from developers who see the opportunity to exploit for short term-gain without fully considering or addressing all of the inherent risks.

Exploratory drilling, as defined now by Act 97, "geothermal explorations" ALLOWS ANY DEVELOPER TO EXPLORE IN LAND OF ANY LAND-USE CLASSIFICATION WITHOUT

CONSIDERATION OF THE ENVIRONMENTAL IMPACTS OR SOCIAL CONSEQUENCES. 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 PRODUCTION PHASE UNTIL AFTER AT LEAST ONE PRODUCTION WELL HAS BEEN DRILLED SUCCESSFULLY [Ref. 1].

Consequently, GEOTHERMAL EXPLORATION AND DEVELOPMENT RESULTING IN INDUSTRIAL SCALE FACILITIES CAN BE DEVELOPED IN ANY AREA OF HAWAII, whether conservation, urban, agricultural or ceded lands.

The fact that the new technologies of Engineered Geothermal Systems (EGS) or Hydroshearing will enable geothermal development in almost any area in Hawaii provides a significantly greater danger when occurring with Act 97. These technologies are basically the same as those used in oil and gas FRACKING. Increased seismic activity, dangers to the aquifer (as seen in numerous other recent EGS developments elsewhere), combined with the unpredictable and volcanic nature of Hawaii pose great dangers. THESE EXPERIMENTAL AND EXTREMELY RISKY EGS TECHNOLOGIES NEED TO HAVE MORE NOT LESS OVERSIGHT.

I urge you, our lawmakers to listen to the voice of the people when we say that **we need you to protect us and Hawaii from the short-sighted efforts of developers and legislators**. The need for renewable energy is undoubtedly important, but if development is to be done, it must be done in consideration all of the impacts.

Please vote YES on HB106 HD1 and please ensure that its implementation is carried out immediately and not July 1, 2025 as currently amended.

Mahalo for your consideration,

Suzanne Wakelin, Ph.D,

#### References

[1] 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](http://www.novoco.com/energy/resource_files/reports/geo_rd_1209.pdf)

**lowen2-Anosh**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 09, 2013 10:26 PM  
**To:** waltestimony  
**Cc:** foodsovereigntynow@gmail.com  
**Subject:** \*Submitted testimony for HB106 on Feb 11, 2013 08:30AM\*

**HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mitsuko Hayakawa	Individual	Support	No

Comments:

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**Sent:** Saturday, February 09, 2013 11:05 PM  
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**Cc:** OccupyHiloMedia@yahoo.com  
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**HB106**

Submitted on: 2/9/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kerri Marks	Individual	Support	No

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**To:** waltestimony  
**Cc:** nho.hoku@gmail.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

### **HB106**

Submitted on: 2/10/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nelson Ho	Individual	Support	No

Comments: WRITTEN TESTIMONY IN SUPPORT OF HB 106 HD1 REPEALING ACT 97 House Water and Land Committee Submitted 020913 Aloha Legislative Committee Members. My name is Nelson Ho. I have been directly involved with the development of geothermal energy since 1982. I was a participant in the creation of Geothermal sub zones. Subzones were the product of intense community and govt. agency interactions. Subzones are needed for a very good reason. It is needed because the development of geothermal energy is a heavy industry with often toxic consequences for the environment and people unlucky enough to be in the vicinity. Act 97 was proposed and passed by people in Honolulu who have to bear NONE of the impacts of industrialization in areas that are rural or completely undeveloped. Act 97 has the unintended consequence of focusing and hardening community opposition. Taking away of people's right to modify and affect decision making regarding industrial impacts that affect them, in their homes, and on their lands, WILL NOT SPEED UP THE PACE OF ENERGY SELF SUFFICIENCY. I support the effective date of the legislation to be within 30 days of passage. I support the restoration of the County's ability to issue Geothermal Resource Permits. It is a fallacy that Act 97 provides much needed definitions and distinction between the regulation of geothermal resource exploration and geothermal resource development. The industrial nature of exploration is only slightly less adverse on the environment and adjacent people. Your proper decision is to Pass this legislation. It is a small, but very important step towards redirecting government policy towards proper land use management, and towards its social and environmental responsibilities. Again, my name is Nelson Ho. I am currently the Sierra Club member appointed by the Legislature to its Geothermal Energy Working Group mandated by Senate Concurrent Resolution 99-2010, authored by Senator Russell Kokubun. In prior years, Governor John Waihee appointed me to his Sate Energy Advisory Committee in 1987. I also served on the Hawai'i Electric Light Company's (HELCO) Integrated Resource Planning Advisory Committee in 1994 and 1995.

