

HB-1565

Submitted on: 2/3/2018 8:38:41 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Debra Koonohiokala Norenberg		Oppose	No

Comments:

Aloha,

This bill is entirely unnecessary because Science and Technology are already conveniently welcomed in Hawai'i and given place(s) to grow RESPONSIBLY at the discretion of the community and under the law. Further, I am astonished and offended by the terms in this bill that seek to place the interests of Science and Technology above the current lawful interests of all our respective communities. So, I stand in strong opposition to this unnecessary and offensive bill in it's entirety. I propose we instead turn our attention towards the far more pressing issues before us all in this legislative season and I propose we all reaffirm our commitment to uphold and defend our freedoms; especially our freedom from unnecessary and burdensome laws. Aloha.

HB-1565

Submitted on: 2/3/2018 12:04:18 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa L. Nakama	BIFA	Oppose	No

Comments:

We of BIFA opposes this HM 1565 because, it does not benefit the greater community....special interest groups only....All of our Mauna on each Island that has been developed for special interest has done more damage to our ecosystem and a blatant disregard and has disrespected the Host Cultural by having Hawaiians arrested for their sacred belief and religion practices on our Mauna both on Maui and Moku O'Keawe at Mauna A'Wakea.

NASA and private companies has more space satellites orbiting our earth that sees greater into the Universe, they have earth telescope all over the earth and share the viewing in foreign countries. The space voyager, Hubble, infrared Kepler, and soon launch James Webb which is the size of two football fields...will see more than any telescope or any laser telescope.

This is not a viable economy that benefits the entire community as whole, nor does it benefit Hawaiians directly, or the entire local population. This is about outsiders and special interest groups. This bill is only about the few compared to the overall population and their health care needs, public infrastructure, our poor roads especailly county roads.

Mahalo Teresa L. Nakama

On behalf of our organization BIFA

HB-1565

Submitted on: 2/4/2018 3:09:23 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Redfeather	Ka Ohana O Na Pua	Oppose	No

Comments:

I am not in favor of developing "science and technology sub-zones" on the tops haleakala and Mauna kea, and at NELHA and potentially other areas. To remove various pathways of oversight for these areas would be a big mistake. These public lands are valuable community assets and should not be designated for specifically science or technology. The science and technology committee in Hawai'i has not proven themselves to be good stewards, and we have the tendency to overbuild these fragile ecosystems in the name of science.



Board of Directors:

House Committee on Economic Development & Business

Gary L. Hooser
President

Hawaii Alliance for Progressive Action Opposes HB 1565

Aloha Chair Evans, Vice-Chair Keohokalole, and Committee Members:

Andrea N. Brower
Ikaika M. Hussey
Co-Vice Presidents

I am submitting testimony on behalf of the Hawaii Alliance for Progressive Action (HAPA) to OPPOSE HB 1565.

We object to HB 1565 because it:

Kim Coco Iwamoto
Treasurer

Bart E. Dame
Secretary

1. undermines land use regulations, and specifically, the purpose of conservation districts in the interests of science and technology developers;
2. removes the contested case process through which people can publicly present evidence and argument – and hear the other sides too;
3. authorizes BLNR and the counties to permit “science and technology” land uses that would otherwise be prohibited; and
4. creates a fast-track for certain SciTech projects at the expense of critical land use regulations and public procedures.

Paul Achitoff

Malia K. Chun

Sincerely,

Laura Harrelson

Anne Frederick
Executive Director

Katie McMillan

Walter Ritte Jr.

Karen Shishido

Leslie Malu Shizue Miki

Kekaulike Prosper Tomich

Cade Watanabe

HB-1565

Submitted on: 2/4/2018 5:45:54 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carlton York		Oppose	No

Comments:

Oppose this Bill in full , Treachery designed to undermine Law established in court. Strongly Oppose !

HB-1565

Submitted on: 2/4/2018 6:25:51 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nicholle S L Konanui		Oppose	No

Comments:

HB-1565

Submitted on: 2/4/2018 7:25:49 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lauren Ampolos		Oppose	No

Comments:

HB-1565

Submitted on: 2/4/2018 9:30:39 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Noelani Ahia		Oppose	No

Comments:

Aloha,

My name is Jennifer Noelani Ahia

I strongly object to HB 1565 because:

- 1) it undermines land use regulations, and specifically, the purpose of conservation districts in the interests of science and technology developers;
- 2) it removes the contested case process through which people can publicly present evidence and argument - and hear the other sides' too;
- 3) it authorizes BLNR and the counties to permit "science and technology" land uses that would otherwise be prohibited; and
- 4) it creates a fast-track for certain SciTech projects at the expense of critical land use regulations and public procedures.

Please, I urge you to oppose this legislation.

Mahalo Nui,

Jennifer Ahia

HB-1565

Submitted on: 2/4/2018 9:47:52 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Marion McHenry		Oppose	No

Comments:

I strongly oppose this bill.

HB-1565

Submitted on: 2/4/2018 10:53:21 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph		Support	No

Comments:

STRONGLY OPPOSE!

HB-1565

Submitted on: 2/5/2018 4:19:25 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laulani Teale	Ho'opae Pono Peace Project	Oppose	Yes

Comments:

Aloha,

Please do NOT support HB 1565. It is offensive, impractical, and unsound from a business perspective. It would potentially waste millions for the State in lawsuits that would inevitably be triggered by the measure. It would have a significant adverse effect on the health of Kanaka Maoli and all who care about Mauna Kea, Haleakala, and sacred places as a whole.

It is time to transform the concept of "Economic Development" into one that ensures health for all of the people of Hawai'i, and especially for those who have been host to all other cultures, and whose health status is already abominably impacted by harms done in the name of "economic development. We need to say NO to proposed legislation that would add to those impacts.-

Aloha me ka 'oia'i'o,
Laulani Teale, MPH

HB-1565

Submitted on: 2/5/2018 6:48:53 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Ward	Sierra Club member	Oppose	No

Comments:

I am a Sierra Club member from Hawaii Island who strongly opposes HB 1565. Conservation districts protect our most vulnerable and important habitats and ecosystems. We must not allow a blanket conversion option to industrialize or precious resources for expediency! Further, HB 1565

1. undermines land use regulations, and specifically, the purpose of conservation districts in the interests of science and technology developers;
2. removes the contested case process through which people can publicly present evidence and argument - and hear the other sides' too;
3. authorizes BLNR and the counties to permit "science and technology" land uses that would otherwise be prohibited; and
4. creates a fast-track for certain SciTech projects at the expense of critical land use regulations and public procedures.

