

LATE



HB106 HD2
RELATING TO GEOTHERMAL RESOURCES
House Committee on Finance

February 25, 2013

1:30 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB106 HD2, which restores county regulations and a community dispute resolution process for the exploration and development of geothermal resources. HB106 HD2 does not, however, restore the subzone provisions of HRS Ch. 205.

OHA supports reinstating 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 (2012) 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. OHA notes that the subzone provisions of HRS Ch. 205 articulates the intent to ensure that geothermal development would only occur “in areas of the lowest potential environmental impact.” Act 296 (1983). This committee may want to consider reinstating the subzone process or a process that would accomplish the same goals.

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** and consider reinstating the resource subzone of HRS Ch. 205 to HB106 HD2. Mahalo for the opportunity to testify on this important measure.

STANDARD” for buffer zones. This is a deliberate misrepresentation by the environmentalists who used the old “GUT & REPLAC” tactic.

To insert restrictions on geothermal development to hinder its use as a renewable energy resource for electricity and FOOD PROPAGATION. Steam from geothermal development is channeled to abutting ag lands for Food propagation (hot house ag), Food drying & timber drying, & food washing & packaging. These businesses support& strengthen our food security as well as small business.

Last year the County of Hawaii passed a similar ordinance. It was vetoed by the mayor after several landowners in Puna came together to sue the County for “illegally restricting their use of their ands”.

2. This measure imposes a new test for geothermal development without any criteria or justification. This bill is create a new “compatibility test” for geothermal development, but the test has no justification or criteria. (page 1 sec. 205-A (3)).

Last session, the DLNR went to the OEQC requesting that DLNR be allowed to address geo standards for exploration through its DLNR process. HAWAIIAN HOMESTEADERS FROM WAIMANALO ALSO CAME IN AND INFORMED OEQC THAT THEY WANTED TO TEST THEIR LOW LEVEL GEO RESOURCES FOR HOT HOUSE AGRICULTURE.

The OEQC refused to meet with the Homesteaders & instead opined that any use of geothermal steam in Waimanalo could not be supported because it failed the “INCOMPATIBILITY TEST”. There is no such test on our statutes in Hawaii. OEQC & Gary Hooser, in the following OEQC hearing stated that any development of geothermal energy in areas where people live or work was “incompatible”. Homesteaders objected an requested a consultation with OEQC, but were denied.

3. This measure grants unrestricted authority to the County to supersede any State law regardless of whether the County has jurisdiction over the area. (sec. 205-B (b)).

The sweeping grant of authority in this provision allows the County to adopt “more stringent ordinances” than permitting requirements imposed by the State under State jurisdiction. The Counties authority in this section is not limited to areas within its jurisdiction such as building codes & standards, instead it is an open invitation for the County to legislate in areas under State authority such as through the imposition of standards relating to drilling protocols etc.

Conclusion:

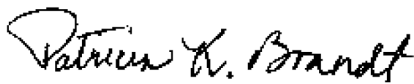
This measure was inserted into the legislative process through the gut & replace procedure in order to avoid the scrutiny of the public in earlier hearings. It is being proposed a "Home Rule" measure but in fact is not. If legislators check with the County of Hawaii planning office, you will find that their measure was HB 380, it was killed by this political tactic.

Please kill this measure & support food security small business.

Sincerely,

A handwritten signature in black ink, appearing to read "Mililani B. Trask".

Mililani B. Trask – Indigenous Consultants LLC

A handwritten signature in black ink, appearing to read "Patricia K. Brandt".