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**Cc:** luellacrutcher@yahoo.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

**HB106**

Submitted on: 2/10/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Luella NoheaCrutcher	Individual	Support	No

Comments: I support HB 106. Please allow us the ability to choose what happens in our community. Our community is our kuleana. Mahalo for allowing me the opportunity to say what I need to say  
Nohea

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**To:** waltestimony  
**Cc:** konaconnection@yahoo.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

**HB106**

Submitted on: 2/10/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
April Lee	Individual	Support	No

Comments: To do geothermal fracking anywhere in the State of Hawai'i is not acceptable to me or anyone I've discussed this with. Represent not just I, who was born here, but all residents.

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Rep. Cindy Evans, Chair Re: HB106

Dear Rep. Evans and Committee Members:

My testimony is strongly in support of HB106 Relating to Geothermal Resources. The bill, enacts previous statutory provisions for geothermal resource subzone designation and County permitting that were repealed by Act 97. While those provisions were not perfect in terms of protecting the community, the absence of any such provisions is potentially harmful as it allows geothermal development to occur anywhere in Hawaii – with no permitting regime specific to geothermal resource activities.

I and many people in Hawaii believe that Act 97 was passed to expedite Enhanced Geothermal practices here in Hawaii. There needs to be special legislation around that issue. Please do not let Fracking Geothermal into Hawaii through a back door that has been left open.

It is my belief that it is an essential first step to restore the former statutory provisions provided for by Act 96 and faith in the legislative process that gives people on all islands the right and ability to be involved in the process.

It is essential for these people to be involved in any process that would allow geothermal development in their area. Act 97 rescinded the rights of the people most greatly affected by the constant noise and possible exposure to harmful chemicals associated with geothermal power generation development, to be involved in this process.

The passing of Act 97 has caused a sever loss of faith in the government of Hawaii for many people in the legislative process. **The only way to restore the faith in government is the full repeal of Act 97 .**

Thank you for considering this testimony that supports HB106

Yours sincerely

Barb Cuttance 14/266 Papaya Farms Road, Pahoa, Hawaii, 96778

## lowen2-Anosh

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**From:** mailinglist@capitol.hawaii.gov  
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**To:** waltestimony  
**Cc:** Juliepaul@hawaiiantel.net  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

### **HB106**

Submitted on: 2/10/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Julia Paul	Pahoa Properties LLC	Support	No

Comments: Act 97 was passed without public input and is not supported by the people. OHA does not support it either. We do not want Oahu to dictate to the outer islands as they make decisions based on money and greed. Why else would they have passed Act 97 without public input. Sneaky. We are watching you attempt to strip your constituents the right to voice what we want and need or don't need for our island. What is best for the Big Island should not be decided by Oahu or Oahu politicians. No thank you!!

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**lowen2-Anosh**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 10, 2013 3:53 AM  
**To:** waltestimony  
**Cc:** Shelleyaddison@gmail.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

**HB106**

Submitted on: 2/10/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shelley Addison	Individual	Support	No

Comments: Repeal Act 97 now!

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Jenna Chikasuye  
PO Box 98  
Mountain View, HI  
96771

February 9, 2013

State of Hawaii House of Representatives  
State Capitol, Honolulu, HI

**Re: HB 106 Relating to Geothermal Resources**

**Purpose of HB 106**

- To Repeal Act 97 of 2012

**Position Taken**

- I support the repeal of Act 97, SLH 2012

Aloha.

My name is Jenna Chikasuye and I am a daughter of C. William Chikasuye, Retired Attorney, and Grand-daughter of the late Clesson Y. Chikasuye, who was a Honolulu City Councilman from 1956-1974, and board member of Aloha Airlines.

I am writing to request you to repeal Act 97, SLH 2012. Both Harry Kim's wonderful letter to Chairman Chris Lee, and my father's testimony to you, clearly and thoroughly elucidate all the reasons why I am making this request. However, I would like to focus on the health ramifications of PGV, as this is what has affected my life very seriously.

Firstly, I want you to know that the people of Puna have been requesting legitimate health studies on the safety of geothermal exploration, drilling, and extraction, for **THIRTY YEARS**. It was not me who began that request, but it is my generation who will see it through. I am telling you from personal experience that these studies are gravely needed.

