

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
FINANCE

Thursday, February 20, 2014
1:30 P.M.
State Capitol, Conference Room 308

In consideration of
HOUSE BILL 2639, HOUSE DRAFT 2
RELATING TO GEOTHERMAL RESOURCE DEVELOPMENT

House Bill 2639, House Draft 2 proposes to revise statutory provisions relating to the regulation of mineral resources under Chapters 171 and 182, Hawaii Revised Statutes, to include geothermal within the definition of a "renewable energy producer" and to provide clarity, eliminate ambiguities, and incorporate technical, non-substantive changes in accordance with Act 97, Session Laws of Hawaii (SLH) 2012, and restores geothermal resources development permits issued by the counties. **The Department of Land and Natural Resources (Department) supports the intent of this measure and suggests the following amendment:**

Prior to the passage of Act 97, SLH 2012, the Counties and the Board of Land and Natural Resources were afforded mediation in lieu of a contested case hearing for land use permits issued for geothermal development in the various land use districts. Contested case hearings could cost the State significantly more than the mediation process and could impose delays that could impact the State's ability to meet its clean energy goals. As such, the Department prefers the original language proposed in House Bill 2639, House Draft 1, or in Senate Bill 2663, Senate Draft 1, both of which provide for mediation in lieu of contested case hearings.

The preferred language is provided in Attachment 1, and is intended to replace 'SECTION 2' of House Bill 2639, House Draft 2 in its entirety.

Thank you for the opportunity to testify on this measure.

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

SECTION 2. Chapter 205, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§205- Geothermal resources development permits. (a) The use of an area or site for geothermal resources development within the conservation district shall be governed by the board; provided that the appropriate county authority may issue a geothermal resources development permit pursuant to subsection (c) to allow geothermal resources development in an agricultural, rural, or urban district if the geothermal resources development is not considered a permissible use under the applicable county zoning ordinances or general plan.

(b) If geothermal resources development is proposed within a conservation district in an application containing all required data, the board shall conduct a public hearing, and upon appropriate request for mediation from any party who submitted written comments at the public hearing, the board shall appoint a mediator within fourteen days. The board shall require the parties to participate in mediation. The mediator shall not be a member of the board or its staff. The mediation period shall not extend beyond sixty days after the date mediation starts, except by order of the board. Mediation shall be confined to the issues raised at the public hearing by the party requesting mediation.

If there is no mediation agreement on all the issues raised at the public hearing, the board may conduct a second public hearing to receive additional comments related to the unresolved mediation issues. Within ten days after the second public hearing, the board may continue to receive additional written comments from any party on the unresolved issues raised at the second public hearing. The board shall consider all such comments before rendering its final decision. The board shall then determine whether a conservation district use permit shall be granted to authorize the geothermal resources development described in the application. The board shall grant a conservation district use permit if it finds 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 in paragraphs (1) and (2), which the board shall have the authority to prescribe as conditions for the proposed geothermal resources development.

A decision shall be made by the board within six months of the date a complete application is filed; provided that the time limit may be extended by agreement between the applicant and the board. The board shall have the exclusive authority to impose reasonable conditions and restrictions upon the proposed use in support of its findings, except to the extent that the department of health and other state and federal agencies have jurisdiction to regulate such activities.

(c) If geothermal resources development is proposed within agricultural, rural, or urban districts and the proposed activities are not expressly permitted uses pursuant to the applicable county general plan and zoning ordinances, then after receipt of a properly filed and completed application including all required supporting data, the appropriate county authority shall conduct a public hearing. Upon appropriate request for mediation from any party who submitted written comments at the public hearing, the appropriate county authority shall appoint a mediator within fourteen days. The appropriate county authority shall require the parties to participate in mediation. The mediator shall not be an employee of any county agency or its staff. The mediation period shall not extend beyond sixty days after mediation starts, except by order of the appropriate county authority. Mediation shall be confined to the issues raised at the public hearing by the party requesting mediation. If there is no mediation agreement on the issues raised during the public hearing, the appropriate county authority may conduct a second public hearing to receive additional comments related to the unresolved mediation issues. Within ten days after the second public hearing, the appropriate county authority may continue to receive additional written comments from any party on the unresolved issues raised at the second public hearing.

The appropriate county authority shall consider all such comments before rendering its final decision. The appropriate county authority shall then determine whether a geothermal resources development permit shall be granted to authorize the geothermal resources development described in the application. The appropriate county authority shall grant a geothermal resources development 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, school improvements, and police and fire protection; or

(3) There are reasonable measures available to mitigate the unreasonable adverse effects or burdens referred to in paragraphs (1) and (2), which the county authority may prescribe as conditions for the proposed geothermal resources development.

Unless there is a mutual agreement to extend the proceeding, a decision shall be made on the application by the appropriate county authority within six months of the date a complete application is filed; provided that the time limit may be extended by agreement between the applicant and the appropriate county authority. The appropriate county authority shall have exclusive authority to impose reasonable restrictions and conditions for the geothermal development in support of its findings, except to the extent that the department of health and other federal and state agencies have jurisdiction to regulate such activities.

(d) Requests for mediation shall be received by the board or appropriate county authority within five days after the close of the initial public hearing. Any person submitting an appropriate request for mediation shall be notified by the board or appropriate county authority of the date, time, and place of the mediation conference. The board or county authority shall deposit the notice in the mail to the return address stated on the request for mediation. The notice shall be mailed no later than ten days before the start of the mediation conference. The conference shall be held on the island where the public hearing is held.

(e) Any decision made by an appropriate county authority or the board pursuant to a public hearing or hearings under this section may be appealed directly on the record to the intermediate appellate court for review and shall not be subject to a contested case hearing. Section 91-14 shall apply to judicial reviews, notwithstanding the lack of a contested case hearing on the matter. The appropriate county authority or the board shall provide a court reporter to produce a transcript of the proceedings at all public hearings under this section for purposes of an appeal.

(f) For the purposes of an appeal from a decision from a public hearing, the record shall include:

(1) The application for the permit and all accompanying supporting documents, including but not limited to reports, studies, affidavits, statements, and exhibits;

(2) Staff recommendations submitted to the members of the agency in consideration of the application;

(3) Oral and written public testimony received at the public hearings;

(4) Written transcripts of the proceedings at the public hearings;

(5) A statement of relevant matters noticed by the agency members at the public hearings;

(6) The written decision of the agency issued in connection with the application and public hearings; and

(7) Any other documents as may be required by the board or appropriate county authority.

(g) For purposes of this section:

"Appropriate county authority" means the county planning commission or, if applicable, the respective county agency or body designated by county charter or ordinance to issue development permits.

"Board" means the board of land and natural resources."



**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 FINANCE

Thursday, February 20, 2014
1:30 p.m.
State Capitol, Conference Room 308

in consideration of
HB 2639, HD 2
RELATING TO GEOTHERMAL DEVELOPMENT.

Chair Luke, Vice Chairs Nishimoto and Johanson, and Members of the Committee.

The Department of Business, Economic Development, and Tourism (DBEDT) supports HB 2639, HD 2, which includes geothermal within the definition of a renewable energy producer for public land leasing purposes, reauthorizes Counties' Geothermal Resource Permits (GRPs), and clarifies Department of Land and Natural Resources' administration of the State's mineral leasing program.

There are no additional costs to the State of Hawaii for implementation of this measure. The clarifications to the definition of a renewable energy producer and procedures for awarding mining leases should encourage geothermal development, supporting the State's energy policy directives of a diversified renewable portfolio anchored by geothermal and ultimately contribute to additional income to the State from payroll taxes, royalties, and increased economic activity.

DBEDT defers to the Department of Land and Natural Resources regarding the provisions of this measure impacting the administration of the State's mineral leasing program.

Thank you for the opportunity to offer these comments in support of HB 2639, HD2.



HB2639 HD2
RELATING TO GEOTHERMAL RESOURCE DEVELOPMENT
House Committee on Finance

February 20, 2014

1:30 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on HB2639 HD2, which would return important permitting procedures and substantive standards to geothermal resources development, reinstate opportunities for public input and clarify judicial review and appeal processes relating to the issuance of geothermal resources development permits.

In Act 97, Session Laws of Hawai‘i 2012, the Legislature repealed the long-established geothermal resource subzone designation process as well as the permitting framework for geothermal exploration and development, without providing any regulatory alternatives. In doing so, Act 97 also eliminated the county review and approval process for geothermal proposals, which included an evaluation of county-specific social, health, environmental and cultural issues, and provided important opportunities for local community input.