HB-1565

Submitted on: 2/5/2018 8:31:23 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Yuen		Oppose	No

Comments:

I strongly oppose HB1565 which establishes science and technology research subzones and an approval process. The bill undermines land use regulations, removes the contested case process, and authorizes the Board of Land and Natural Resources to allow currently prohibited activities without a rigorous public process. This is a bad bill that attempts to create a fast-track development process at the expense of public land use process. I strongly oppose HB1565.

HB-1565

Submitted on: 2/5/2018 9:01:09 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Davis		Oppose	No

Comments:

Please no go this bill!!! Thank you!

HB-1565

Submitted on: 2/5/2018 9:22:26 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Antonio		Oppose	No

Comments:

HB 1565 should be TERMINATED

This proposed bill is a blatant special interest bill for the benefit of private entities and corporations with a clear disregard of Hawaii State Constitution Article I, Section 5 as well as other constitutional provisions and statutory laws. It is very evident that this bill is in response to the Thirty Meter Telescope International Observatory LLC's attempt to circumvent the judicial and approval process for a project that intends to take control and use of public lands in an environmentally and culturally sensitive area within a conservation district on Mauna Kea. This bill would strip the State's constitutional obligation to protect the public trust, natural resources, environmental rights as well as native Hawaiian customarily and tradition rights in which the State is compelled to protect as stipulated in the Hawaii State Constitution Article XI, Sections 1 & 9 and Article XII, Sections 4 & 7.

"There is so much wrong with this bill, that it should be TERMINATED due to the reasons noted below. It would allow private corporations to lease public lands "for nominal considerations and without auction" similar to a \$1.00 a year that existing foreign and out-of-state telescopes on Mauna Kea are paying resulting in Hawaii's taxpayers having to subsidize this type of science and technology development. Also, this bill proposes a "mediation agreement reached between the parties" which proposes a 'FAKE' and a 'BOGUS' due process. If a proposed project is determined to cause substantial and adverse impacts, there should be mitigation provisions instead of mediation provisions with the developer. Most disturbing is that this bill would allow any of these proposed subzones to be exempt from the environmental review process as defined under Chapter 343 which is intended to protect Hawaii's unique natural and cultural resources."

HB-1565

Submitted on: 2/5/2018 9:22:35 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Katy Benjamin		Oppose	No

Comments:

I object to HB 1565 because it:

undermines land use regulations, and specifically, the purpose of conservation districts in the interests of science and technology developers;

removes the contested case process through which people can publicly present evidence and argument - and hear the other sides' too;

authorizes BLNR and the counties to permit "science and technology" land uses that would otherwise be prohibited; and
creates a fast-track for certain SciTech projects at the expense of critical land use regulations and public procedures.

It is essential to remember that what the state or science/tech business believe is in the best interest of science is, in fact, not always what is in the public's best interest, nor what is the best financial or environmental priority. To give sweeping legislation that allows the state and businesses to potentially add other "science and technology subzones," essentially opens up Hawai'i to be part and parceled up for interests that may in no way reflect the will of the people, or what is in the best interest of the 'aina.

Let us remember that you all represent **US**. So to create legislation that limits our input to your processes, like in the instance of removing the contested case model, is extraordinarily abusive. Do not be remembered as the legislators who allowed business interests to override the will of the people. We see enough of this on the continental U.S., we do not need to mimic this kind of abuse in Hawai'i.

We are a more awakened population than ever before. We are watching what you do, and will not forget when it comes time for re-election. Do not make the grave mistake of passing HB 1565. Kill this Bill.

With Urgency,

Katy Benjamin

Hilo, District 2

Aloha,

I am writing in today to submit my written testimony is OPPOSITION of HB 1565.

As I understand it, this bill undermines land use regulations; removes the contested case process for publicly present evidence and argument; authorizes BLNR and the counties to permit currently prohibited activities; and creates a fast-track for development at the expense of critical land use regulations and public procedures.

I OPPOSE HB 1565.

Please do not support the fast track of science and tech at the expense of our natural resources, open spaces, watersheds, agricultural lands and resources... The current elevation of science (western science which dominates rather than works in cooperation and respect for nature) above people and nature is destroying the very things that make Hawaii a jewel on this planet and makes people want to come and visit. It is science in service of corporations and developmet, when science should actually just be a tool, one of many, that seeks to humbly and carefully protect that which gives us life. VOTE NO ON BILL 1565!

Aloha,

I am writing in today to submit my written testimony is OPPOSITION of HB 1565.

As I understand it, this bill undermines land use regulations; removes the contested case process for publicly present evidence and argument; authorizes BLNR and the counties to permit currently prohibited activities; and creates a fast-track for development at the expense of critical land use regulations and public procedures.

I OPPOSE HB 1565.

Mahalo,
Vanessa Lum

Aloha,

I am writing in today to submit my written testimony is OPPOSITION of HB 1565.

As I understand it, this bill undermines land use regulations; removes the contested case process for publicly present evidence and argument; authorizes BLNR and the counties to permit currently prohibited activities; and creates a fast-track for development at the expense of critical land use regulations and public procedures.

I OPPOSE HB 1565.

Mahalo nui,

Kaiolohia Tolentino

Aloha mai kākou,

My name is Serafina Gajate and I am a registered voter and resident of Mt View on Hawaii Island. I am submitting testimony to OPPOSE HB 1565.

After reading over this bill, it was immediately clear that the intent was to erode protections and regulations for our sensitive land areas, especially in conservation zones. The fact that it seeks to remove the contested case process is of particular concern, as this is one of the few legal avenues left open to the public to oppose development in conservation areas. This bill seems to be yet another attempt to forcibly silence citizens who wish to see conservation lands remain undeveloped, while removing all regulations and checks from developers.

Every year, thousands of visitors come to Hawaii to enjoy our unique natural scenery, and every year more and more bills of this type show up to try to legalize the destruction of that same scenery. The Hawaii Island community is predominately a rural one, please help us protect our identity and our lifestyles, and OPPOSE this bill.

Me ka ha'aha'a,
Serafina Gajate
Mt. View, Hawaii

Aloha,

I am writing in today to submit my written testimony is OPPOSITION of HB 1565.

As I understand it, this bill undermines land use regulations; removes the contested case process for publicly present evidence and argument; authorizes BLNR and the counties to permit currently prohibited activities; and creates a fast-track for development at the expense of critical land use regulations and public procedures.

I OPPOSE HB 1565.