I have suffered health problems for most of my life that range from chronic fatigue and auto-immune dysfunction; to cysts in my bladder and urethra which cause tremendous pain; to weak ligament and soft tissue connection; in addition to debilitating digestive problems that result in many food allergies and my body's inability to establish its own probiotic colony - a necessary part of a functioning immune system. I was sick throughout childhood, and after graduating Sterling Scholar of Hilo High, I had to leave UCLA after my second year due to health concerns, because even UCLA doctors could not figure out what was going on with me - I was a ballet dancer, an actor, and ate very healthily. I was a bright, straight-A student at UCLA, but it took me many years to finish my BA due to these health problems. I still managed to graduate with High Honors, even though the whole time I was seeking a degree I was seeing doctors, studying on my own, and trying to find answers. Finally, one of my doctors in Boulder, CO, where I finished my BA, tested my blood, urine, and hair for heavy metals and toxic metals using cross-analysis. He found that I have higher levels of both Methyl and Organic Mercury than 99% of the US population. He also found very high levels of Lead, Cesium, Barium, Radon, Arsenic, Aluminum, Cadmium...to name a few. He asked me if I had ever worked in a nuclear plant; my radioactive metal levels were so high! I sought validation from second and third opinions and received it. For years I have tried to figure out where this toxicity could have come from. Was it

from the vog? From some unknown contaminants in the catchment water I grew up drinking? From the pesticide industry? Finally, too sick to live on the mainland, and too sick to chelate (try to remove the elements from my body), I came home in December 2010. In February of 2011, I started seeking answers. I spoke with Aaron Ueno, John Peard, Dr. Barbara Brooks, and Gary Gill at the Hawaii Department of Health, writing letters and pursuing the issue over a period of a month. I asked them for a elemental profile on vog constituents that my friend, Dr. Alan Thal, M.D., once obtained from them. They denied that such a profile exists, even after my insistence that Dr. Thal had once had one. They offered some helpful suggestions on air cleaners, but that was all. Ill and tired, I relaxed my queries, uncertain where to turn.

Last year, when I saw Pele Defense Fund's power point, and I suddenly made a huge connection. Prior to this meeting I had naively thought that geothermal was a clean, albeit dangerous, energy source (remember when PGV cracked the Earth's mantle in Puna, and it took them years to come clean and actually tell anyone?). However, upon seeing that toxic the metals and elements listed in the power point encompassed all but one of the toxic metals in my test results, I realized that I had a lead. I proceeded to spontaneously give my first testimony at County Council.

Several of my Medical Doctors in Boulder, Colorado are at the cutting edge of heavy metal and radioactive metal medicine (think of Rocky Mountain Flats). They educated me that some people are capable of naturally removing these elements from their bodies by means of filtration through the liver and kidneys, while others are unable to do so. This is an emergent area of science and medicine, and thus far little is known. However, we DO know that **some** of the population that cannot chelate heavy metals includes autistics.

There is a direct correlation between autism and heavy metal toxicity. We also know that autism rates have risen sharply in the past 20 years, so much so that more children will be diagnosed with autism this year than with AIDS, diabetes, and cancer combined. It is the fastest growing developmental disability in the US - with a 10%-17% annual growth rate.

Furthermore, heavy metals accumulate inter-generationally by passing from a mother to a child in utero. I believe this is why we are now seeing a sharp-rise in autism. We burned leaded oil for 70 years in this country before we realized it was poisonous - we even used Lead in house paint. And we have tremendous industrial pollution still taking place today. These heavy metals are not just disappearing, they are infiltrating our water supplies, and our foods; and are accumulating in our mothers, and our children. Let's not make Geothermal another uncharted territory, whose exploration will later to be deeply regretted.

**Please Repeal Act 97. We need objective, third-party health studies and water safety tests to be performed, before any further Geothermal exploration is considered.** Please stand with the people of Puna. Do not stand with the rash and greedy companies and misinformed politicians that wish to bypass safety measures.

Finally, I want you to know that I grew up in Mountain View, which is about 12 miles as the bird flies to the PGV plant. As we all know, the International Industry Standard for geothermal bufferzones is 10 miles. Industry standards, as we also know, are almost always loose, and favor industry, not people. The only thing that was ever close to our home was an old experimental drilling site less than 3 miles away. I want to ask you, if I am being so deleteriously affected living 12 miles away, then what is it doing to the people of lower Puna?

If you would like to contact me, I will be happy to share my lab results with you and answer any questions, as well as brainstorm and execute how we can build a cleaner, sustainable Hawaii together. (808)-968-6026 and oenshine@gmail.com

Mahalo nui loa for your time and kokua,

Jenna Chikasuye





C. William Chikasuye, Retired Attorney  
PO Box 98  
Mountain View, HI  
96771

February 9, 2013

State of Hawaii House of Representatives  
State Capitol, Honolulu, HI

**Re: HB 106 Relating to Geothermal Resources**

**Purpose of HB 106**

- To Repeal Act 97 of 2012

**Position Taken**

- I support the repeal of Act 97, SLH 2012
- With the repeal of Act 97, I support the reinstatement of HRS 205-5

I believe that Harry Kim's recent letter to Chris Lee, Chair of the Committee on Energy & Environmental Protection, accurately reflects many of my concerns on Geothermal Issues in Hawaii. Of greatest concern to me now is that both long-term and short-term health studies have not been conducted to see whether Geothermal in Puna is safe.