OHA understands the potential value of a streamlined process for the exploration of alternative energy options. However, Act 97 eliminated important layers of substantive and procedural safeguards that recognized the need for public involvement and input from those most likely to be affected by geothermal projects. **By restoring county and state permitting authorities and establishing standards to prohibit unreasonable socioeconomic, environmental and public health impacts, this bill will ensure a more open and transparent process for evaluating geothermal proposals, and mitigate potential impacts to Hawai‘i’s most fragile lands and communities.**

OHA expresses concerns regarding this measure’s attempt to expand the public auction exceptions in HRS section 171-95, by allowing the direct lease or grant of public lands to geothermal producers and private developers for up to 65 years. Long-term leases such as those allowed under section 171-95 may restrict the state from making the best use of such lands for over a generation, and lead to a sense of entitlement that can and has resulted in the loss of public lands. Skipping over the public auction process may also result in significant lost revenue opportunities for the state. **Accordingly, adding geothermal producers and private developers to the list of entities eligible for direct, 65-year leases may compromise the state’s fiduciary duty to ensure that public trust lands are used to the maximum public benefit.**

Mahalo nui for the opportunity to testify.

William P. Kenoi
Mayor



Walter K.M. Lau
Managing Director

Randall M. Kurohara
Deputy Managing Director

County of Hawai'i Office of the Mayor

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February 20, 2014

The Honorable Sylvia Luke, Chair
and Members of the House Committee on Finance
Hawai'i State Capitol, Room 308
415 South Beretania Street
Honolulu, Hawai'i 96813

RE: House Bill 2639 HD 2, RELATING TO GEOTHERMAL RESOURCE
DEVELOPMENT

Aloha, Chair Luke and Committee Members:

Mahalo for this opportunity to express our support of the intent of this bill, which establishes the framework to regulate geothermal development activities through a permitting process. Among other things this bill authorizes the appropriate county authority to issue geothermal resource permits to allow geothermal resources development in an agricultural, rural, or urban districts if the proposed activities are not expressly permitted under the applicable county plan and zoning ordinances. As we have said in previous testimony, we support repeal of Act 97.

The county believes oversight of geothermal permits belongs in the county in which such activity takes place. Placing the permitting authority with county government supports home rule and assures that those people most impacted by any geothermal-related activities have a reasonable opportunity to participate in hearings and voice their concerns or support for such projects.

Mahalo for your consideration.

Aloha,

William P. Kenoi
MAYOR

Thomas Lee Travis

RR 2 Box 3317

Pahoa, Hi 96778

email: ttravis12@mac.com

mobile: (757) 639-7364

February 19, 2014

Testimony on HB2639 for Finance Committee Hearing on February 20, 2014

To: House Committee on Finance:

I support HB 2639 with proposed amendments to establish contested case and to strengthen actions recommended by the Geothermal Public Health Assessment Working Group.

As a member of the Mayor of Hawaii's Geothermal Public Health Assessment Working Group, I am keenly aware that much of the controversy concerning geothermal development in lower Puna has occurred because the placement procedures for the geothermal plant (a major industrial facility) have sorely disenfranchised the community. In short those procedures ignored community planning, paid little attention to concerns over economic impact, ignored cultural objections, were silent as to potential health effects, were insufficient in establishing a monitoring system for hydrogen sulfide and noise, and left the community feeling powerless over its future direction.

HB 2369 HD2 takes firm steps to remedy these issues, but additional amendments could improve this bill.

- Although the bill would stop mandatory mediation and provide for appeal to the appellate court, it does not allow contested case, a procedure necessary to generate the legal record needed. This bill should reestablish contested case to geothermal permitting, providing the community a the usual administrative process for resolving conflicts. It is ironic that currently the process available to a citizen that disagrees with the placement of a small school is not available to a community that does not agree with the placement of a geothermal plant, a major industrial facility.
- Although the bill as currently written addresses much of the intent of the recommendations of Hawaii County's recent Geothermal Public Health Assessment Working Group Report, that document recommends studies of health and environmental to establish a baseline that will allow future understanding of the impact of geothermal development. It is recommended that such studies be added as part of the permitting process. The recommendation for these studies is attached.

I support HB 2639, with amendments as recommended.

/S/ Thomas L Travis

Recommendation 8 from the Geothermal Public Health Assessment Final Report

8. The County should commission future geothermal developers to fund & conduct water resource & health baseline studies prior to drilling & development

Geothermal development can affect the health and well being of people surrounding the plant during dramatic accidents like the KS-8 blowout in 1991 and potentially during smaller upsets and operational releases such as occurred in 1997 and 2005. By establishing a baseline health study that measures the same parameters explored in Recommendation 1, future health studies can more easily establish the magnitude and responsibility of health effects.

Further, geothermal development may affect water wells downstream from the development area as well as the coastal basal brackish groundwater and the ocean near the geothermal plant. By establishing a baseline using the methodology of the study of Recommendation 4, future water studies will be able to establish more easily the magnitude and possible responsibility for environmental impact from geothermal development. If possible, USGS should conduct this study.

Discussion

1 Baseline Health Studies

Before geothermal development begins, a geothermal developer should fund a county-approved independent, baseline health study to establish a basis for any comparison of emerging effects of future geothermal development and production. The target area of study should include local surrounding communities that could be affected by exposures to peak concentrations of 25 ppb or more in worst-case accident scenarios.

By doing baseline studies, the power of statistical analysis is much improved. Comparisons can then be made to geographical areas affected or not affected as well as conditions before and after exposures. This allows for the magnitude and responsibility for any negative health effects to be determined.

The baseline health study could be fashioned after the health study that is done to fulfill Recommendation-1. Regardless, it should establish community health demographics and a baseline for CNS health, incidence of respiratory dysfunction/disease, cancer, reproductive health matters, and other health issues. Ambient noise level, ground contamination levels, and air contamination baselines should be established throughout the community. Vulnerable sub-populations (e.g., the young, the old, and the infirm) should be identified.

It would be logical that the same research team that acts on Recommendation-1 could do the baseline studies.

2 Baseline Water Studies

In 1994, USGS conducted a study, “Potential Effects of the Hawaii Geothermal Project on Ground-Water Resources on the Island of Hawaii,” by Michael L. Sorey and Elizabeth M. Colvard. This study recommended follow-on studies, noting the possibility of surface water contamination by geothermal development. To date no follow-on study has been done, but the 1994 study can serve as a partial baseline reference. Unfortunately the study was done after many years of geothermal development in Lower Puna and possible causes of water contamination during that period are now more difficult to sort out.

Future geothermal development should take advantage of this lesson learned. By conducting a study like the 1994 study, a baseline will be available to establish the magnitude and responsibility of possible environmental impacts of future development on water resources. This study would establish which aquifers could be affected, the thickness of the fresh water lens, and the chemical composition of brackish water resources. These values might then be used for benchmark comparisons

at future dates. It should be noted the 1994 USGS study cautions that drilling in areas south of the rift zone and west of the rift zone could cause issues not faced by current PGV operations, making the need for such baseline studies even more important.



Indigenous Consultants, LLC

Mililani B. Trask, Principal

P.O.Box 6377 ❖ Hilo, HI 96720

Mililani.trask@gmail.com



Bill #: HB 2639 HD2 Re: Geothermal Resource Development

Hearing Date: Thursday, Feb. 20th, 2014

Time: 1:30pm

Room: 308

Needs Amendments- GO BACK TO HB 2639 HD1

February 18, 2014

Aloha Legislators,

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 and affordable rates to consumers, including themselves and their communities.

IC supports geothermal development and supports the language in HB 2639 HD 1.

HOUSE FINANCE SHOULD USE THE ORIGINAL LANGUAGE IN HB2639 HD 1 in order to avoid the following fiscal ramifications:

#1. IMPLICATIONS OF CONTESTED CASES:

The process in this bill provides for a Contested Case before the Intermediate Court of Appeals—there is no such process. The ICA hears APPEALS.

The County Home Rule process is in HB 2639 HD1. It provides for a Public Hearing, if there are disagreements it provides for MEDIATION, following MEDIATION it calls for a second hearing and if the conflict is still not resolved, it provides for direct appeal to the State Intermediate Court of Appeals. This process was held to be “CONSTITUTIONAL” by the ICA.

Cost Ramifications to DLNR, COUNTY & STATE:

If House Finance passes this measure as drafted, DLNR and COUNTY will have to pay all costs for protracted contested case proceedings (Maunakea took 6 years) as well as litigation costs thru the Circuit Courts to the ICA. It has been estimated that the contested case for Maunakea exceeded 1 million dollars! Mediation is quick and affordable.

THIS PROBLEM CAN BE AVOIDED BY USING THE LANGUAGE IN HB 2639 HD1

#2. FISCAL IMPLICATIONS OF "BUFFER ZONES":

This measure and its accompanying Committee Report authorize the imposition of "Buffer Zones" around geothermal development areas and projects. This means that all abutting lands cannot be used for other purposes. When the County of Hawaii contemplated "buffer zones" (5-10 miles around the development) the landowners of these areas wanted compensation for the value of the lands "taken", they threatened litigation. The County wisely decided against buffer zones, which are not required in any geothermal development in the USA or in the World.

COST RAMIFICATION: Condemnation costs to be paid by the State

Buffer zones will prevent lands in buffer areas from being developed. This measure will be a State law if passed. This means the State will be responsible for costs relating to the devaluing of buffer lands.

THIS PROBLEM CAN BE AVOIDED BY USING THE LANGUAGE IN HB 2639 HD1.