Me Ke Aloha 'Āina,
Sam Kapoi

Stay connected:
www.SamKapoi.com

Dear Representatives,

I oppose HB 1565 because it:

- undermines land use regulations, and specifically, the purpose of conservation districts in the interests of science and technology developers;
- removes the contested case process through which people can publicly present evidence and argument - and hear the other sides' too;
- authorizes BLNR and the counties to permit "science and technology" land uses that would otherwise be prohibited; and
- creates a fast-track for certain SciTech projects at the expense of critical land use regulations and public procedures.

Please do not move this bill forward.

Mahalo,

Michal Stover
Kilauea, Kauai, Hawaii

I oppose HB 1565. This bill undermines land use regulations, removes the contested case process for publicly presented evidence and arguments, authorizes BLNR and the counties to permit currently prohibited activities, and creates a fast-track for development at the expense of critical land use regulations and public procedures.

If they're going to develop, make sure they do it well, instead of just faster and with less ways for us to resist when we don't want it. Removing restrictions does not remove the reasons those restrictions made sense in the first place. Thank you.

HB-1565

Submitted on: 2/5/2018 9:35:02 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lorraine Garnier		Oppose	No

Comments:

Dear Lawmakers

I oppose HB1565 as laws are already in place to protect and preserve areas of law that have gone through the judicial process and set into motion.

To begin breaking and sectioning up areas, defeats the purpose.

To over turn or interfere with the Judicial Process, this bill seeks to undue years of work to protect areas like Mauna Kea. This bill is fully meant to undo not only Contested Case Hearings, but to completely due away with the whole CCH process itself—this is one of the only processes that the public, communities and island people can seek and actually achieve justice without going to court or at least without the extended burden of costly legal battles.

This bill is not Pono as it seeks to dismantle and interfere with current solid law —that means law that the courts have ruled on and found to be Constitutional or in compliance with established law and the protections they uphold —such as the Public Trust Doctrine (regarding amount other things our Water and Clean water and Oceans) and Native Hawaiian Constitutional Protections too.

SO MY TESTIMONY IN OPPOSITION

HB-1565

Submitted on: 2/5/2018 9:41:45 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lucia You		Oppose	No

Comments:

HB-1565

Submitted on: 2/5/2018 10:18:39 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joshua Irvine		Oppose	No

Comments:

I oppose HB1565 because this law fast tracks special interest projects on ecological sensitive lands in Hawaii without going through the proper, detailed checks and balances to assess the impacts of science and technology research subzones especially in these ecologically fragile conservation districts. "Reasonable measures" is too vague and favors development. Accelerated development of Hawaiian lands has led to severe changes in our environment including but not limited to increased sedimentation in aquatic bodies of water which has led to coral bleaching, algal blooms and disruptions in marine habitat natural life cycles. The presence of impervious surface in a natural environment creates urban runoff and disrupts the natural life cycle and impacts downstream life. This bill if passed would encourage more development in our very land limited environment.

HB-1565

Submitted on: 2/5/2018 10:33:23 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Koerner		Oppose	No

Comments:

This proposed bill, HB 1565, is a blatant special interest bill for the benefit of private entities and corporations with a clear disregard of Hawaii State Constitution Article I, Section 5 as well as other constitutional provisions and statutory laws. It is very evident that this bill is in response to the Thirty Meter Telescope International Observatory LLC's attempt to circumvent the judicial and approval process for a project that intends to take control and use of public lands in an environmentally and culturally sensitive area within a conservation district on Mauna Kea. This bill would strip the State's constitutional obligation to protect the public trust, natural resources, environmental rights as well as native Hawaiian customarily and tradition rights in which the State is compelled to protect as stipulated in the Hawaii State Constitution Article XI, Sections 1 & 9 and Article XII, Sections 4 & 7.

This bill would allow private corporations to lease public lands "for nominal considerations and without auction" similar to a \$1.00 a year that existing foreign and out-of-state telescopes on Mauna Kea are paying resulting in Hawai'i's taxpayers having to subsidize this type of science and technology development. Also, this bill proposes a "mediation agreement reached between the parties" which proposes a 'FAKE' and a 'BOGUS' due process. If a proposed project is determined to cause substantial and adverse impacts, there should be mitigation provisions instead of mediation provisions with the developer. Most disturbing is that this bill would allow any of these proposed subzones to be exempt from the environmental review process as defined under Chapter 343 which is intended to protect Hawai'i's unique natural and cultural resources."

Please terminate HB 1565.

Mahalo,
Diane Koerner, Board Member, Greener Hawaii

RR2 Box 3902, Paho, HI 96778

HB-1565

Submitted on: 2/5/2018 10:34:09 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Valerie Barnes		Oppose	No

Comments:

Chair Evans and Committee Members,

Please stop submitting and scheduling hearings on these bills that are intended to circumvent Hawaii State environmental and cultural protections. This bill is yet another attempt to sell out our cultural and natural resources to off-shore developers and/or sneak in a process for surreptitiously approving the TMT. Please kill this bill and the others like it.

HB-1565

Submitted on: 2/5/2018 10:42:29 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
M. Kathleen Howe	University of Hawaii, Hilo	Oppose	No

Comments:

I am not in support of HB1565.

HB-1565

Submitted on: 2/5/2018 10:46:07 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cassandra L. Smith		Oppose	No

Comments:

HB-1565

Submitted on: 2/5/2018 10:48:36 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez		Oppose	No

Comments:

HB-1565

Submitted on: 2/5/2018 10:50:06 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
DONNIE BECKER		Oppose	Yes

Comments:

MAKES ME SO "MAD" JUST READING IT.....~~!!

DAM THESE PEOPLE.....~!!

HB-1565

Submitted on: 2/5/2018 11:03:08 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Arnold Kotler		Oppose	No

Comments:

No need to overturn good laws already in place. Mahalo.

HB-1565

Submitted on: 2/5/2018 11:03:59 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tonya Lee Coulter		Oppose	No

Comments:

Warm Aloha,

I am a voting resident of Hawai'i County. I am writing in today to submit testimony in OPPOSITION of HB 1565.

As I understand it, this bill undermines land use regulations; removes the contested case process for publicly present evidence and argument; authorizes BLNR and the counties to permit currently prohibited activities; and creates a fast-track for development at the expense of critical land use regulations and public procedures.

I OPPOSE HB 1565.

Mahalo Nui,

Tonya Lee Coulter

HB-1565

Submitted on: 2/5/2018 11:06:50 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Madsen		Oppose	No

Comments:

Aloha,

While I believe in scientific research, I also believe that no environmental regulations is the same as allowing the systematic poisoning of our residents.