Patricia K. Brandt
CEO IDG Hawaii



Indigenous Consultants, LLC

Mililani B. Trask, Principal

P.O.Box 6377 ❖ Hilo, HI 96720

Mililani.trask@gmail.com



LATE



Date: Monday February 25, 2013

Time: 1:30pm

Place: CR 308

Committees: House Finance

Re: HB 106 HD 2

IDG | INNOVATIONS
DEVELOPMENT
GROUP

LATE TESTIMONY IN OPPOSITION

Aloha Legislators,

The Indigenous Consultants (IC) is a Hawaii based, indigenous LLC owned and operated by Native Hawaiians. It was created to assist indigenous peoples in developing their renewable energy resources in ways that are: Culturally appropriate, environmentally green and sustainable, socially responsible and economically equitable and affordable. For several years the IC has worked with Innovations Development Group in New Zealand and indigenous Maori developing geothermal resources, which are trust assets of Maori Land Trusts. In addition, the IC has acted as a consultant to other indigenous people in Hawaii and Asia who are addressing development of their trust renewable energy resources in ways that; directly benefit their people, bring in revenues, create small business opportunities and ensure fair & affordable rates to consumers, including themselves and their communities.

The Innovations Development Group (IDG) is a Hawaii based renewable energy Development Corporation owned by Native Hawaiians. It was created to facilitate the development of renewable energy resources of native people, and in summer 2011 presented its development model to legislators of the Energy & Land Committees.

IDG & IC OPPOSE this measure for the following reasons:

1. This measure is BAD for business & our economy. A similar measure was vetoed by the Mayor of Hawaii County because it was an unconstitutional "taking" of private property without compensation. (page 2 sec. 205-A(b)). Throughout the world (in places like Japan, New Zealand & Iceland) geothermal development supports agricultural developments on abutting lands through the use of steam. There is no "INDUSTRY

STANDARD” for buffer zones. This is a deliberate misrepresentation by the environmentalists who used the old “GUT & REPLAC” tactic.

To insert restrictions on geothermal development to hinder its use as a renewable energy resource for electricity and FOOD PROPAGATION. Steam from geothermal development is channeled to abutting ag lands for Food propagation (hot house ag), Food drying & timber drying, & food washing & packaging. These businesses support& strengthen our food security as well as small business.

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2. This measure imposes a new test for geothermal development without any criteria or justification. This bill is create a new “compatibility test” for geothermal development, but the test has no justification or criteria. (page 1 sec. 205-A (3)).

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Conclusion:

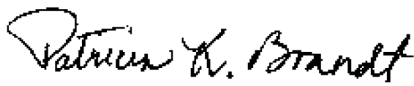
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Please kill this measure & support food security small business.

Sincerely,

A handwritten signature in black ink, appearing to read "Mililani B. Trask".

Mililani B. Trask – Indigenous Consultants LLC

A handwritten signature in black ink, appearing to read "Patricia K. Brandt".

Patricia K. Brandt
CEO IDG Hawaii

FINTestimony

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 25, 2013 7:42 AM
To: FINTestimony
Cc: Imuakako@ymail.com
Subject: *Submitted testimony for HB106 on Feb 25, 2013 13:30PM*

HB106

Submitted on: 2/25/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Maria Taylor Sykes	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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FINTestimony

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 24, 2013 9:00 PM
To: FINTestimony
Cc: ggexcavations@hotmail.com
Subject: *Submitted testimony for HB106 on Feb 25, 2013 13:30PM*

HB106

Submitted on: 2/24/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Kirbin	Individual	Support	No

Comments:

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FINTestimony

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Sent: Sunday, February 24, 2013 8:59 PM
To: FINTestimony
Cc: drtran_montreal@yahoo.com
Subject: *Submitted testimony for HB106 on Feb 25, 2013 13:30PM*

HB106

Submitted on: 2/24/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Dick Tran	Individual	Support	No

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Sent: Sunday, February 24, 2013 8:59 PM
To: FINTestimony
Cc: donald.v.tran@gmail.com
Subject: *Submitted testimony for HB106 on Feb 25, 2013 13:30PM*

HB106

Submitted on: 2/24/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
donald tran	Individual	Support	No

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To: FINTestimony
Cc: tr_qn@yahoo.com
Subject: *Submitted testimony for HB106 on Feb 25, 2013 13:30PM*

HB106

Submitted on: 2/24/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Tran Quen	Individual	Support	No

Comments:

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Sent: Sunday, February 24, 2013 8:58 PM
To: FINTestimony
Cc: tammui@sbcglobal.net
Subject: *Submitted testimony for HB106 on Feb 25, 2013 13:30PM*