#3. FISCAL IMPLICATIONS FOR STATE ECONOMY & FOOD COSTS:

Hawaii currently pays the highest electricity rates in the Nation and within our State Hawaii Island pays much higher rates than Maui, Oahu and Kauai. We export 5 billion a year for fossil fuel and in addition pay the highest cost for food being imported from the US Continent. We need to get Hawaii Island off of imported fuel and on to its own renewable and affordable firm power through geothermal development as provided for in the HCEI.

Conclusion:

The better language is in HB 2639 HD1. It provides for geothermal development processes under DLNR, it restores the County of Hawaii's Home Rule procedure but does not have the negative fiscal implications of HD2 for the State, DLNR & the County.

Sincerely,

A handwritten signature in black ink, appearing to read "Mililani B. Trask". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mililani B. Trask,
Indigenous Consultants LLC

finance1

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 18, 2014 12:30 PM
To: FINTestimony
Cc: juggler@aloha.net
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/18/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---|---------------------------|---------------------------|
| Graham Ellis | President - Hawaii Sustainable Community Alliance | Support | No |

Comments: Our statewide organization with over 650 members strongly supports HB2639 as amended by the House Committees on Energy and Environmental Protection and Water and Land in HD2, but only with a further amendment to allow contested cases. The Committees appropriately removed mandatory mediation as a process that is not fair in geothermal permitting, but it continues to unfairly prohibit contest case proceedings for geothermal permit applications. The prohibition deprives interested parties of an opportunity to meaningfully participate in the proceedings.

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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HU'ENA



POWER

Bill #: HB 2639 HD2 Re: Geothermal Resource Development
Hearing Date: Thursday, Feb. 20th, 2014
Time: 1:30pm
Room: 308

Needs Amendments- GO BACK TO HB 2639 HD1

February 18, 2014

Aloha Legislators,

Hu'ena Power is a Hawaii based geothermal development company majority owned by Native Hawaiians. The company was created to bring affordable electricity to the ratepayers of Hawaii Island via renewable, clean geothermal energy production utilizing an abundant, indigenous fuel source. Hu'ena Power has worked with industry experts from all over the world to assess both the transmission and generation of electricity here in Hawaii.

Hu'ena Power supports geothermal development and supports the language in HB 2639 HD 1.

Hu'ena Power supports the amendments submitted by Indigenous Consultants LLC.

Please revert this bill back to the language of HD1.

Sincerely,

A handwritten signature in black ink that reads "Roberta Cabral". The signature is fluid and cursive, with the first name being more prominent.

Roberta Cabral
Hu'ena Power

Bill #: HB 2639 HD2 Re: Geothermal Resource Development
Hearing Date: Thursday, Feb. 20th, 2014
Time: 1:30pm
Room: 308

Needs Amendments- GO BACK TO HB 2639 HD1

February 18, 2014

Aloha Legislators,

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 supports geothermal development and supports the language in HB 2639 HD 1.

IDG also supports the amendments proposed by Indigenous Consultants LLC.

Please change the language back to the original HD1.

Sincerely,



Patricia K. Brandt
Innovations Development Group, Inc.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 10:01 AM
To: FINTestimony
Cc: aloha@ecohostelhawaii.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------------------------|---------------------------|---------------------------|
| derek brewer | Eco Hostel Hawaii, GMO Free Hawaii | Support | No |

Comments: Support for HB2639 as amended by the House Committees on Energy and Environmental Protection and Water and Land in House Draft (HD2), but only with a further amendment to allow contested cases. The Committees appropriately removed mandatory mediation as a process that is not fair in geothermal permitting, but it continues to unfairly prohibit contest case proceedings for geothermal permit applications. The prohibition deprives interested parties of an opportunity to meaningfully participate in the proceedings.

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Puna Pono Alliance
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Kea`au, HI 96749

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February 19, 2014

To: House Committee on Finance
Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair
Rep. Aaron Ling Johanson, Vice Chair

Re: Hearing on Thursday, February 20, 2014, at 1:30 a.m. in Conference Room 308
HB2639 HD2 (regarding geothermal permitting¹) – **conditionally support** because:

- * it removes mandatory mediation from geothermal permitting, but
- * it does not restore contested case proceedings;
- * it improves appropriate geothermal health and safety considerations, but
- * but it does not restore geothermal resource subzones (repealed by Act 97 in 2012);
- * it ignores Hawai`i County's recent Geothermal Public Health Assessment.

Encl: Proposed amendments:

1. to restore contested case proceedings;
2. to restore the geothermal resource subzones repealed by Act 97, *nunc pro tunc*;
3. to include Geothermal Public Health Assessment recommendations.

Aloha Representatives,

We support HB2639 HD2 with an amendment to allow contested cases and we urge you to further consider two additional proposed amendments. Presently, the bill provides, in part, that "(f) Any decision made by an appropriate county authority or the board pursuant to a public hearing or hearings under this section may be appealed directly on the record to the intermediate appellate court for review *and shall not be subject to a contested case hearing...*" (Emphasis supplied.) The previous committees' report (536-14) on that point says their amendment allows "decisions to be appealed through a contested case hearing in the Intermediate Court of Appeals" Appellate courts do not allow parties to cross examine witnesses or have make evidentiary presentations (the rules limit review to the agency record) and without a contested case those due process opportunities are omitted from the public hearings (that is what "shall not be subject to a contested case" means.) HRS Section 91-14 limits judicial review of a contested case to the agency record and the lack of a contested case proceeding means the record would not have been developed with cross examination and evidentiary presentations – in fact, the record probably would only consist of three minute testimonies. We propose the attached simple amendment to solve this problem and with that amendment the bill will be fine for permitting procedures.

¹ Please note that this testimony addresses only Section 2 of HB2639.

The first geothermal permitting law created by Act 296 in 1983 provided for a contested case² in permit applications. In 1987 Act 378 removed contested case provisions and substituted mandatory mediation (“to provide for a simpler procedure to consider and act on permits for geothermal development” Senate Committee Report 1118.). In 2012, Act 97 repealed *all of the laws* relating to geothermal permitting and geothermal resource subzones, apparently with an intent of eliminating a so-called ‘go-slow’ approach to geothermal development. Thoughts that favored streamlining geothermal permits to make the process simpler (and easier for developers) weakened the process to the point where it failed to appropriately consider issues of public health and safety. Those thoughts eventually reached the ultimate absurdity of simply wiping out all geothermal regulatory statutes in 2012 by Act 97.

Obviously, the resulting vacuum provides no consideration for issues of public health and safety. Now, for the second year in a row, the Legislature is re-visiting that elimination of laws governing geothermal development. A final step in the unsuccessful efforts to restore geothermal laws in 2013 saw a rare Senate floor amendment that removed mandatory mediation from HB252 (the last bill geothermal still standing in 2013 before it died in a conference committee.)

Before you now is amended HB2639 HD2 that attempts to improve upon the minimal, streamlined geothermal permitting procedure repealed by Act 97. We applaud the Committees on Energy & Environmental Protection and Water & Land for their amendments, particularly in removing mandatory mediation from the geothermal permitting process. However, the failure to restore contested case proceedings in the review of permit applications leaves the interested public without a venue for expressing and exploring their concerns in detail.

Improved permitting procedures should include lessons learned from the Geothermal Public Health Assessment Final Report published by a working group funded by the County of Hawai`i. The County’s pro-geothermal mayor embraced the report and promised to implement its recommendations. Puna is the only community in the State with geothermal experience. The report offers some hope that future geothermal development in Hawai`i could come closer to assuring the health and safety of affected communities.

The report, validating a number of community concerns expressed over the years, states that risks from geothermal energy production and harmful effects require better monitoring and reliable health data. The report includes several valuable recommendations, such as establishing a better toxic emission monitoring system based upon a finding of risks that relate to geothermal energy production’s hazardous chemicals escaping to the air, water, or at surface level. Also, the report recommends evaluation of the effects on drinking water and the near-ocean environment (including baseline studies prior to further geothermal development.) Those recommendations could – after thirty years, finally – better assure the health and safety of affected communities.

² Act 296 (1986) said, in relevant part, “[t]he board and/or appropriate county agency shall, upon request, conduct a contested case hearing pursuant to chapter 91 prior to the issuance of a geothermal resource permit....” *Contested case* is defined by HRS § 91-1 as “a proceeding in which the legal rights, duties, or privileges of specific parties are required by law to be determined after an opportunity for agency hearing.”

From the report it can be seen that streamlined geothermal permitting methods first put in place in 1983 and trimmed even further in subsequent years (before being eliminated altogether by Act 97 in 2012) *were not sufficient to prevent community risks and harm*. The County of Hawai`i, as a result of actual experience with geothermal development, has formally recognized the existence of community risks and harm. That reality needs to become part of the discussion of laws pertaining to geothermal exploration and development. A formerly widespread thought that geothermal is inherently clean and safe is no longer reasonably acceptable as a given.