I would like the committee to know that I once represented an employee of Puna Geothermal Venture in a worker's compensation case. He suffered major health ramifications related to Geothermal pollution and working at the plant. We reached a large settlement before the case was taken to court.

Furthermore, I would like the committee to know that my own daughter, Jenna Chikasuye, has suffered for years from heavy metal and radioactive metal poisoning that we now link with raising her in upper Puna District, and drinking catchment water. She is submitting her own testimony and I will allow her to elaborate there. We want you to know that we have looked, but we can see no other way that she would have been exposed to such elements and have such incredibly elevated levels in her system than through the air and water here. Last year, while attending a County Council meeting at Pahoehoe High School with Chairman Dominic Yagong, we saw a slideshow that educated us about what exact chemical compounds and toxic metals are emitted by the PGV plant in Puna. Upon reviewing my daughter's health records thereafter, we discovered that they are all the same elements that she has alarmingly high levels of in her system. These include Lead, Barium, Cesium, Arsenic, Aluminum, Cadmium, and both Organic and Inorganic Mercury, to name a few. I also recall that one of the very first exploratory drilling sites in the early 80s, was within three miles of our house.

Several of my daughter's Medical Doctors in Boulder, Colorado, are at the cutting edge of heavy metal and radioactive metal medicine (think of Rocky Mountain Flats). They

informed Jenna that some people are capable of naturally removing these elements from their bodies by means of filtration through the liver and kidneys, while others are unable to do so. This is an emergent area of science and medicine, and thus far little is known. However, we DO know that **some** of the population that cannot chelate heavy metals includes autistics.

There is a direct correlation between autism and heavy metal toxicity. We also know that autism rates have risen sharply in the past 20 years, so much so that more children will be diagnosed with autism this year than with AIDS, diabetes, and cancer combined. It is the fastest growing developmental disability in the US - with a 10%-17% annual growth rate.

Furthermore, heavy metals accumulate inter-generationally by passing from a mother to a child in utero. I believe this is why we are now seeing a sharp-rise in autism. We burned leaded oil for 70 years in this country before we realized it was poisonous - we even used Lead it in house paint. And we have tremendous industrial pollution still taking place today. These heavy metals are not just disappearing, they are infiltrating our water supplies, and our foods; and are accumulating in our mothers, and our children. Let's not make Geothermal another uncharted territory, whose exploration will later to be deeply regretted.

By now, it should be as clear as day to you that **we need objective, third-party health studies to be performed, before any further Geothermal exploration is considered.**

In the next sections I will now quote Kim's letter to Chairman Chris Lee, in order to clarify some points, and to help inform the Committee about major points of contention in the legislation:

**“Background of Geothermal Resource Subzones (HRS 205-5)**

- Geothermal subzones were required by Act 296, passed in 1983 by the state legislature. Act 296 added new sections of HRS as HRS 205-5.
- In adopting Act 296, the legislature found that the development and exploration of Hawaii's geothermal resources is of “statewide concern” and “**must be balanced with interests in preserving Hawaii's unique social and natural environment.**” (*Section 1, Act 296*)
- The purpose of Act 296 was to provide policies that “**will assist in the location of geothermal resources development in areas of the lowest potential environmental impact.**” (*Section 1, Act 296*)
- Established the permitting process for geothermal resource permits. **This authority was assigned to County government.**

The following are the legislative guidelines directing the Board of Land and Natural Resources in the designation of geothermal subzones (HAR 13-184-6):

- That the area has potential for geothermal development activities;
- That there is a known or likely prospect for the utilization of geothermal resources for electrical energy production;
- **That any potential geologic hazards to geothermal production or use in the proposed area**

- are examined;
- **That any environmental or social impacts of the development of geothermal resources within the proposed area be considered; Especially health concerns;**
- **That the compatibility of development and utilization of geothermal resources within the proposed area is considered with other allowed uses within the area and within the surrounding lands;**
- That the potential benefits to be derived from geothermal development and utilization in the proposed area be in the interest of the county or counties involved and the state as a whole.
- **Permitting Process**

Act 296 SLH 1983 (HRS 205-5) provided for local control and provided an opportunity for people's input about affected areas by giving the County government the authority in the permitting process. The geothermal resource permit process was under the total auspices of the County government.