HB106

Submitted on: 2/24/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Tam Mui	Individual	Support	No

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 24, 2013 8:57 PM
To: FINTestimony
Cc: ti_health@hotmail.com
Subject: *Submitted testimony for HB106 on Feb 25, 2013 13:30PM*

HB106

Submitted on: 2/24/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Tia Kent	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 24, 2013 8:57 PM
To: FINTestimony
Cc: tjsimms2000@hotmail.com
Subject: *Submitted testimony for HB106 on Feb 25, 2013 13:30PM*

HB106

Submitted on: 2/24/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
tj simms	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 24, 2013 8:57 PM
To: FINTestimony
Cc: silverpenny10@hotmail.com
Subject: *Submitted testimony for HB106 on Feb 25, 2013 13:30PM*

HB106

Submitted on: 2/24/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
penny silva	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 24, 2013 6:44 PM
To: FINTestimony
Cc: sherrianwitt@aol.com
Subject: *Submitted testimony for HB106 on Feb 25, 2013 13:30PM*

HB106

Submitted on: 2/24/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
sherrian witt	Individual	Support	No

Comments:

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Sent: Sunday, February 24, 2013 6:40 PM
To: FINTestimony
Cc: peacesubhadra@gmail.com
Subject: *Submitted testimony for HB106 on Feb 25, 2013 13:30PM*

HB106

Submitted on: 2/24/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
D. Corcoran	Individual	Support	No

Comments:

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FINTestimony



From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 24, 2013 6:00 PM
To: FINTestimony
Cc: naldajw@gmail.com
Subject: *Submitted testimony for HB106 on Feb 25, 2013 13:30PM*

HB106

Submitted on: 2/24/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
JW Nalda	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 24, 2013 5:49 PM
To: FINTestimony
Cc: mauibrad@hotmail.com
Subject: *Submitted testimony for HB106 on Feb 25, 2013 13:30PM*

HB106

Submitted on: 2/24/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Brad Parsons	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 25, 2013 6:01 AM
To: FINTestimony
Cc: ttravis12@mac.com
Subject: Submitted testimony for HB106 on Feb 25, 2013 13:30PM

HB106

Submitted on: 2/25/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Travis	Individual	Support	No

Comments: I strongly support HB 106. This bill begins to address the community disenfranchisement caused when ACT 97 was passed. Please support this bill.

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FINTestimony

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 25, 2013 12:14 AM
To: FINTestimony
Cc: paikoman@yahoo.com
Subject: Submitted testimony for HB106 on Feb 25, 2013 13:30PM

HB106

Submitted on: 2/25/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Andrews	Individual	Support	No

Comments: Aloha, Communities must have an opportunity for input on what could happen in their environment. County say so is imperative, especially in this day and age - with the PLDC waking communities up and all.

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FINTestimony

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 24, 2013 10:41 PM
To: FINTestimony
Cc: aniko65@live.com
Subject: Submitted testimony for HB106 on Feb 25, 2013 13:30PM

HB106

Submitted on: 2/24/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Avi Okin	Individual	Support	No

Comments: I support this bill (HB106) because it recognizes that local voices in the permitting process are a necessity as well as local government input in the oversight process is a must.

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FINTestimony

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 24, 2013 10:34 PM
To: FINTestimony
Cc: akamaimom@gmail.com
Subject: Submitted testimony for HB106 on Feb 25, 2013 13:30PM

HB106

Submitted on: 2/24/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Felicia Cowden	Individual	Support	No

Comments: The geo-thermal development needs to be carefully monitored and permitted.

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FINTestimony

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 24, 2013 9:51 PM
To: FINTestimony
Cc: kahnlanger@gmail.com
Subject: Submitted testimony for HB106 on Feb 25, 2013 13:30PM

HB106

Submitted on: 2/24/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Kahn-Langer	Individual	Support	No

Comments: Please support HB 106. Mahalo

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FINTestimony

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 24, 2013 9:47 PM
To: FINTestimony
Cc: j.lilinoe@gmail.com
Subject: Submitted testimony for HB106 on Feb 25, 2013 13:30PM

HB106

Submitted on: 2/24/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Josephine Keliipio	Individual	Support	No

Comments: Please passs this bill asap. Mahalo.