HB2639 reinstates part of the former geothermal permitting law repealed by Act 97, but without restoring geothermal resource subzones and without including recommendations of the Hawai`i County study and report. The amendments to HB2639 acknowledge public health and safety concerns by adding additional permitting standards in that regard. The legislation should restore designated geothermal resource subzones and include recommendations of the Hawai`i County report as elements of the new geothermal permitting process.

Please amend HB2639 pursuant to the proposed amendments.

Aloha,



Robert Petricci, President
Puna Pono Alliance

Proposed AMENDMENT #1

TO: House Bill 2639, H.D. 3

The purpose of this proposed amendment is to restore contested cases to the geothermal resource development permitting provisions of HB2639

Material to be removed is bracketed and stricken. New material is underscored.

SECTION 1. House Bill 2639, H.D. 2, Section 2 (f) is amended to read as follows:

SECTION __. Chapter _____, Hawaii Revised Statutes, is amended by adding a new section to read as follows:

(f) Any decision made by an appropriate county authority or the board pursuant to a public hearing or hearings under this section where the legal rights, duties, or privileges of affected parties are determined [~~may be appealed directly on the record to the intermediate appellate court for review and~~] shall [~~not~~] be subject to a contested case hearing. [~~Section 91-14 shall apply to judicial reviews, notwithstanding the lack of a contested case hearing on the matter.~~] The appropriate county authority or the board shall provide a court reporter to produce a transcript of the proceedings at all public hearings under this section for purposes of an appeal.

Proposed AMENDMENT #2

TO: House Bill 2639, H.D. 3

SECTION 1. House Bill No. 2639, H.D. 2, is amended by adding new Sections to read as follows:

SECTION __. Sections 5, 6, 7 and 8 of Act 97, Session Laws of Hawai`i 2012, designating "geothermal resources exploration" and "geothermal resources development" as permissible uses in all zones of the conservation district and in all districts are repealed.

SECTION __. Geothermal resource subzones previously designated by the board of land and natural resources pursuant to former Hawai`i Revised Statutes § 205-5.2 are reinstated retroactively to April 30, 2011 (the date of repeal of § 205-5.2 by Act 97, SLH 2012) such that there shall be no discontinuity in their existence from after the time they first were designated until the effective date of this Act.

SECTION __. Chapter 205, Hawai`i Revised Statutes, is amended by adding a new part to be appropriately designated and read as follows:

“PART . GEOTHERMAL RESOURCES

“§205-A Definitions. As used in this part, unless the context clearly requires otherwise:

"Board" means the board of land and natural resources.

"Geothermal resources" has the same meaning as in section 182-1.

"Geothermal resources development" has the same meaning as in section 182-1.

§205-B Geothermal Resource Subzones. (a) Geothermal resource subzones may be designated within the urban, rural, agricultural, and conservation land use districts. Only those areas designated as geothermal resource subzones may be utilized for geothermal resources development activities, in addition to those uses permitted in each land use district under this chapter.

(b) Geothermal resources development may be permitted within urban, rural, agricultural, and conservation land use districts in accordance with this chapter; provided that within the urban, rural, and agricultural land use districts, direct use applications of geothermal resources are permitted both within and outside of areas designated as geothermal resource subzones pursuant to section 205-C if such direct use applications are in conformance with all other applicable state and county land use regulations and this chapter.

(c) The board shall have the responsibility for designating areas as geothermal resource subzones as provided under section 205-C; except that the total area within an agricultural district which is the subject of a geothermal mining lease approved by the board of land and natural resources, any part or all of which area is the subject of a special use permit issued by the county for geothermal development activities, on or before May 25, 1984, is designated as a geothermal resource subzone for the duration of the lease. The designation of geothermal resource subzones shall be governed exclusively by this section and section 205-C, except as provided therein. The board shall adopt, amend, or repeal rules related to its authority to designate and regulate the use of geothermal resource subzones in the manner provided under chapter 91.

(d) The authority of the board to designate geothermal resource subzones shall be an exception to those provisions of this chapter and of section 46-4 authorizing the land use commission and the counties to establish and modify land use districts and to regulate uses therein. The provisions of this section shall not abrogate nor supersede the provisions of chapters 182, 183, and 183C.

§205-C Designation of areas as geothermal resource subzones; assessment and updates; hearings. (a) Beginning in 1983, the board of land and natural resources conducted a

county-by-county assessment of areas with geothermal potential for the purpose of designating geothermal resource subzones. Those assessments shall be revised or updated at the discretion of the board, but at least once each five years. Any property owner or person with an interest in real property wishing to have an area designated as a geothermal resource subzone may submit a petition for a geothermal resource subzone designation in the form and manner established by rules and regulations adopted by the board. An environmental impact statement as defined under chapter 343 shall not be required for the assessment of areas under this section.

(b) The board's assessment of each potential geothermal resource subzone area shall examine factors to include, but not be limited to:

- (1) The area's potential for the production of geothermal energy;
- (2) The prospects for the utilization of geothermal energy in the area;
- (3) The geologic hazards that potential geothermal projects would encounter;
- (4) Cultural, social and environmental impacts of the proposed geothermal resources development, including the potential for health, safety and nuisance impacts on surrounding land;
- (5) 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;
- (6) The potential economic benefits to be derived from geothermal development and potential related industries; and
- (7) The compatibility of geothermal development and potential related industries with the uses permitted under chapter 183C and section 205-2, where the area falls within a conservation district.

In addition, the board shall consider, if applicable, objectives, policies, and guidelines set forth in part I of chapter 205A, and chapter 226.

(c) Methods for assessing the factors in subsection (b) shall be left to the discretion of the board and may be based on currently available public information.

(d) After the board has completed a county-by-county assessment of all areas with geothermal potential or after any subsequent update or review, the board shall compare all areas showing geothermal potential within each county, and shall propose areas for potential designation as geothermal resource subzones based upon a preliminary finding that the areas are those sites which best demonstrate an acceptable balance between the factors set forth in subsection (b). When a proposal is made, the board shall conduct public hearings as follows:

- (1) Hearings shall be held at locations which are in close proximity to those areas proposed for designation. A public notice of hearing, including a description of the proposed areas, an invitation for public comment, and a statement of the date, time, and place where persons may be heard shall be given and mailed no less than twenty days before the hearing. The notice shall be given on three separate days statewide and in the county in which the hearing is to be held. Copies of the notice shall be mailed to the department of business, economic development, and tourism, to the planning commission and planning department of the county in which the proposed areas are located, and to all owners of record of real estate within, and within one thousand feet of, the area being proposed for designation as a geothermal resource subzone. The notification shall be mailed to the owners and addresses as shown on the current real property tax rolls at the county real property tax office. Upon that action, the requirement for notification of owners

of land is completed. For the purposes of this subsection, notice to one co-owner shall be sufficient notice to all co-owners;

- (2) The hearing shall be held before the board, and the authority to conduct hearings shall not be delegated to any agent or representative of the board. All persons and agencies shall be afforded the opportunity to submit data, views, and arguments either orally or in writing. The department of business, economic development, and tourism and the county planning department shall be permitted to appear at every hearing and make recommendations concerning each proposal by the board; and
- (3) At the close of the hearing, the board may designate areas as geothermal resource subzones or announce the date on which it will render its decision. The board may designate areas as geothermal resource subzones only upon finding that the areas are those sites which best demonstrate an acceptable balance between the factors set forth in subsection (b). Upon request, the board shall issue a concise statement of its findings and the principal reasons for its decision to designate a particular area.

(e) The designation of any geothermal resource subzone may be withdrawn by the board of land and natural resources after proceedings conducted pursuant to chapter 91. The board shall withdraw a designation only upon finding by a preponderance of the evidence that the area is no longer suited for designation; provided that the designation shall not be withdrawn for areas in which active exploration, development, production or distribution of electrical energy from geothermal sources or direct use applications of geothermal resources are taking place.

- (f) This section shall not apply to any active exploration, development or production of

electrical energy from geothermal sources or direct use applications of geothermal resources taking place on June 14, 1983, provided that this section shall apply to any expansion of such activities.

§205-D Exploratory wells. Any exploratory well drilled for scientific purposes or to determine the economic viability of a geothermal resource, may be permitted outside of a designated geothermal resource subzone, regardless of land use classification, provided that the activity is limited to exploration only. All applicable state and county permits shall be required to drill such exploratory wells which shall not be exempt from the requirements of the environmental impact statement law, chapter 343.”

Proposed AMENDMENT #3

TO: House Bill 2639, H.D. 3

The purpose of this proposed amendment is to include recommendations of the Hawai`i County-funded Geothermal Public Health Assessment in geothermal permitting.