### **Act 97 SLH 2012**

It is surprising to note that Act 97 contains sweeping legislative changes that did not explain why these changes were being made. Those changes were mainly of exempting geothermal resource exploration and development from the existing processes (HRS 205-5) for land use designation and environmental review. This concern was also echoed by the University of Hawaii Environmental Center in its review and comment on this proposal. The only reasoning given by the supporters of this sweeping change of Act 97 was that it eliminated geothermal subzone designation requirements and streamlined portions of the regulatory processes and reduced layers of state regulation concerning geothermal development. These positions were made by the DBEDT and DLNR in testimony presented to committee.

Serious concerns about Act 97:

- Act 97 **eliminates 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.
- Eliminates the subzone provisions which **completely controverts the intent of the legislature** to ensure that geothermal development would only occur in areas of the "**lowest potential environmental impact.**"
- **Completely disregards the compatibility of the development of geothermal resources with other uses within the area and within the surrounding lands.**
- **It allows for a geothermal power plant to be built anywhere in agricultural and rural districts without a County land use permit or public hearing because it is a right by law.** This is so because Act 97 states this is a permitted use in those districts. Bear in mind that this is a major industrial plant.
- **It allows geothermal exploration and development in all state land use categories: conservation, urban, rural, and agricultural (including ceded lands.)**
- It removed all meaningful input opportunity by the community and its people who are most affected. **This was done by stripping the County government of its land use control over geothermal development.**

### **Conclusion**

It is strongly felt that the commitments made to the people of this state in the development of geothermal resources through 1983's Act 296 are good and well thought out. The Act emphasized the importance of environment, of people, of hazards, of land use planning, and provided for people's involvement and opportunity for meaningful input. The people of Puna

District have been calling for health studies, and this needs to be considered before further Geothermal exploration is considered. It is also noted here that extensive work was done by the DLNR in identifying geothermal subzones. Additionally, provisions were made for property owners to add or remove their land from geothermal subzone designation after the initial DLNR actions.

There is one major factor that has come to light in the past year that all should be concerned about; it is the possible direction that this state moving towards, which is geothermal development using a “fracking” process (also known as an “enhanced geothermal process”). This was brought into focus because of a recent \$2 million state contract to review and explore this method of geothermal development on O’ahu. We all should be very concerned about this process because of its possible impact to this precious place.

I find it very difficult to understand that Act 97 of 2012 passed with no mention and no concern about very important factors. These factors were those of concerns of environment, of people, of hazards, of people’s input, and of land use planning. The only purpose mentioned in this sweeping Act was to expedite the geothermal process by the removal of layers of government regulation. Surely the priority of culture, health, environmental concerns, and spiritual care must be of importance and not be completely ignored for the sake of expediting the development of geothermal. This is on the hope that government will be fair and do what is right by law and sense of what is right.”

Please Repeal Act 97. It never should have been written. It is unjust, and will not work. It cannot be amended.

Thank you for your time and consideration. If you would like to contact me for further information or testimony, please do so at: (808)-968-8007.

Sincerely,

C. William Chikasuye

Stephen Settanni  
PO Box 98  
Mountain View, HI  
96771

February 9, 2013

State of Hawaii House of Representatives  
State Capitol, Honolulu, HI

**Re: HB 106 Relating to Geothermal Resources**

**Purpose of HB 106**  
To Repeal Act 97 of 2012

**Position Taken**

I strongly support the REPEAL of Act 97, SLH 2012, and strongly urge you to support HB106.

My girlfriend, and several of our friends, strongly suffer from health problems related to PGV. In particular, one of my best friends developed such severe allergies when he moved into Leilani Estates (which is ½ mile from the geothermal drilling site), that his face swelled within a week of moving in and he went to the ER because he couldn't see. The newly developed allergies were so bad that he finally moved out of Leilani after battling out a few months of being there. He had never had allergies in his life, and since leaving Puna, he has not had them since. If you still need more reasons to repeal Act 97, which is a complete atrocity to human rights, please re-read Harry Kim's letter to Chris Lee. Please also read C. William Chikasuye's testimony. He is a retired Hawai'i attorney. And finally, please also read my girlfriend's testimony. Her name is Jenna Chikasuye. Then you will understand why we are asking you to repeal Act 97 IMMEDIATELY by supporting HB 106.

Thank you.

Sincerely,

Stephen Takashi Settanni

Aloha Chairman Lee and Committee Members,

I am writing in support of HB106. I agree with former Mayor Harry Kim, Robert Petricci and many others that Act 97 needs to be repealed. I understand that the guidelines for geothermal exploration and development may need to be refined and updated, but sweeping them away altogether was a foolish and shortsighted mistake.