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Sent: Sunday, February 24, 2013 9:27 PM
To: FINTestimony
Cc: skysonghealing@yahoo.com
Subject: Submitted testimony for HB106 on Feb 25, 2013 13:30PM

HB106

Submitted on: 2/24/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Solomon	Individual	Support	No

Comments: Please restore county permitting, over site authority, and allow impacted communities to have a chance to have input in the permitting process.

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Sent: Sunday, February 24, 2013 9:10 PM
To: FINTestimony
Cc: res1z0vb@hawaiiantel.net
Subject: Submitted testimony for HB106 on Feb 25, 2013 13:30PM

HB106

Submitted on: 2/24/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Dana G. Moss	Individual	Support	No

Comments: Home rule is most important1 We don't need or want others who don't live here with us on island polluting our air water that we need to live with, use and be affected by. Because they want something developed that won't effect there air or water supply and health. Or look at the high power transmission lines draped across there homeland.

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Sent: Sunday, February 24, 2013 6:40 PM
To: FINTestimony
Cc: jemray@hawaii.rr.com
Subject: Submitted testimony for HB106 on Feb 25, 2013 13:30PM

HB106

Submitted on: 2/24/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Janet Murray	Individual	Support	No

Comments: Support HB106. Mahalo.

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FINTestimony

LATE

From: Beverly Frederick [beverlyfrederick76@gmail.com]
Sent: Monday, February 25, 2013 10:56 AM
To: FINTestimony
Subject: In Support of HB106

Dear Finance Committee,

I support HB106, it restores county permitting, over site authority, and allows impacted communities to have a chance to have input in the permitting process.

Please support HB106.

Thank you for your consideration.

Beverly Frederick
12-168 Kipuka St
Pahoa, HI 96778

808.965-9030

FINTestimony

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 25, 2013 1:41 PM
To: FINTestimony
Cc: bondma@cs.com
Subject: *Submitted testimony for HB106 on Feb 25, 2013 13:30PM*

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Submitted By	Organization	Testifier Position	Present at Hearing
Michael Bond	Individual	Support	No

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Submitted By	Organization	Testifier Position	Present at Hearing
Tamar deFries	Individual	Oppose	No

Comments: Date: Monday, February 25, 2013 Time: 1:30 pm Place: CR 308 Re: HB106 HD2 Late Testimony in OPPOSITION Aloha Legislators, Developing renewable energy resources in Hawaii is a necessity for "smart growth" that directly benefits the people of Hawaii, secures food, generates revenue, creates small business opportunities, and ensures fair and affordable rates to consumers and communities. We can develop renewable energy resources in a culturally appropriate, environmentally green and sustainable, socially responsible and economically equitable and affordable. I OPPOSE this measure, because it is BAD for smart growth and social economic development opportunities. 1. Geothermal development supports agricultural developments on abutting lands through the use of steam. If we take away these agricultural opportunities, we reduce our ability to support farmers by eliminating their ability to develop green house farming and food processing opportunities utilizing steam. To insert restrictions on geothermal development hinders its use as a renewable energy resource for food propagation that can address issues pertaining to food security. 2. This measure imposes a new test for geothermal development without any criteria or justification. This bill creates a new "compatibility test" for geothermal development, but the test has no justification or criteria. Furthermore, there is no "industry standard" for buffer zones. 3. This measure grants unrestricted authority to the County to supersede any State law regardless of whether the County has jurisdiction over the area. As a beneficiary of the Hawaiian Homes Commission Act of 1921, I believe Hawaiian Homesteaders have the right to test their low level geothermal resources for energy, agriculture, and wellness opportunities. By passing this measure, you undermine the right to self-determination of our people and their ability to provide social economic development opportunities through smart growth. Mahalo, Tamar deFries Hawaiian Homesteader (808) 478-9627 tds@pgahi.com

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