SECTION 1. House Bill No. 2639, H.D. 2, is amended by adding new Sections to read as follows:

SECTION __. Chapter 205, Hawaii Revised Statutes, is amended by adding a new section to read as follows:

SECTION __. The legislature finds that geothermal resource development can affect public health, safety and well-being, as shown by the Geothermal Public Health Assessment Study Group's *Final Report, Geothermal Public Health Assessment* funded by the County of Hawai`i and completed in 2013. The Report developed a set of recommendations about the priorities and preferred methods for future scientific and monitoring studies that will assist government authorities in making informed decisions that protect the long-term health of the neighboring communities that surround geothermal energy development on Hawaii Island. The Report provides specific recommendations that include the use of baseline studies to establish the magnitude of potential health effects from geothermal resources development. The Report recommends that the county should require future geothermal developers to fund and assure baseline studies prior to development. The Report also refers to the prevention of air and water pollution and excessive noise resulting from geothermal development and says that related monitoring systems and protocols must be competent. The legislature finds that establishing competent monitoring systems pursuant to the recommendations of the Report would help protect the health and welfare of citizens. Further, geothermal development may affect water wells downstream from the development area as well as the coastal basal brackish groundwater and the ocean near the geothermal plant. By establishing a baseline using the methodology from

the final report recommendations, future water studies can more easily establish the environmental impact from geothermal development.

The purpose of this part is to protect communities located in the vicinity of geothermal resources development by requiring the board of land and natural resources and each county to:

(1) Implement, as applicable, the recommendations of the 2013 final report of the geothermal public health assessment study group, including the creation of baseline studies as well as competent monitoring resources and protocols, prior to issuing new geothermal resources development permits under this Act; and

(2) Ensure that permitted noise for geothermal resources development does not exceed levels that are appropriate in view of nearby residential properties and zoning.

SECTION __. The board of land and natural resources and each county shall:

(1) To the extent applicable, implement the specific recommendations of the geothermal public health assessment study group as set forth in part V of its final Report dated September 9, 2013; and

(2) Establish limits on permitted noise levels for geothermal resources development activities to ensure that noise levels are appropriate for residential properties and residential zoning located in or near the area where the activity will occur.

No geothermal resources development permit shall be issued under this Act until the board or the pertinent county, as the case may be, has fully complied with this section.

finance1

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 18, 2014 3:42 PM
To: FINTestimony
Cc: ja@malu-aina.org
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/18/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Jim Albertini | Malu Aina | Support | No |

Comments: Our organization supports HB2639 as amended by the House Committees on Energy and Environmental Protection and Water and Land in HD2, but only with a further amendment to allow contested cases. The Committees appropriately removed mandatory mediation as a process that is not fair in geothermal permitting, but it continues to unfairly prohibit contest case proceedings for geothermal permit applications. The prohibition deprives interested parties of an opportunity to meaningfully participate in the proceedings.

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 7:00 AM
To: FINTestimony
Cc: mhasselle@gmail.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|-----------------------------|---------------------------|---------------------------|
| Mike Hasselle | MoveOn.org Honolulu Council | Support | No |

Comments: To: The Honorable Representatives of the House Committee on Finance Please accept this testimony as conditional support for this measure. As written, this bill requires some improvements to be effective: * It removes mandatory mediation from geothermal permitting. This should be added to protect the community. Request that this bill be amended by the Ways and Means Committee so it: 1. restore contested case proceedings 2. restore the geothermal resource sub-zones repealed by Act 97 3. includes the recommendations of the Hawaii County Council's Geothermal Public Health Assessment final report. Respectfully, Mike Hasselle MoveOn.org Honolulu Council

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HB2639 HD2 (regarding geothermal permitting)

Feb. 20, 2014, Thursday at 1.30pm in room 308.

CONDITIONAL SUPPORT WITH THE FOLLOWING AMENDMENTS

Aloha Members of the House Finance Committee,

My name is Nelson Ho. I am a volunteer Sierra Club leader. I am an appointed member of your Legislative Geothermal Working Group created by Senator Russell Kokubun's Senate Concur. Resolution 99-2010.

Since 1982, I have been an active proponent of careful land management when a highly industrial activity like geothermal exploration comes into a rural area or undeveloped Hawaiian forest landscape.

HD2639 HD2 is good in that it It removes mandatory mediation from geothermal permitting.

Yet it is still short of the conditions which will allow geothermal activities back on the island. I support amendments that:

1. Restores contested case proceedings
2. Restores the geothermal resource sub-zones repealed by Act 97
3. Includes the recommendations of the Hawaii County Council's Geothermal Public Health Assessment final report

Reducing the public's ability to review and comment on a major intrusion was foolish. It engenders hard feelings and persistent organized resistance. That did not promote a faster track for this alternative energy, it just guarantees a more contentious gauntlet that decision makers, developers and regulators must pass through.

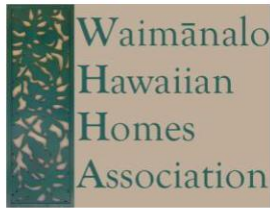
The natural landscape is a major resource that is already being diminished daily via alien plant and animal pest invasions. Geothermal energy development can be a very adverse component to the destruction and disruption.

Learn from the lessons of the 80's and 90's, or watch a potential resource extinguish itself.

Please reverse the counterproductive shortcuts as we engage the next level of energy diversification.

Nelson Ho

Member, Senate Concur. Reso 99-2010 Legislative Geothermal Working Group
Sierra Club Representative



P.O. Box 353, Waimānalo, Hawaii 96795-0353

TESTIMONY *IN STRONG SUPPORT TO* HB 2639 HD 1 RELATING TO
GEOHERMAL RESOURCE DEVELOPMENT

HAWAII HOUSE OF REPRESENTATIVE COMMITTEE ON FINANCE

Chairwoman Rep. Syliva Luke, Vice Chairs Rep. Scott Nishimoto and Rep. Aaron Johanson

And Committee Members

NOTICE OF HEARING

Thursday, February 20, 2014

1:30 p.m.

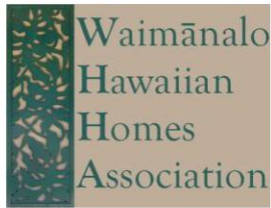
Conference Room 308

Madame Chair Luke and Vice Chairs Nishimoto, Johanson and Committee Members,
Aloha!

We *strongly support* HB 2639 HD 1 relating to the Geothermal Resource Development and would **and do not support HD 2** as it currently reads based upon the exclusion of DLNR which should be an integral part of the process. Furthermore, the effective date as recommended is entirely absurd and would therefore make this proposal a “gateway” towards opening other venues of renewable energy resources such as nuclear, fusion and off-shore geothermal exploration. The effective date should be a more realistic January 28, 2015.

We strongly support HB 2639 HD 1 relating to Geothermal Resource development, AND DO NOT SUPPORT HD2. Our Homestead is actively pursuing the development of hot-house agriculture using low level steam. The language in HD 2 will prevent this by imposing “buffer zones” on projects thereby preventing farmers (like our Homesteaders) on abutting lands from accessing discounted electricity.

We also strongly agree with the DLNR that we do not need Contested Case processes, we support mediation. If problems arise in our community we prefer to work them out through conflict resolution, only if this fails should there be a court review. House Draft 1 provides for this. Contested case proceedings may take years, they are expensive for everyone involved, not only the DLNR, but Homesteaders & farmers as well.



P.O. Box 353, Waimānalo, Hawaii 96795-0353

Testimony Submittal HB 2639 HD 2
February 19, 2014
Page 2

We need this Bill to pass but PLEASE PASS HB 2639 HOUSE DRAFT 1 – not HD2.

We appreciate the opportunity to submit this testimony and willing to be called upon as needed.

Mahalo nui loa,

A handwritten signature in black ink, appearing to read "Paul P. Richards". The signature is written in a cursive, flowing style.

Paul P. Richards
President

finance1

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 9:51 AM
To: FINTestimony
Cc: jazzelam@yahoo.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| james elam | Individual | Comments Only | No |

Comments: I, james michael elam, reverently request that this bill be amended by the Finance Committee so it: 1. Restores contested case proceedings 2. Restores the geothermal resource sub-zones repealed by Act 97 3. Includes the recommendations of the Hawaii County Council's Geothermal Public Health Assessment final report Mahalo nui loa for Pono action for all citizens and the aina! Aloha blessings

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 18, 2014 1:30 PM
To: FINTestimony
Cc: gina1645@gmail.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/18/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Mary Regina Miller | Individual | Support | No |

Comments: I support HB2639 as amended by the House Committees on Energy and Environmental Protection and Water and Land in HD2, but only with a further amendment to allow contested cases. The Committees appropriately removed mandatory mediation as a process that is not fair in geothermal permitting, but it continues to unfairly prohibit contest case proceedings for geothermal permit applications. The prohibition deprives interested parties of an opportunity to meaningfully participate in the proceedings.

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 18, 2014 12:38 PM
To: FINTestimony
Cc: norris@aktivix.org
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/18/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Norris Thomlinson | Individual | Support | No |

Comments: I am pleased that this version of the bill removed mediation, but it still lacks contested cases. Please amend this to include the option for communities to contest case proceedings in geothermal permit applications. I fully support a bill so amended.