Here's a real novel idea. If you have so much land that you are willing to lease it for "a nominal fee" consider leasing it to Native Hawaiians to have a place to live. Leasing land to private corporations for 'next to nothing' while many Native Hawaiians still live in abject poverty is morally wrong.

HB-1565

Submitted on: 2/5/2018 11:09:47 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tiare Lawrence		Oppose	No

Comments:

STRONGLY OPPOSE!



Aloha Chair Evans, Vice Chair Keohokalole, and members of the Committee on Economic Development and Business,

The members of the Young Progressives Demanding Action – Hawai‘i **strongly oppose** HB1565. Mauna Kea has inspired many of us to greater aloha ‘āina, but others have been threatened by this inspiration. HB1565 was developed in the wake of the Hawai‘i Supreme Court’s invalidation of the conservation district use permit for construction of the Thirty-Meter Telescope. Yet, the Mauna Kea Anaina Hou decision heralded a potentially vibrant future for appropriate place-based uses on the Mauna: A future in which Western science-based astronomy truly engages with the space and time it shares with existing Native Hawaiian land uses, culture and sciences existing simultaneously on the Mauna. The engineers of HB1565 seek to cut off this potential future by reinstalling a narrow understanding of science and technology at the expense of protections for Hawai‘i’s lands and the communities that thrive on them.

We object to HB1565 on the grounds that it undermines land use regulations, and the purpose of conservation districts in the interests of science and technology developers; removes the contested case process through which people can publicly present evidence and argument; authorizes the counties to permit “science and technology” uses that would otherwise be prohibited; and creates a fast-track for certain SciTech projects at the expense of critical land use regulations and public procedures (land use laws and regulations are the laws that determine how all the lands in Hawai‘i are used, developed, protected or conserved).

We also object to HB1565 on the basis of its broader impacts on Hawai‘i’s social and political landscape. This bill proposes a transparent end run around the Hawai‘i Supreme Court’s ruling that invalidated the Thirty-Meter Telescope’s conservation district use permit for construction on the summits of Mauna Kea. The Court ordered the BLNR to redo the TMT land use permitting process, under which the TMT would have to meet eight criteria in order to be built in the Mauna Kea Conservation District. This bill would change that process such that the TMT would only have to meet

one or two criteria. Most importantly, the TMT would not be subject to contested case hearings.

This bill does not only impact the sacred summits of Mauna Kea and Haleakalā. It would create a fast-track for industrial astronomy, geothermal development, and GMO test field projects in the Land Use Commission (LUC) land use permitting systems, which affect all lands.

In doing so, this bill would undermine ALL land use designations (conservation, agricultural, rural and urban), which were put in place to guard against improper development and to secure the public trust.

Section 1 describes a purpose and need that privileges Western “science and technology” at the expense of traditional, place-based sciences. It is Hawaiian tradition and custom, however, that has been responsible for huge advances in navigation, aquaculture, agriculture, medicine, and food cultivation, feeding a million people in Hawai‘i prior to 1778. Instead, this bill expressly prioritizes certain science and technology projects that have produced the most contested land uses: genetics (GMO test fields); alternative energy (wind power plants and geothermal drilling); and astronomy (industrial telescopes placed on sacred summits). These dicey, experimental land uses require more, not less regulatory and public oversight.

Section 2 (b) exempts BLNR-designated scientific and technology research subzones from LUC and county authority to establish land use districts or regulate land uses. This means that the BLNR will be the one to make districting decisions, instead of the Land Use Commission, which has more extensive knowledge of land use regulations, and county planning processes, another layer of protection, will be bypassed. We need more, not less, input from the LUC and county land use planning over novel, experimental land uses proposed for these SciTech subzones.

Section 2 (c) further alienates the LUC and counties from land use regulation by exempting SciTech subzone use proposals from special use permit requirements, and authorizes a vaguely described “science and technology research permit” to be issued by counties. This fast-track for land use permitting problematically bypasses the expert agency on land use and, further would exempt “any property owner or person with an interest in real property” seeking a SciTech subzone designation from BLNR from environmental review requirements under HRS chapter 343. No purpose is served by denying the disclosure of environmental impacts of proposed science and technology uses of Hawai‘i’s lands.

Subparagraph (d) is most troubling because it eradicates the primary information gathering vehicle for the BLNR—the contested case hearing. Contested case hearings are open proceedings in which the public may observe and listen to facts, interests, and arguments brought to BLNR in order to inform and improve their decisionmaking. Instead of these public, information-gathering procedures, HB1565 substitutes a single public hearing followed by a potential thirty day mediation period between petitioners and the applicant. BLNR appoints the mediator, who submits a recommendation to BLNR for consideration in their final decision. Mediation, which is already available to BLNR under HRS § 91-8.5, cannot serve the purpose of a contested case. Mediations are closed proceedings, where parties’ statements cannot be admitted into future court cases, there are no guarantees of being able to introduce witnesses, evidence, cross-examine other witnesses, and most egregiously, mediation sessions are not considered “meetings,” requiring open, public deliberation under Hawai‘i’s Sunshine Law (HRS § 92-2).

As proposed in HB1565, BLNR (in conservation districts) and the counties (in urban, rural, and agricultural districts) are given the unprecedented authority to grant permits for construction without

being required to consider impacts on natural or cultural resources. The entire point of the conservation district is to conserve natural and cultural resources, which is why their consideration is expressly described in the existing eight criteria for a CDUP. Section 2, subparagraphs (d) and (e) would subject proposed scitech developments to a merely one or two permitting criteria: if it either would not unreasonably affect residents, nearby areas, and public services, OR mitigation for unreasonable effects are available. This section eviscerates the primary tool BLNR has for protecting conservation districts - the conservation district use permit (CDUP), which requires projects to meet eight criteria. The CDUP process was the means by which protectors of Mauna Kea, Haleakalā, and even Honoli‘i surf break were able to participate in preserving lands that meant most to them. HB1565 would drastically reduce BLNR’s ability to regulate conservation districts and remove procedural safeguards for public participation in protecting conservation lands.

Section 5 exempts private and public SciTech operations from public auction requirements in securing 65-year leases and provides for nominal rent by adding them to HRS § 171-95. This section redoubles the removal of public input on unqualified land use proposals, with the apparent, unsupported purpose of expediting whatever projects proposed to conduct science and technology research and development. Exemptions from HRS chapter 171 and fair rent requirements is unwarranted.