Hawaii is a small state with patient, respectful citizens. If there is any place that can still make representative democracy work, it is here. It is most unfortunate that Hawaii has gotten caught up in the worldwide trend to privatize government, slash regulations, and give corporate predators free reign. Our small, fragile and beautiful islands actually need a heightened level of protection and care. If mainland-style, quick profit, slash and burn development is allowed here, it will make quick work of our land and resources. Geothermal power may be the long term solution to energy independence for those islands that have it. But a mindless rush to develop will only guarantee regrets.

I have great respect for our legislators. If you have all the facts and stay in touch with your constituents, then I am confident you will do the right thing. In this case that means repeal of Act 97. Mahalo for your attention.

## lowen2-Anosh

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 10, 2013 7:32 AM  
**To:** waltestimony  
**Cc:** dkpuamana@hawaiiintel.net  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

### **HB106**

Submitted on: 2/10/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Diana B. Kahler	Individual	Oppose	No

Comments: February 10, 2013 Chair Cindy Evans and members of the Water & Land Committee My name is Diana Kahler. I have been a resident of Hilo Hawaii for 35 years. I reside at 12 West Naauao Place in Hilo. I am in opposition to the passage of HB106, Relating to Public Lands and I urge you to repeal the bill. While I see the benefits of a streamlined approval process to ensure that Hawaii can support resource sector growth and be globally competitive, it is imperative that stringent environmental safeguards be in place. It seems HB 106 diminishes the value of these safeguards by decimating the approval processes. History has shown that geothermal development without proper regulation and the involvement of the people who live in those areas becomes contentious and untenable. Thank you

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## ***Thomas L Travis***

RR 2 Box 3317  
Pahoa, Hi. 96778

10 February 2013

**To: Representative Cindy Evans, Chair, and Members of the Committee on Water & Land**

**Subj: Testimony on HB 106 (Repeal of Act 97)**

I am Tom Travis, a retired military officer and federal civil servant. I served in the Navy thirty years and commanded a nuclear powered submarine, among other things.

Act 97 should be repealed in its entirety. It removed an area of law that provided a framework for establishing location for geothermal plants and it removed the framework for community interaction and protection of the environment. It also removed the role of the County government in permitting such activity.

Geothermal plants are major industrial activities. This is especially true when developers use enhanced geothermal technology including geothermal fracking, sometimes called hydraulic shearing or hydraulic fracturing. Although enhanced geothermal technology multiplies the locations that geothermal can be developed across the State, it increases rather than decreases the already considerable impact of a geothermal plant. These plants require millions of gallons of water: require hundreds of large trucks moving to and from the facility, often on country roads; create noise that can effect residents up to three miles away; create visual eyesores; and effect plants and animals due to clearing and other industrial activity. Additionally such plants change the economy, social framework, and lifestyle of a community. Major accidents can effect the health and safety of the community. Finally, they can affect the practices of the native Hawai'ian people and the fragile local environment.

According to Hawaii County's Planning Director, publicity about geothermal exploration and/or noise created by geothermal drilling have resulted in 30 requests for relocation away from the current geothermal plant, Pacific Geothermal Ventures (PGV). To honor those requests would require funds far beyond those received from geothermal royalties. The State and County is being forced to decide whether to honor the requests for relocation though providing additional funds or to again break faith with the home owners in that area. A potentially very expensive and highly emotional problem is developing. To allow such a problem to spread throughout the State without the protections and local involvement that were removed by Act 97 would be irresponsible.

In an email to me Representative Coffman offered that certain portions of Act 97 are necessary to separate geothermal exploration from geothermal development. I would



like to point out that prior to Act 97 there was already a distinction between development and exploration. Geothermal exploration could occur outside of the subzones in accordance with HRS Section 205-5.3. The protections of Act 97 only applied to the placement of the power plant.

The time for action is now. Thank you.

I am Laura Travis, a registered nurse and mother. I moved to lower Puna about three years ago in anticipation of my husband's retirement. I came because I loved the peace and quiet. I loved the community. I loved the clean air, the animals, and the plants. I came to invest in this beautiful island.

But I soon found a problem. A partnership exists between commercial interests and powerful leaders in our local and state governments, a partnership that seeks to systematically disassemble the legal framework designed to prevent unwanted and environmentally unsound exploitation of the land and communities of Hawaii.

The power elite has orchestrated a series of actions intended to disenfranchise local communities' ability to determine their own future:

- Passing Act 55, establishing the Public Land Development Corporation.
- Passing Act 97, doing away with geothermal sub-zones and taking away the counties' power to regulate geothermal power. One notable effect of removing sub-zones was to remove the community's input to evaluating possible social and environmental effects of the plant.
- Passing Senate Resolution 25, urging the Bureau of Land and Natural Resources and the Public Land Development Corporation to use of Acts 55 and 97 to commercially exploit the land for geothermal.
- Initiating an administrative action, which was narrowly defeated, to do away with environmental impact statements or environmental assessments for geothermal exploratory drilling. This initiative was taken when Bill 755, designed to do the same thing, attracted some early community-group opposition.