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 18, 2014 12:57 PM
To: FINTestimony
Cc: deborah@imaginariums.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/18/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Deborah Davis | Individual | Support | No |

Comments: I support HB2639 as amended by the House Committees on Energy and Environmental Protection and Water and Land in HD2, but only with a further amendment to allow contested cases. The Committees appropriately removed mandatory mediation as a process that is not fair in geothermal permitting, but it continues to unfairly prohibit contest case proceedings for geothermal permit applications. The prohibition deprives interested parties of an opportunity to meaningfully participate in the proceedings.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 8:04 AM
To: FINTestimony
Cc: suzanne@punapono.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Suzanne Wakelin | Individual | Support | No |

Comments: I conditionally support this onditional HB2639 because it removes mandatory mediation from geothermal permitting. Please amend this bill to restore contested case proceedings and to include the recommendations of the Hawaii County Council's Geothermal Public Health Assessment final report. Mahalo

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 18, 2014 1:00 PM
To: FINTestimony
Cc: Imuakako@ymail.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/18/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

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

Comments: While I am opposed to geothermal in Hawai'i for many reasons, the least of which is the World Bank support which may render the citizens obligated for loan repayment, I submit this testimony in support HB2639 as amended by the House Committees on Energy and Environmental Protection and Water and Land in HD2, but only with a further amendment to allow contested cases. The Committees appropriately removed mandatory mediation as a process that is not fair in geothermal permitting, but it continues to unfairly prohibit contest case proceedings for geothermal permit applications. The prohibition deprives interested parties of an opportunity to meaningfully participate in the proceedings.

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 18, 2014 12:47 PM
To: FINTestimony
Cc: panther_dave@yahoo.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/18/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Dave Kisor | Individual | Support | No |

Comments: Mahalo for deleting mandatory mediation. Now if you would be so kind as to reintroduce contested case as its replacement process.

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FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 8:15 AM
To: FINTestimony
Cc: kumukahi77@gmail.com
Subject: *Submitted testimony for HB2639 on Feb 20, 2014 13:30PM*

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Dephlia Rackley | Individual | Support | No |

Comments:

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HB 2639 HD2: Relating to Geothermal Resource Development

Testimony: Supporting with Recommendations the regulation of geothermal development activities through a permitting process

February 19, 2014

Support:

the requirement for a geothermal resources development permit to assess geologic hazards related to geothermal production, environmental, cultural, or social impacts within the proposed area, compatibility with other allowed uses, the establishment of buffer zones,

Recommendations:

- 1. Reinstate county decision making when geothermal is proposed for conservation zones and areas not supported in the general plan.**
- 2. Provide the option for contested case hearings to remove the financial burden of having to hire an attorney to appeal a board decision.**
- 3. Reinstate (or update) the geothermal subzones in effect prior to Act 97 to assure property buyers, especially on the Big Island, that their investment is less likely to be adjacent to an area targeted for geothermal development.**

**Mahalo,
Pauline Mac Neil
Kailua HI 98734
Kailua Kona HI 96740**

finance1

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 12:04 PM
To: FINTestimony
Cc: doran_vaughan@yahoo.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Doran Vaughan | Individual | Comments Only | No |

Comments: To the Members of the House Finance Committee: I am corresponding with you to offer conditional support for HB2639 because I am concerned that the bill removes mandatory mediation from geothermal permitting. I suggest that this bill be amended by the House Finance Committee so it: 1.Restores contested case proceedings 2.Restores the geothermal resource sub-zones repealed by Act 97 3.Includes the recommendations of the Hawaii County Council's Geothermal Public Health Assessment final report Thank you for your consideration of these amendments. Sincerely, Doran Vaughan Pahoa, HI

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FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 4:31 AM
To: FINTestimony
Cc: yorkcarlton@gmail.com
Subject: *Submitted testimony for HB2639 on Feb 20, 2014 13:30PM*

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Carlton York | Individual | Support | No |

Comments:

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 18, 2014 11:45 AM
To: FINTestimony
Cc: shannonkona@gmail.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/18/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Shannon Rudolph | Individual | Comments Only | No |

Comments: Kind of support, but NOT without contested case hearing ALLOWED.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 8:05 AM
To: FINTestimony
Cc: nschomer@msn.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014
Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Nadia Ranne | Individual | Support | No |

Comments: HB2639 HD2 has my **CONDITIONAL** support because it removes mandatory mediation from geothermal permitting. I request that this bill be amended by the Finance Committee so it: 1) Restores contested case proceedings, 2) Restores the geothermal resource sub-zones repealed by Act 97, and 3) Includes the recommendations of the Hawaii County Council's Geothermal Public Health Assessment final report. Mahalo!

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 7:45 AM
To: FINTestimony
Cc: allanreaves@yahoo.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Allan Reaves | Individual | Comments Only | No |

Comments: I request that this bill be amended by the Finance Committee so it: 1. Restores contested case proceedings 2. Restores the geothermal resource sub-zones repealed by Act 97 3. Includes the recommendations of the Hawaii County Council's Geothermal Public Health Assessment final report

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 1:07 PM
To: FINTestimony
Cc: lornd@yahoo.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Lorn | Individual | Support | No |

Comments: I support this bill with the following amendments: 1. Restores contested case proceedings 2. Restores the geothermal resource sub-zones, repealed by Act 97 3. Includes the recommendations of the Hawaii County Council's Geothermal Public Health Assessment final report!! There has been much more impact on the island than officially reported. Also I have stood by the PGV plant with the air smelling like rotten eggs (hydrogen sulfide). The PGV Safely person reporting there is no leak. Stringent regulations and careful permitting is required! Mahalo for the consideration. Lorn Douglas

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 7:28 AM
To: FINTestimony
Cc: oceanspiritvacation@gmail.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Randall Shipp | Individual | Support | No |

Comments: I Request that this bill be amended by the Finance Committee so it: 1. Restores contested case proceedings 2. Restores the geothermal resource sub-zones repealed by Act 97 3. Includes the recommendations of the Hawaii County Council's Geothermal Public Hearing Assessment final report

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 9:20 AM
To: FINTestimony
Cc: rstetson@hawaii.rr.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Robin Stetson | Individual | Comments Only | No |

Comments: Esteemed Committee Members, Citizens throughout the Big Island ask for your representation in delivering an AMENDED HB2639 HD2 to ensure their communities' health, safety and quality of life relevant to geothermal development in their "own back yards". Accordingly, please AMEND HB2639 HD2 to: a) restore the geothermal resource sub-zones (repealed by Act 97); b) restore contested case proceedings; and c) include the recommendation of the Hawaii County Council's Geothermal Public Health Assessment final report. Thank you for your attention to this issue of vital importance to your Big Island constituents, Robin Stetson Pahoia Big Island

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 7:39 AM
To: FINTestimony
Cc: kris@kimnkris.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kris wilhelmsen | Individual | Support | No |

Comments: I am writing to urge your support for HB2639 as amended by the House Committees on Energy and Environmental Protection and Water and Land in House Draft (HD2). However, this bill **MUST** be amended so that the geothermal permitting application process takes into consideration contested case proceedings. The prohibition of contested case hearings is not in the best interest of the public or the environment and should be removed. Respectfully, Kris Wilhelmsen

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 18, 2014 5:26 PM
To: FINTestimony
Cc: revjuleshi@aol.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/18/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Julia Paul | Individual | Support | No |

Comments: Please support this bill along with my recommendation to allow contested case hearings. We need to have a voice. It is our communities, our farms and our families that have direct impact of geothermal development.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 11:09 AM
To: FINTestimony
Cc: kmrbmort@aol.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Robert ortman | Individual | Support | No |

Comments: I support HB2639 as amended in HD2, but only with further amendment to allow contested cases. Citizens need the opportunity for meaningful participation.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 9:36 AM
To: FINTestimony
Cc: drquirk@openmindedmd.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------------------|---------------------|---------------------------|---------------------------|
| Ninu-Alexandri Quirk, MD | Individual | Comments Only | No |

Comments: I have PROVISIONAL support for HB2639 as amended in House Draft HD2, BUT ONLY WITH FURTHER AMENDMENT TO ALLOW CONTESTED CASES. The Committees appropriately removed mandatory mediation as a process that is not fair in geothermal permitting, but it continues to unfairly prohibit contest case proceedings for geothermal permit applications. This prohibition deprives interested parties of an opportunity to meaningfully participate in the proceedings. Please amend HB2639 to allow contested cases.