HB1565’s many and major exemptions from the review, public participation, and decisionmaking procedures put in place to protect the fragile, unique areas designated for conservation have no place in Hawaii’s legal landscape. It would destroy the wise balance between long-term land use planning and development imperatives, and with it the delicate trust in the state as public trustees of Hawai‘i’s natural and cultural resources. Art. XI, § 1, Hawai‘i Const. (1978).

It is our recommendation, therefore, that this committee kill this bill immediately.

Mahalo,

Will Caron
Social Justice Action Committee Chair
Young Progressives Demanding Action – Hawai‘i

HB-1565

Submitted on: 2/5/2018 11:14:27 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Payao		Oppose	No

Comments:

Aloha

HB1565 appears to be a bill that is designed to be a fast track for developers to bypass already established land use laws and undermine those land use regulations that protect our Aina and our people. This bill also removes the people's protection of contested case hearings and other avenues that have already been established to protect private property and citizens. This is basically a law meant to break already established laws that were put into place to protect people from exactly what HB1565 proposes.

Concerned citizens will be watching the progress of this special interests bill and will certainly take a close look at campaign contributions to any member that votes in favor of this bill that allows easy raping of our land.

Ms. Linda Lee Payao

HB-1565

Submitted on: 2/5/2018 11:21:03 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Garris	Self	Oppose	No

Comments:

HB-1565

Submitted on: 2/5/2018 11:44:49 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cathlene	Rastafari Church of Christ Puna	Oppose	No

Comments:

Please do not allow private corporations to lease land in Puna or anywhere on the Big Island of Hawaii.

I have been a resident of Puna for 25 years. I have witnessed many negative incidents with PGV currently and in the past. Many families have had moved because of the health hazards. Others that stay suffer noticable health problems due to Geothermal. My close friends live within 1/4 mile. You can constantly hear it and see the glow of lights. When they have had warnings of gasses emmitted my friends their CHILDREN and myself have gotten ill.

Please do not allow and more expansion of PGV or any other companies that would ruin our environment further.

Mahalo nui , Cathlene McVay

HB-1565

Submitted on: 2/5/2018 11:49:29 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Donald Daughtrey	Vitality Natural Medicine clinic	Oppose	No

Comments:

This bill is horrible and I am not sure why it is being fast tracked when it so very clearly attempts to remove all community standards, input and oversight over horrible corporate neighbors such as the geothermal in Pahoā. We in our clinic in and our community are against ANY fast tracking of ANY development without community and local power of oversight. Please throw this bill in the trash where it belongs.

HB-1565

Submitted on: 2/5/2018 11:58:27 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Erika Lechuga Disalvo		Oppose	No

Comments:

Schools Our
Keiki Deserve

808-351-0980
808-627-0193

1488 Glen Ave.
Wahiawā

HB 1565– RELATING TO SCIENCE AND TECHNOLOGY RESEARCH

Dear Chair Evans and Members of the Committee:

I strongly oppose HB 1565. This proposed legislation is clearly designed for the benefit of private entities with a clear disregard of Hawaii State Constitution Article I, Section 5 as well as other constitutional provisions and statutory laws. I

This bill would strip the State’s constitutional obligation to protect the public trust, natural resources, environmental rights as well as native Hawaiian customarily and tradition rights in which the State is compelled to protect as stipulated in the Hawaii State Constitution Article XI, Sections 1 & 9 and Article XII, Sections 4 & 7.

It would allow private corporations to lease public lands "for nominal considerations and without auction." Also, this bill proposes that “mediation agreement reached between the parties” supplant authentic due process. If a proposed project is determined to cause substantial and adverse impacts, there should be mitigation provisions instead of mediation provisions with the developer.

Most disturbing is that this bill would allow any of these proposed subzones to be exempt from the environmental review process as defined under Chapter 343, which is intended to protect Hawai‘i’s unique natural and cultural resources."

Let's spend our policy-making energy trying to figure out how to serve working families in Hawaii - and pursuing the *common good*.

Sincerely,

Dr. Amy Perruso

Executive Director

HB-1565

Submitted on: 2/5/2018 12:23:40 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cory Harden		Oppose	No

Comments:

Aloha legislators,

Please do not fast-track industrial development on our public lands. Be informed by past pushback on geothermal, astronomical, and other over-development. mahalo, Cory Harden, Hilo

HB-1565

Submitted on: 2/5/2018 12:28:00 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Choon James	CountryTalkStory.com	Oppose	Yes

Comments:

STRONGLY OPPOSE HB 1565

Aloha,

We continue to be very concerned with Bills such as this. Superficially, it looks harmless and good but language such as these below does not serve the public interest. HB 1565 provides unfettered powers to the government and agencies at the expense of the general public good. The language is elusive and over-arching and not in the public interest or due process!

For example: *"In the absence of provisions in the county general plan and zoning ordinances specifically relating to the use and location of science and technology research activities in an agricultural, rural, or urban district, the appropriate county authority may issue a science and technology research permit to allow science and technology research activities."*

or "

"§171-95 Dispositions to governments, government agencies, public utilities, science and technology research organizations and institutions, and renewable energy producers. (a) Notwithstanding any limitations to the contrary, the board of land and natural resources may, without public auction:

(1) Sell public lands at such price and on such other terms and conditions as the board may deem proper to governments, including the United States, city and county, counties, other governmental agencies authorized to hold lands in fee simple and public utilities;

(2) Lease to the governments, agencies, public utilities, science and technology research organizations and institutions for noncommercial research purposes within a science and technology research subzone pursuant to section 205- , and renewable energy producers public lands for terms up to, but not in excess of, sixty-five years at such rental and on such other terms and conditions as the board may determine;

(3) Grant licenses and easements to the governments, agencies, public utilities, science and technology research organizations and institutions for noncommercial research purposes within a science and technology research subzone pursuant to section 205- , and renewable energy producers on such terms and conditions as the board may determine for road, pipeline, utility, communication cable, and other rights-of-way;

(4) Exchange public lands with the governments and agencies;

(5) Execute quitclaim deeds to the governments and agencies, with or without consideration, releasing any claim to the property involved made upon disputed legal or equitable grounds, whenever the board in its discretion deems it beneficial to the State; and

(6) Waive or modify building and other requirements and conditions contained in deeds, patents, sales agreements, or leases held by the governments and agencies whenever such waiver or modification is beneficial to the State."

