

Honolulu, Hawaii

APR 12 2013

RE: S.C.R. No. 123

S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam:

Your Committees on Energy and Environment and Water and Land,  
to which was referred S.C.R. No. 123 entitled:

"SENATE CONCURRENT RESOLUTION OPPOSING THE USE OF HYDRAULIC  
FRACTURING IN HAWAII,"

beg leave to report as follows:

The purpose and intent of this measure is to oppose the  
practice of hydraulic fracturing.

Your Committees received testimony in support of this measure  
from Puna Pono Alliance; Na Kupuna Moku O Keawe; Life of the Land;  
Malama O Puna; Hawaii Sustainable Community Alliance; Amazon Power  
Plus; Gaia Yoga Gardens; Gaia Yoga Nursery; Laakea Educational  
Programs; Laakea Community LLC; CP Group-Ka Hale Mala Bed and  
Breakfast; Wisdom Way Center; Radiant Health Center; Sustainable  
Solutions; Laakea Permaculture Community; Laakea Permaculture  
Education Programs; Hawaii Whole Person Healing Collective; and  
two hundred sixteen individuals. Your Committees received  
testimony in opposition to this measure from Hawaii Oasis;  
Indigenous Consultants; and thirty individuals. Your Committees  
received comments on this measure from the Department of Land and  
Natural Resources; Office of Hawaiian Affairs; and three  
individuals.

Your Committees find that hydraulic fracturing, known as  
"fracking," is a technique whereby wells are drilled into the  
ground and fluids are then injected into the wells to fracture the



surrounding rock. Your Committees find that fracking may result in adverse environmental impacts, including:

- (1) Stress on surface water and ground water supplies from the withdrawal of large volumes of water used in drilling and hydraulic fracturing;
- (2) Contamination of underground sources of drinking water and surface waters resulting from spills, faulty well construction, or by other means related to the hydraulic fracturing process;
- (3) Adverse impacts from the discharge of waste water from hydraulic fracturing into surface waters or into underground injection wells; and
- (4) Air pollution resulting from the release of volatile organic compounds, hazardous air pollutants, and greenhouse gases from the hydraulic fracturing process.

Your Committees also note the testimony of the Department of Land and Natural Resources. Specifically, the Department testified:

The Department believes it is premature to preempt a technology that has not been investigated in the context of the Hawaii environment. The Department recommends further research and discussion among industry experts, the University of Hawaii Center for the Study of Active Volcanoes, and applicable regulatory agencies be performed before any such blanket prohibition against hydraulic fracturing is taken in Hawaii.

The Department appreciates the resolutions' intent to protect against potential adverse impacts to the environment from hydraulic fracturing operations generally associated with the oil and gas industry, and also recognizes the aim of the resolutions to protect of [sic] our State's natural resources and water supplies. Whereas, hydraulic fracturing has been utilized on a very limited basis in the geothermal industry, the Department is unaware of any proposed plans or assessment of potential sites for use of such techniques in Hawaii.



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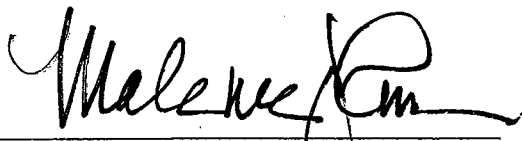

In light of this testimony, your Committees request that the Department of Land and Natural Resources, in cooperation with the University of Hawaii Center for the Study of Active Volcanoes, undertake a study of whether the use of hydraulic fracturing in Hawaii may have negative environmental impacts and submit a report of its findings to the Legislature no later than twenty days prior to the convening of the Regular Session of 2014.

Your Committees have amended this measure by:

- (1) Removing language relating to geothermal systems and energy;
- (2) Changing the resolution of the measure from opposing the use of hydraulic fracturing in Hawaii to expressing concern about the use of hydraulic fracturing in Hawaii; and
- (3) Changing the title to reflect the amended resolution of this measure.

As affirmed by the records of votes of the members of your Committees on Energy and Environment and Water and Land that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 123, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 123, S.D. 1.

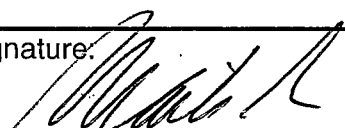
Respectfully submitted on  
behalf of the members of the  
Committees on Energy and  
Environment and Water and Land,

  
MALAMA SOLOMON, Chair  
VICE CHAIR  
MIKE GABBARD, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:* <b>SCR 123</b>	Committee Referral: <b>ENE/WTL</b>	Date: <b>4/11/13</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SOLOMON, Malama (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
DELA CRUZ, Donovan M.				✓
IHARA, Jr., Les				✓
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
SLOM, Sam			✓	
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original             Yellow             Pink             Goldenrod File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

\*Only one measure per Record of Votes