Additionally, this is but one example of several attacks on community self-determination throughout Hawai'i. Grassroots organizations are standing up against Big Wind in Moloka'i and Lanai; resorts and transportation in O'ahu and Kaua'i; fencing of hunting areas and the slaughtering of game animals on the Big Island; laying the inter-island power cable, planting fields of GMO crops, or ignoring Hawaiian cultural issues throughout the islands.

It has become very clear that the issues are not just about geothermal exploitation. Other even more important issues include the people's opportunity for input, the role of the local County and the State government, and the determination of the kinds of developments that affect people's lifestyles and their homes. These issues are at the very heart of the relationship of the people and their government.

It has been suggested that revision is a reasonable alternative. I say now. Cancer must be removed. Full repeal of Act 97 is necessary to right this law that should never have been passed.

**lowen2-Anosh**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 10, 2013 7:46 AM  
**To:** waltestimony  
**Cc:** beverlyfrederick76@gmail.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

**HB106**

Submitted on: 2/10/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Beverly Frederick	Individual	Comments Only	No

Comments: I am in support of HB106.

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**lowen2-Anosh**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 10, 2013 7:49 AM  
**To:** waltestimony  
**Cc:** heartofdugness@yahoo.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

**HB106**

Submitted on: 2/10/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Douglas Orton	Individual	Support	No

Comments: I support HB106 - Douglas Orton, Paho, 96778

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**HB106 HD1**  
**RELATING TO GEOTHERMAL RESOURCES**  
House Committee on Water & Land

February 11, 2013

8:30 a.m.

Room 325

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The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB106 HD1, which would repeal Act 97 (2012) and return vital regulations to the exploration and development of geothermal resources.

**HB106 HD1 would reinstate the regulations that were enacted to respond to the unique hazards created by geothermal exploration and development and to ensure critical input by the most affected communities.** Act 97 completely eliminated years of land use planning and did not replace it with an alternative process or guidelines. By deleting the statutory regulations, it eliminated the county review and approval process and along with it, an evaluation of county-specific social, health, environmental, and cultural issues. HB106 would return the subzone provisions of HRS Ch. 205 and the intent of this Legislature to ensure that geothermal development would only occur “in areas of the lowest potential environmental impact.” Act 296 (1983).

**There should be an open and transparent process for evaluation of geothermal exploration or development, particularly for proposals that will impact Hawai‘i’s most fragile lands and communities.** OHA understands the value of a streamlined process for the exploration of alternative energy options. However, deleting all geothermal specific regulations, as occurred in Act 97, went far beyond what is necessary. The full range of geothermal exploration and development environmental impacts remain yet unknown. Accordingly, experimenting with new technology in the most sensitive of protected regions, including fragile watershed areas and the habitats of threatened or endangered animal and plant species, may be unwise. Further, since geothermal exploration and development may result in emission of noxious gases and noise and ground surface disturbance, the geothermal resource subzone provisions that were deleted by Act 97 provide an 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 **PASS** HB106 HD1. Mahalo for the opportunity to testify on this important measure.

**lowen2-Anosh**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 10, 2013 8:03 AM  
**To:** waltestimony  
**Cc:** prasadhamakua@gmail.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

**HB106**

Submitted on: 2/10/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
ray dittman	Individual	Support	No

Comments: please repeal act 97 as it is an avoidance of all the environmental protection we have established over the years, it is not in favor of the people of hawaii

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**lowen2-Anosh**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 10, 2013 8:28 AM  
**To:** waltestimony  
**Cc:** vince.callagher@gmail.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

**HB106**

Submitted on: 2/10/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
vincent callagher	Individual	Support	No

Comments: I support this bill in opposition of hb97. Do not allow open drilling and fracking with no restrictions on this island.

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**lowen2-Anosh**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 10, 2013 8:39 AM  
**To:** waltestimony  
**Cc:** lawinski@gmail.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

**HB106**

Submitted on: 2/10/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Christopher Lawinski	Hawaii Whole Person Healing Collective, LLC	Support	No

Comments: repeal act 97!!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 10, 2013 8:46 AM  
**To:** waltestimony  
**Cc:** lotuslover@hotmail.com  
**Subject:** \*Submitted testimony for HB106 on Feb 11, 2013 08:30AM\*

**HB106**

Submitted on: 2/10/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
courtney Bruch	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 10, 2013 9:24 AM  
**To:** waltestimony  
**Cc:** mauirachael@gmail.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