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Sent: Wednesday, February 19, 2014 9:38 AM
To: FINTestimony
Cc: silverpenny10@hotmail.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| penny s | Individual | Comments Only | No |

Comments: Conditional support because: * It removes mandatory mediation from geothermal permitting Request that this bill be amended by the Finance Committee so it: 1. Restores contested case proceedings 2. Restores the geothermal resource sub-zones repealed by Act 97 3. Includes the recommendations of the Hawaii County Council's Geothermal Public Health Assessment final report

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 9:45 AM
To: FINTestimony
Cc: activismnow.aloha@gmail.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|------------------------|---------------------|---------------------------|---------------------------|
| Rev. Cathrine A. Grace | Individual | Support | No |

Comments: I support HB2639 as amended by the House Committees on Energy and Environmental Protection and Water and Land in HD2, but only with a further amendment to allow contested cases. The Committees appropriately removed mandatory mediation as a process that is not fair in geothermal permitting, but it continues to unfairly prohibit contest case proceedings for geothermal permit applications. The prohibition deprives interested parties of an opportunity to meaningfully participate in the proceedings. A concerned citizen, Cathrine A. Grace

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 8:06 AM
To: FINTestimony
Cc: sairam2@hawaiiantel.net
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Geoffrey Lasr | Individual | Support | No |

Comments: I support HB2639 as amended by the House Committees on Energy and Environmental Protection and Water and Land in HD2, but only with a further amendment to allow contested cases. Removing mandatory mediation which is flawed from the start is a step in the right direction in geothermal permitting, but it continues to unfairly prohibit contested case proceedings for geothermal permit applications. The prohibition deprives interested parties of an opportunity to meaningfully participate I feel this is a constitutional right for those being impacted by geothermal development. The removal of contested case hearings in geothermal development is the only time it has been done in the history of Hawaii.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 7:43 AM
To: FINTestimony
Cc: kim@kimnkris.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kim Kornbacher | Individual | Support | No |

Comments: I am writing to urge your support for HB2639. However, this bill MUST be amended so that the geothermal permitting application process takes into consideration contested case proceedings. The prohibition of contested case hearings is not in the best interest of the public and should be removed.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 7:52 AM
To: FINTestimony
Cc: zapatalives@hotmail.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Roy Lozano | Individual | Comments Only | No |

Comments: Conditional support. Bill needs to be amended by finance committee to restore contested cases, restores geothermal resource sub zones and, includes Hawaii county council health study.

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 12:54 PM
To: FINTestimony
Cc: hgowarty@yahoo.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Helene Love | Individual | Support | No |

Comments: HD2--Support amendment to allow all future contested cases for all geothermal applications.

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 10:00 AM
To: FINTestimony
Cc: barb@kanekiki.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Barb Cuttance | Individual | Support | No |

Comments: Conditional support because this bill: * Removes mandatory mediation from geothermal permitting I request that this bill be amended so it also: 1. Restores contested case proceedings 2. Restores the geothermal resource sub-zones, repealed by Act 97 3. Includes the recommendations of the Hawaii County Council's Geothermal Public Health Assessment final report

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 1:14 PM
To: FINTestimony
Cc: Bakeshirt@aol.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Janet Judy | Individual | Oppose | No |

Comments: Would appreciate this bill be ammended by the finance committee so that it 1. Restores contested case proceedings. 2. Restores the geothermal resource sub-zones repealed by Act 97 and 3. Includes the recommendations of the Hawaii County council's Geothermal Public Health Assessment final report. Thanks Sincerely, Janet Judy Bakeshirt@aol.com

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Testimony on HB2639

February 19, 2014

Aloha Honorable Representatives, Aloha Kakou,

I am Luana Jones. My father was Wilfred Yuk Yu Yee, adopted son of Yee Wah Kee, a former Lord of Chinatown. My father was by birth a Lyman from Puna, Hawai'i; his mother a Nau'umo from Kauai. My mother is Loretta Leina'ala Whaley, also known as Mrs. Yee, Mrs. Robello, and currently, Loretta Apa. Some of her ancestors come from Halawa Valley, Molokai, and the Wahinekapu lineage of Maui. Other, of my ancestors came to Hawai'i from Belgium, China, Portugal, a Schotch-Irish whaler from South Carolina, and a Cherokee from Oklahoma.

I was born and raised in Kapahulu and Aiea. I graduated from Kamehameha Schools in 1973, and married Richard Frederick Jones from Warren, Michigan in 1978. We moved to Puna in 1982, and raised our four children. Today, we actively help raise 9 of our 17 grandchildren, including "hanai" in Puna makai.

Before moving to Puna, back in the 80's, I was familiar with the vision that geothermal can provide Hawai'i's energy needs and make us less dependent on fossil fuels; I thought "well, that would be great for Hawai'i." As fate would have it, we bought a vacant lot at the top of Pohoiki road near the HGP-A experimental geothermal power plant.

We are one of the homes within 2,500 feet of the power plant. We not only have had to endure the effects of the original smelly, corrosive, noisy, pilau plant until they finally shut it down; we have endured decades of intrusions from the current geothermal development – gas leaks, noise, ground vibration, "trips", "kicks", and the worst case scenario, the original manager (there have been several) assured us would never happen - a "blow out!" If you've ever been on a runway when a 747 jet is taking off - -that's how it was at our house for 31 hours. In addition to nerve damage, I believe I still suffer from PTSD, secondary to the geothermal blow-out in 1991.

Now, the idea of having more geothermal power plants in Puna makes me cringe! And I'm not the only one. Geothermal production does not belong in neighborhoods! The Kupuna (who are the correct traditional authority) say, "If they like make more geothermal, tell them go in the national park, where no more people."

Plus, geothermal is not clean! Done near volcanic activity, it could be disastrous (recent geologists report)! Other cleaner, renewable energy sources are emerging! The Hawaiian islands, being very finite (small), and surrounded by water, has yet to articulate ocean-generated-energy production, just as sure as the cell phone in your pocket was not even in your imagination a few decades ago! I believe the next generations of indigenous engineers will invent the technology! Until then, it is our "Kuleana" as stewards of the land, to malama (care for) the land, as well as the people to the best of our ability!

Please amend this bill to include the rights of, and safeguards for, the people and environment of this very sacred place in Hawai'i. Namely, the recommendations of the Adler Report, which was

contracted by Mayor Billy Kenoi out of concern for the people and Puna, and restoring citizen's rights to contested case hearings. I SUPPORT HB2639 WITH AMENDMENTS.

Thankyou for your patience, and this opportunity to share my mana'o, my testimony. Your kind consideration is appreciated.

Mahalo Nui Loa,

Luana Jones
14-3784 Pohoiki Road
Pahoa, HI 96778
Phone: (808)938-0021

FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 11:11 AM
To: FINTestimony
Cc: tiana808@gmail.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM
Attachments: 2014-02-19_11-04-49.png

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Barbara Johnson | Individual | Support | No |

Comments:

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Sent: Wednesday, February 19, 2014 12:43 AM
To: FINTestimony
Cc: ronsan2224@aol.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014
Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Ronald S. Fujiyoshi | Individual | Oppose | No |

Comments: As a Christian pastor with a Divinity degree from the Chicago Theological Seminary and one who served as a missionary in Asia for twenty years I oppose geothermal development in Hawai'i. It is not clean, it is not renewable, and most importantly it is a violation of the customary rights of Native Hawaiians who believe geothermal drilling is a violation of their religious beliefs. These rights are supposedly protected by the Hawai'i State Constitution, Article XII, Section 7. Mahalo for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 11:00 AM
To: FINTestimony
Cc: dreamtimehawaii@yahoo.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| lloyd good | Individual | Oppose | No |

Comments: I live very near the geothermal plant therefore this issue affects my health directly. Geothermal is cost ineffective and dangerous especially when fracking is considered. All efforts must be made to discourage geothermal energy and encourage solar energy. The needs of the many must outweigh the greed of the few. The 7pm sound time ordinance must be upheld. All legislative safeguards and procedures must be preserved. Mahalo for your time and consideration, Lloyd Good 13-661 Hinalo Street Pahoa HI 96778

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 7:50 AM
To: FINTestimony
Cc: katc31999@gmail.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Katarina Culina | Individual | Support | No |

Comments: Dear Finance Committee Chair, Vice Chair and Members, Please support HB2639 HD2 with these amendments: restoration of contested case proceedings and geothermal resource subzones repealed by Act 97. Also, please incorporate recommendations of Hawaii County's Geothermal Public Health Assessment final report (aka Adler Study). Please legalize the protection of public health, safety and rights - geothermal permitting process has, so far, trampled all three, for decades. Mahalo, Katarina Culina P.O. Box 2142 Pahoā, HI 96778

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 8:54 AM
To: FINTestimony
Cc: luellacrutcher@yahoo.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------------|---------------------|---------------------------|---------------------------|
| Luella Nohea Crutcher | Individual | Support | No |

Comments: Conditional Support - because it removes mandatory mediation from geothermal permitting. I request that this bill be amended by the Finance Committee so it: • Restores contested case proceedings • Restores the geothermal resource sub-zones repealed by Act 97 • Includes the recommendations of the Hawai`i County Council`s Geothermal Public Health Assessment Final report
Mahalo, Nohea Crutcher

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Sent: Wednesday, February 19, 2014 11:20 AM
To: FINTestimony
Cc: nicolilla@yahoo.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Nicki Conti | Individual | Comments Only | No |

Comments: I am writing in conditional support because of this bill because it removes mandatory mediation from geothermal permitting and I believe mediation is very important protection and right for the residents living near ego development . I also would like to see the Restoration of the geothermal resource sub-zones that were repealed by Act 97 added to this bill , again these sub-zones act as a protection for our island and residents. Lastly I would like the bill to include the recommendations of the Hawaii County Council's Geothermal Public Health Assessment final report. Thank you Nicki Conti Request that this bill be amended by the Finance Committee so it: 1. Restores contested case proceedings 2.