Choon James

HB-1565

Submitted on: 2/5/2018 12:40:11 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Riley		Oppose	No

Comments:

I strongly oppose bill HB1565 because it is prone to misuse and abuse targeting the citizens of Puna for corporate profits and graft. Please vote it down.

Thank you

Michael Riley

HB-1565

Submitted on: 2/5/2018 12:58:18 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Zahava Zaidoff	StressFreeSouls	Oppose	No

Comments:

Aloha Chair and Vice Chair,

I strongly oppose this bill. It undermines land use regulations. It removes the contested case process. It authorizes BLNR to permit land use zones that would otherwise be permitted. It creates a fast track for certain projects at the expense of public process!

This is an undemocratic bill and one that removes transparency and public input. I ask you on behalf of the land and the people who love the land to vote no on this bill.

Thank you for supporting the preservation of public process and transparency by voting no in this bill and encouraging others on your committee to do the same!

Zahava Zaidoff

HB-1565

Submitted on: 2/5/2018 1:22:43 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sheila Okin		Oppose	No

Comments:

I am opposed to this attempt to fast-track any development on coastal or conservation lands, NO MATTER WHAT THE USE..We must give thorough and careful consideration to any proposal for development. PLEASE PROTECT OUR COASTAL and CONSERVATION LANDS.

HB-1565

Submitted on: 2/5/2018 1:44:09 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald S. Fujiyoshi	Ohana Ho`opakele	Oppose	No

Comments:

I strongly oppose HB1565 for the following reasons:

1. It is clearly a bill to pave the way for the TMT on Mauna Kea. I oppose the TMT.
2. Any land that was designated as "Government Lands" under the Mahele should NOT be leased to any private organization to raise funds for the State of Hawaii. Especially if the land is considered "Sacred" by Native Hawaiian people who still hold on to their culture and traditions.
3. Public Law 103-150 signed into law by President Clinton clearly says that in 1893 the Kingdom of Hawaii was illegally overthrown. For this reason alone, the State of Hawai`i is obligated to preserve the Government Lands of the Mahele for the good of the citizens of the overthrown Kingdom of Hawai`i, not use the land to allow foreign elements to lease the land for monetary gain.

Thank you for the opportunity to testify against this bill.

Sincerely,

Ronald Susumu Fujiyoshi

Retired missionary, United Church of Christ

HB-1565

Submitted on: 2/5/2018 1:53:06 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lahela Parker Bailey	2013	Oppose	No

Comments:

This Bill undermines land use regulations and I oppose it.

HB-1565

Submitted on: 2/5/2018 2:12:20 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Emalani Case		Oppose	No

Comments:

Aloha kōkou,

I am writing in today to submit my written testimony in OPPOSITION of HB 1565.

As I understand it, this bill undermines land use regulations; removes the contested case process for publicly present evidence and argument; authorizes BLNR and the counties to permit currently prohibited activities; and creates a fast-track for development at the expense of critical land use regulations and public procedures.

Please make our land, our resources, and our future a priority by standing with us and opposing HB 1565.

Mahalo,

Emalani Case

HB-1565

Submitted on: 2/5/2018 2:15:30 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Bambara		Oppose	No

Comments:

Please oppose this bill giving carte blanche to big development! This is NOT the will of the people, but the will of CORPORATE RAIDERS. Please do not sell out the Aina!

Mahalo for your time.

HB-1565

Submitted on: 2/5/2018 2:20:05 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Yeshuah Kauhane		Oppose	No

Comments:

I strongly oppose this bill which is obviously intended to fast track development of our rural neighborhood while bypassing public procedure. Puna's public has long protested geothermal development citing safety issues as well as the destruction of the area's unique character. Ultimately this bill undermines the public and disempowers the residents of the area in decision making processes.

HB-1565

Submitted on: 2/5/2018 2:32:12 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaleo Keliikoa	Hale mua o Maui a Akalana	Oppose	No

Comments:

Mauna a WÄ• kea is a sacred mountain, a sacred place not meant for humans to use for their pleasure while under the disguise of science. This is according to aboriginal Hawaiian traditions and knowledge. But according to this fake state, which is currently operating illegally as the governing body of these islands, it is also a conservation zone/district. So please do the right thing and follow your own laws & stop trying to make up new laws that can better suit your pleasures of obtaining more wealth while pretending to be doing science observations. So stop with the believing of your own lies & act like a responsible adult with a mind that can comprehend the beauty of this sacred place beyond any amount of money that you may lust for. I Kaleo Keliikoa, a human servant to our beloved mother earth DOES NOT support this bill, HB 1565



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018**

ON THE FOLLOWING MEASURE:

H.B. NO. 1565, RELATING TO SCIENCE AND TECHNOLOGY RESEARCH.

BEFORE THE:

HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT AND BUSINESS

DATE: Wednesday, February 7, 2018 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 309

TESTIFIER(S): Russell A. Suzuki, Acting Attorney General, or
David D. Day, Deputy Attorney General

Chair Evans and Members of the Committee:

The Department of the Attorney General appreciates the intent of this bill. However, we provide the following comments to express constitutional and technical concerns. Specifically, this bill may be subject to challenge as an infringement of due-process rights guaranteed by article I, section 5, of the Hawai'i Constitution and as a special law concerning lands owned or under the control of the State and its political subdivisions in violation of article XI, section 5, of the Hawai'i Constitution.

This bill establishes science and research subzones that may be designated by the Board of Land and Natural Resources (BLNR). Where science and technology research activities are proposed within a conservation district, the BLNR shall conduct a public hearing to determine whether to issue a conservation district use permit (CDUP). The bill states that there shall be no contested-case hearing, but instead provides that parties who submitted comments at the public hearing may be entitled to mediation. The BLNR would make a determination, based upon comments at the public hearing and the results of mediation, whether to issue a CDUP. Where science and technology research activities are proposed within the agricultural, rural, or urban districts, an appropriate county authority would utilize a substantively identical procedural framework to determine whether to grant a science and technology research permit. The bill designates specific areas within the science and technology research subzone. The bill

provides that science and technology research activities are permissible uses in the conservation district and provides for land dispositions to science and technology research organizations within a science and technology research subzone without resort to public auction.

First, the bill could potentially be subject to challenge for violating due-process rights. The Hawai'i Constitution provides that no person shall be deprived of life, liberty, or property without due process of law. The Hawai'i Supreme Court has taken an expansive view of what constitutes a property interest—for example, the right to a clean and healthful environment. *See In re Application of Maui Elec. Co., Ltd.*, 141 Hawai'i 249, 271, 408 P.3d 1, 23 (2017). In the context of agency decision-making, the Hawai'i Supreme Court has held that a contested-case hearing is normally required where an agency decision could affect property interests. We have concerns that the bill's procedural mechanism of mediation and public testimony for the granting of permits may not satisfy due process.