**HB106**

Submitted on: 2/10/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachael Chisom	Individual	Support	No

Comments: SUPPORT HB 106-REPEAL ACT 97- "GEOHERMAL FRACKING" ANYWHERE in the state - that's WHY Act 97 MUST be repealed via HB106.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 10, 2013 10:11 AM  
**To:** waltestimony  
**Cc:** llcountryquilts00@gmail.com  
**Subject:** \*Submitted testimony for HB106 on Feb 11, 2013 08:30AM\*

**HB106**

Submitted on: 2/10/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Leona Leialoha	Individual	Support	No

Comments:

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Stephen Settanni  
PO Box 98  
Mountain View, HI  
96771

February 9, 2013

State of Hawaii House of Representatives  
State Capitol, Honolulu, HI

**Re: HB 106 Relating to Geothermal Resources**

**Purpose of HB 106**  
To Repeal Act 97 of 2012

**Position Taken**

I strongly support the REPEAL of Act 97, SLH 2012, and strongly urge you to support HB106.

My girlfriend, and several of our friends, strongly suffer from health problems related to PGV. In particular, one of my best friends developed such severe allergies when he moved into Leilani Estates (which is ½ mile from the geothermal drilling site), that his face swelled within a week of moving in and he went to the ER because he couldn't see. The newly developed allergies were so bad that he finally moved out of Leilani after battling out a few months of being there. He had never had allergies in his life, and since leaving Puna, he has not had them since. If you still need more reasons to repeal Act 97, which is a complete atrocity to human rights, please re-read Harry Kim's letter to Chris Lee. Please also read C. William Chikasuye's testimony. He is a retired Hawai'i attorney. And finally, please also read my girlfriend's testimony. Her name is Jenna Chikasuye. Then you will understand why we are asking you to repeal Act 97 IMMEDIATELY by supporting HB 106.

Thank you.

Sincerely,

Stephen Takashi Settanni

**lowen2-Anosh**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 10, 2013 10:55 AM  
**To:** waltestimony  
**Cc:** ChoonJamesHawaii@gmail.com  
**Subject:** \*Submitted testimony for HB106 on Feb 11, 2013 08:30AM\*

**HB106**

Submitted on: 2/10/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Choon James=	Individual	Support	Yes

Comments:

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**House Committee on Water and Land  
Monday, February 11, 2013, 8:30 am  
Conference Room 325 State Capitol 415 South Beretania Street  
Hearing on HB 106, HD1 (HSCR220)**

Aloha Chair Evans and Members of the Water and Land Committee:

On behalf of Puna Geothermal Venture (PGV), and its parent company Ormat, we would like to thank you for allowing us to provide written testimony regarding HB 106.

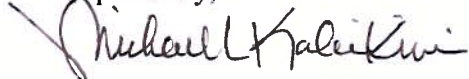
The purpose of HB 106 is to repeal Act 97 which essentially removed existing County land use oversight through the Geothermal Resource Permit process. This eliminated the “Home Rule” aspect from the County, as well as existing geothermal development subzones and the requirement to establish those subzones.

PGV’s comments are as follows:

- We support the reestablishment of the “Home Rule” to the County regarding land use oversight using the Geothermal Resource Permit process.

We appreciate the support from our State legislators and want to express our gratitude for the opportunity to provide the aforementioned testimony. Mahalo a nui loa.

Respectfully,



Michael L. Kaleikini  
Senior Director for Hawaiian Affairs  
Puna Geothermal Venture - Ormat

**lowen2-Anosh**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 10, 2013 3:02 PM  
**To:** waltestimony  
**Cc:** shannonkona@gmail.com  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

**HB106**

Submitted on: 2/10/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Rudolph	Individual	Support	No

Comments: Shameful to "take" zoning decisions from the counties and give them to the state, leaving the most affected residents out of the loop. It's moves like Act 97 that make voters extremely distrustful of their government. Please support HB106.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 10, 2013 3:19 PM  
**To:** waltestimony  
**Cc:** cwatanabe@unitehere5.org  
**Subject:** Submitted testimony for HB106 on Feb 11, 2013 08:30AM

### **HB106**

Submitted on: 2/10/2013

Testimony for WAL on Feb 11, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cade Watanabe	UNITE HERE Local 5	Support	No

Comments: Chair Evans and Hanohano, On behalf of UNITE HERE Local 5, a local labor organization representing nearly 10,000 hotel, health care and food service workers throughout our state we stand on our previous testimony submitted before the Committee on Energy & Environmental Protection in support of HB 106, HD 1. We support the repeal of Act 97 based on many of the same concerns we have articulated regarding the PLDC. We thank you for hearing HB 106, HD 1 and ask for your support. Mahalo.

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