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 11:48 AM
To: FINTestimony
Cc: ilu_you@yahoo.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| C. Conda | Individual | Comments Only | No |

Comments: I strongly recommend that this bill proceed and be heard and agreed to. Thank you.

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 5:54 AM
To: FINTestimony
Cc: val.colter@yahoo.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Valerie Colter | Individual | Comments Only | No |

Comments: Finance Committee: Please amend this bill so that it 1. Restores contested case proceedings 2. Restores the geothermal resource sub-zones repealed by Act 97 3. Includes the recommendations of the Hawaii County Council's Geothermal Public Health Assessment final report

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 6:54 AM
To: FINTestimony
Cc: hilobliss@yahoo.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| joy cash | Individual | Support | No |

Comments: Conditional support based upon: Restoring contested case proceedings. Restoring geothermal sub-zones. Inclusion of Hawaii County's Geothermal Public Health Report.

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 10:04 AM
To: FINTestimony
Cc: leannebudlong@hawaii.rr.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| leanne budlong | Individual | Comments Only | No |

Comments: I request that this bill be heard to restore contested case proceedings, restore geothermal resource sub-zones, (repealed in act 97) and includes the recommendations of the Hawaii County Geothermal Public Health Assessment final report.

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 11:48 AM
To: FINTestimony
Cc: d.bt@live.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------------|---------------------|---------------------------|---------------------------|
| Diane Brucato-Thomas | Individual | Support | No |

Comments: This testimony is in support of HB2639 HD2, with further amendment to allow contested cases and provide for enforcement of permit. My name is Diane Brucato-Thomas and I have lived one mile away from Puna Geothermal Ventures since it came to be. I thank the committee for removing mandatory mediation as a process that is not fair in geothermal permitting. Still it continues to unfairly prohibit contest case proceedings for geothermal permit applications. This prohibition deprives interested parties of an opportunity to meaningfully participate in the proceedings. In addition, an amendment that provides for enforcement of permit would be an important addition. To provide at least one example, to date the current geothermal plant (PGV), has yet to comply with its permit that requires that it shade its lights, so as not to interfere with private residencies or biologically sensitive areas (Pu'u Lena Crater, largest of three nesting sites for Newell Shearwater). Despite years of complaint and documentation, their lights still shine and the night call of the fledglings is sadly becoming more rare. Thank you for your attention. Respectfully, Diane Brucato-Thomas, RDH, EF, BS, FAADH

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 10:06 AM
To: FINTestimony
Cc: bbclayplay@gmail.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Barbara Brown | Individual | Support | No |

Comments: request bill be ammended by Finance Committee. restore contested case proceedings, restore geothermal resourses subzones repealed by Act 97, includes reccomendations of Hawaii County Council Health Assessment Final Report

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 8:22 AM
To: FINTestimony
Cc: bryanbrey@gmail.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Bryan Brey | Individual | Comments Only | No |

Comments: Conditional support: Restore contested proceedings Restores geothermal subzones
Includes recommendations from Hawaii Council's Geothermal Public Health Assessment Final Report

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 8:25 AM
To: FINTestimony
Cc: biltoftc@yahoo.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Christopher Biltoft | Individual | Support | No |

Comments: HB 2639 is a positive step in that it removes mandatory mediation, restores geothermal subzones, and recognizes the 2013 Adler Health Study Report as a way to handle complex, contentious issues. However, it is somewhat confusing in that it does not restore contested case hearings. Please clarify the intent of HB 2639 by including restoration of contested case hearings. Mahalo!

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Harry Kim
471 Ho`okina Place
Hilo, Hawaii 96720

February 19, 2014

Testimony to:
House Committee on Finance
Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair
Rep. Aaron Ling Johanson, Vice Chair

Thursday, February 20, 2014, at 1:30 a.m. in Conference Room 308

In consideration of

HB2639, HD2, RELATING TO GEOTHERMAL RESOURCE DEVELOPMENT

Position: support with amendments

I ask for your support for HB2639, HD2, with the amendments proposed by the Puna Pono Alliance.¹ The present draft appropriately removed mandatory mediation from the permitting process, but does not allow contested cases. That situation may implicate the due process rights of residents potentially impacted by a permit application. Contested cases should be allowed, just as they are ordinarily a part of similar permit proceedings.

I believe geothermal subzones are an important concept and should be restored. Under the law that was repealed by Act 97, the board of land and natural resources had conducted a county-by-county assessment beginning in 1983, examining areas with the potential for development as designated geothermal resource subzones. The board assessed geological factors that are necessary for geothermal development. After the assessment, the board held public hearings in areas proposed for designation based on preliminary findings that the areas demonstrated an acceptable balance between both the potential for geothermal development and community impact.

As a result of those efforts and procedures, the designated geothermal resource subzones gave developers and homeowners notice of locales that could be suitable for geothermal development. Geology allows geothermal development only in areas with the necessary subsurface heat and water. The subzones allowed development in areas balancing that geological requirement with the lowest potential for adverse impacts. The second of the proposed amendments to HB2639, HD2, restores geothermal resource subzones as they were before their repeal in 2012 by Act 97, without any further effort or cost.

¹ This testimony addresses only Section 2 of HB2639.

I believe that a review of the records of Act 97 will clearly show that the only identified purpose of the sponsors and supporters of Act 97 was to expedite geothermal development and remove all barriers.

While geothermal energy may prove to be a part of Hawaii's energy future, because of potential negative impact on people and our fragile environment, it must be done right, with sensitivity to health, environmental, social, and cultural concerns. An amended HB2639, HD2, could be a step toward restoring balance between development for energy needs and respect for people's lifestyle, the environment, health, cultural concerns, and home rule for the counties.

Much Aloha,
Harry Kim

finance1

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 6:17 AM
To: FINTestimony
Cc: richard@bidleman.net
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Richard Bidleman | Individual | Comments Only | No |

Comments: In light of the what is happening in Oklahoma with regard to earthquakes, it would seem that we at least should declare a moratorium on this issue. Keep in mind that fracking is going on in the most hazardous lava zone in all of Hawaii.

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 11:43 AM
To: FINTestimony
Cc: mitzibettencourt@hotmail.com
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------------|---------------------|---------------------------|---------------------------|
| Michelle Bettencourt | Individual | Support | No |

Comments: I support HB2639 as amended in HD2, but only with further amendment to allow contested cases. Citizens need the opportunity for meaningful participation.

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 8:18 AM
To: FINTestimony
Cc: alohabanta@earthlink.net
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Theodore Banta | Individual | Support | No |

Comments: I support HB2639 as amended by the House Committees on Energy and Environmental Protection and Water and Land in HD2, but only with a further amendment to allow contested cases. The Committees appropriately removed mandatory mediation as a process that is not fair in geothermal permitting, but it continues to unfairly prohibit contest case proceedings for geothermal permit applications. The prohibition deprives interested parties of an opportunity to meaningfully participate in the proceedings.

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 18, 2014 7:43 PM
To: FINTestimony
Cc: hypnosusan@sbcglobal.net
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

HB2639

Submitted on: 2/18/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Susan Bambara | Individual | Comments Only | No |

Comments: Aloha and thank you. I support the bill if it adds a recommendation to allow contested cases. Please understand that I support HB2639 as amended by the House Committees on Energy and Environmental Protection and Water and Land in HD2, but only with a further amendment to allow contested cases. The Committees appropriately removed mandatory mediation as a process that is not fair in geothermal permitting, but it continues to unfairly prohibit contest case proceedings for geothermal permit applications. The prohibition deprives interested parties of an opportunity to meaningfully participate in the proceedings. Thank you for hearing my testimony and my continued emphatic BEGGING you NOT TO allow these sneaky little rider pieces that support totally UNSustainable geothermal, which is NOT WANTED by the people, no matter how often it's snuck into these bills. PLEASE STOP IT for the love of humanity already!! You have a virtual desert in KONA with almost 24/7 sun and just because storage of it would cut into profiteering, it IS do-able and sustainable unlike force infusing over 300 proprietary poison chemicals to date and growing to extract that geothermal. WE DO NOT WANT IT!!! PLEASE have a conscious and LISTEN by removing this portion of the bill. Thank you for REPRESENTING the will of the PEOPLE who live on this island and not the mostly OFF-island GREEDY unsustainable profiteers of geothermal.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 19, 2014 7:33 PM
To: FINTestimony
Cc: kkimura@imiloahawaii.org
Subject: Submitted testimony for HB2639 on Feb 20, 2014 13:30PM

LATE

HB2639

Submitted on: 2/19/2014

Testimony for FIN on Feb 20, 2014 13:30PM in Conference Room 308

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Ka?iu Kimura | Individual | Support | No |

Comments: I support the usage of the language in HB 2639 HD1

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