Second, there is a potential that the bill could be subject to challenge as an exercise of legislative power over government lands by special law because it designates that specific, identifiable properties are science and technology research subzones. Article XI, section 5, of the Hawai'i Constitution states: "The legislative power over the lands owned by or under the control of the State and its political subdivisions shall be exercised only by general laws, except in respect to transfers to or for the use of the State, or a political subdivision, or any department or agency thereof." A general law must apply uniformly. *Sierra Club v. Dep't of Transp.*, 120 Hawai'i 181, 214, 202 P.3d 1226, 1259 (2009). We recommend that subsection (a), found on page 13, line 18, to page 15, line 4, be deleted in its entirety or that the bill be amended to provide general criteria for establishing which properties are in the science and technology research subzone.

We also make the following technical comments.

On page 6, line 8, the phrase "Such uses" is vague. We recommend that the beginning of the sentence be amended to read, in part: "Science and technology research activities permitted by county general plan"

On page 7, lines 4–5, and page 9, lines 7–8, the bill states that “any party” may make an appropriate request for mediation. We recommend that the term “party” be defined.

On page 11, lines 18–21, the bill does not state who is entitled to appeal a decision, only that the decision is appealable. We recommend that the bill clarify who is entitled to appeal.

On page 13, lines 13–16, the definition of the term “science and technology research activities” is “those noncommercial activities related to the planning, development and operation of a science and technology research facility for which a science and technology research permit has been issued.” The definition is vague in that the phrase “science and technology research facility” is not defined and recommend that it be clarified. We further recommend that the clause “for which a science and technology research permit has been issued” be deleted from the definition.

On page 15, lines 16–19, the bill states: “An environmental impact statement as defined under chapter 343 shall not be required for the assessment of areas for designation of science and technology research subzones under this section.” We recommend that this wording be changed to exempt the designation of science and technology research subzones from the requirements of chapter 343, Hawaii Revised Statutes.

On page 18, line 10, we recommend that the word “binding” be deleted from the words “binding mediation.” The mediation procedure created in the bill is not binding.

We respectfully ask the Committee revise or hold this bill.

HB-1565

Submitted on: 2/5/2018 2:58:56 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Corine Chang		Oppose	No

Comments:

HB 1565

I am Corine M Chang, from Mountain View, Hawaii 96771, phone number 808-968-7192.

I am against HB1565. This bill undermines land use regulations!

It removes the Contested Case Process that Publically present Evidence and Arguement.

It Authorizes the BLNR and the Counties to permit currently Prohibitted Activities, and creates a Fast Track for Developement at the Expense of critical land use regulations and public procedures.

I believe that going against the people's wishes (GMO votes on 4 islands etc and Geothermol stench causing illness, military dangers and poisoning our lands etc) would be a big mistake and an INJUSTICE to all citizens if we cannot be heard. Shame on whoever wants to take these rights away from the people. We deserve the right to be HEARD. Wrongs need to be made right, and it won't happen if you silence the people. I can't believe I have to write a letter saying this, when elected officials should know better.

I Humbly ask that you all "OPPOSE THIS BILL HB 1565."

Mahalo, Corine M Chang

HB-1565

Submitted on: 2/5/2018 3:05:18 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kapena Landgraf		Oppose	No

Comments:

Aloha mānoa ,

I **STRONGLY OPPOSE HB1565**, which would seek to designate “science and technology research subzones” and allow for “science and technology research facilities as permitted uses in all zones of the conservation district.” Though the intent of the bill simultaneously seeks to create “a mediation process as an alternative means for resolving any disputes in the designation or permitting process,” this bill actually works to circumvent many of the protections afforded to land designated as a conservation district.

It is deeply troubling that such legislation would be proposed given not only the underlying meaning and intent of a conservation land district, but also the current social and cultural climate of Hawaii following the Thirty Meter Telescope contested case hearings, which sparked a profound shift in public consciousness of government regulations concerning Hawaii’s irreplaceable natural resources. The fact that this bill removes contested case processes for publicly present evidence and argument, thus fast-tracking development on protected lands, is deeply disturbing. Furthermore, this bill confirms to the community that Hawaii’s lawmakers and representatives are out-of-touch with sensitive issues that pertain to Hawaii’s natural resources and landscapes in general, as well as viewing such from a longevity standpoint—focusing instead on the here and now and not on Hawaii’s sustainable future.

Research into science and technology is indeed essential to social progress, but it should not come at the expense of Hawaii’s finite natural resources. The line must be drawn here.

Please vote **NO** on HB1565 and ensure that future generations of Hawaii may continue to enjoy the resources we presently take for-granted.

Mānoa Iama,

Kapena Landgraf

Lecturer, University of Hawaii at Mānoa

HB-1565

Submitted on: 2/5/2018 3:08:53 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kelsey Amos		Oppose	No

Comments:

Hawai'i is not anyone's "living laboratory." Consider the horror of that phrase--a laboratory alive and experiencing the destruction, burdened with the risk and receiving little of the reward of science and technology research.

HB 1565 undermines important land use regulations that protect our conservation districts from becoming "living laboratories." Conservation districts must be protected as a necessary stop-gap against further destruction of sacred land that is the basis of Kanaka Maoli lifeways. But this is not just a Native Hawaiian issue--protecting sacred land means maintaining hope for whole, place-based futures for everyone else in Hawai'i as well.

HB-1565

Submitted on: 2/5/2018 3:12:51 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lee Eisenstein		Oppose	No

Comments:

This legislation would allow private corporations to lease public lands, “for nominal considerations and without auction”. Most disturbing is that Bill HB1565 would allow any of these proposed subzones to be exempt from environmental review. Undermining land use regulations, permitting currently prohibited activities, fast tracking development at the expense of critical land use regulations that protect our land and State.

This drops the bottom out of our land and communities. I strongly oppose it.

aloha

this bill is shameful. kill it or send it up to pohakuloa training as they like to bomb things and bomb it.

This proposed bill is a blatant special interest bill for the benefit of private entities and corporations with a clear disregard of Hawaii State Constitution Article I, Section 5 as well as other constitutional provisions and statutory laws. It is very evident that this bill is in response to the Thirty Meter Telescope International Observatory LLC's attempt to circumvent the judicial and approval process for a project that intends to take control and use of public lands in an environmentally and culturally sensitive area within a conservation district on Mauna Kea. This bill would strip the State's constitutional obligation to protect the public trust, natural resources, environmental rights as well as native Hawaiian customarily and tradition rights in which the State is compelled to protect as stipulated in the Hawaii State Constitution Article XI, Sections 1 & 9 and Article XII, Sections 4 & 7.

"There is so much wrong with this bill, that it should be TERMINATED due to the reasons noted below. It would allow private corporations to lease public lands "for nominal considerations and without auction" similar to a \$1.00 a year that existing foreign and out-of-state telescopes on Mauna Kea are paying resulting in Hawai'i's taxpayers having to subsidize this type of science and technology development. Also, this bill proposes a "mediation agreement reached between the parties" which proposes a 'FAKE' and a 'BOGUS' due process. If a proposed project is determined to cause substantial and adverse impacts, there should be mitigation provisions instead of mediation provisions with the developer. Most disturbing is that this bill would allow any of these proposed subzones to be exempt from the environmental review process as defined under Chapter 343 which is intended to protect Hawai'i's unique natural and cultural resources."

clare loprinzi traditional midwife

www.mammaprimitiva.com

birth sovereignty advisor

Birth Sovereignty supports basic public health measures and projects that create sovereignty in birth choices, health care access and environmental health as a vital component of broader cultural, social, economic and environmental sovereignty and justice issues.

Representative Daniel Holt EBD Committee
Room 319

February 5, 2018

RECEIVED FEB 05 REC'D

Dear Representative Holt,

It is that time again, when the legislators chosen by the people of Hawai'i must make difficult decisions which impact not just our current situation but the future as well. As the Chair of the EBD, there are so many issues to understand and upon which to act, this letter is specifically about HB 1565.

I understand where this bill comes from and that those business people truly believe that astronomy on the Mauna is important to the growth of future business on the islands. I have heard them speak about the financial benefits, their thoughts about science vs. culture and more "without truly considering and understanding the possibilities that can happen when Western science-based astronomy truly engages with the space and time it shares with existing Native Hawaiian land uses, culture, and sciences also on the Mauna. I believe that those who created HB1565 "seek to cut off this potential future by reinstalling a narrow understanding of science and technology and at the expense of protections for Hawaii's lands and the communities that thrive on them." Mauna Kea Aina Hou In addition, I would like to add the following:

1. HB1565 undermines land use regulations, and specifically, the purpose of conservation districts in the interests of science and technology developers;
2. Removes the contested case process through which people can publicly present evidence and argument - and hear the other sides' too;
3. Authorizes BLNR and the counties to permit "science and technology" land uses that would otherwise be prohibited; and
4. Creates a fast-track for certain SciTech projects at the expense of critical land use regulations and public procedures.

I am greatly concerned about the continued efforts to usurp, bypass and undermine the judicial processes already in place by creating bills similar to this one. I encourage positive conversations about the potential of all of us working together. Those of us who do not wish to see Mauna Kea or any other part of our islands desecrated take our kuleana very seriously and strive with aloha to express ourselves through the process.

In closing, PLEASE, do not pass this bill or any future reincarnation of it. Science and technologies that don't consider the effects on the land and on the people, are not true advancements, at all.

Sincerely,



Cheryl Burghardt
55 S. Kukui Street 904
Honolulu, Hawai'i 96813

From: E. Kalani Flores, ekflores@hawaiiantel.net

Submitted on: Feb. 5, 2018

Testimony in **OPPOSITION of HB 1565**

Relating to: Science and Technology Research

Submitted to: House Committees EDB & FIN

Aloha e Chair and Members of the Committee,

HB 1565 should be TERMINATED

This proposed bill is a blatant special interest bill for the benefit of private entities and corporations with a clear disregard of **Hawaii State Constitution Article I, Section 5** as well as other constitutional provisions and statutory laws. It is very evident that this bill is in response to the Thirty Meter Telescope International Observatory LLC's attempt to circumvent the judicial and approval process for a project that intends to take control and use of public lands in an environmentally and culturally sensitive area within a conservation district on Mauna Kea. This bill would strip the State's constitutional obligation to protect the public trust, natural resources, environmental rights as well as native Hawaiian customarily and tradition rights in which the State is compelled to protect as stipulated in the **Hawaii State Constitution Article XI, Sections 1 & 9** and **Article XII, Sections 4 & 7**.

There is so much wrong with this bill, that it should be **TERMINATED** due to the reasons noted below. It would allow private corporations to lease public lands "*for nominal considerations and without auction*" similar to a \$1.00 a year that existing foreign and out-of-state telescopes on Mauna Kea are paying resulting in Hawai'i's taxpayers having to subsidize this type of science and technology development. Also, this bill proposes a "*mediation agreement reached between the parties*" which proposes a 'FAKE' and a 'BOGUS' due process. If a proposed project is determined to cause substantial and adverse impacts, there should be mitigation provisions instead of mediation provisions with the developer. Most disturbing is that this bill would allow any of these proposed subzones to be exempt from the environmental review process as defined under Chapter 343 which is intended to protect Hawai'i's unique natural and cultural resources. There are already provisions in the law that allow proposed scientific and technology projects to be appropriately built without having to circumvent Hawai'i's existing laws.

As public officials, you solemnly swore to support and defend the Constitution of the State of Hawai'i. The citizens of Hawai'i expect you to uphold your oath and faithfully discharge your duties to ensure the State's obligations to protect the public's due process rights, public trust lands, natural resources, environmental rights, and traditional and customarily rights are upheld.

Please oppose HB1565. This bill **undermines** land use regulations, **removes** the contested case process for publicly presented evidence and argument; **authorizes** BLNR and the counties to permit currently prohibited activities and **creates a fast-track for development at the expense** of critical land use regulations and public procedure.

Mahalo for your consideration,

Lorraine Zane
PO Box 81
Kula, HI 96790

Aloha Rep. Evans & Keohokalole,

HB 1565 should be TERMINATED.

This proposed bill is a blatant special interest bill for the benefit of private entities and corporations with a clear disregard of Hawaii State Constitution Article I, Section 5 as well as other constitutional provisions and statutory laws. It is very evident that this bill is in response to the Thirty Meter Telescope International Observatory LLC's attempt to circumvent the judicial and approval process for a project that intends to take control and use of public lands in an environmentally and culturally sensitive area within a conservation district on Mauna Kea. This bill would strip the State's constitutional obligation to protect the public trust, natural resources, environmental rights as well as native Hawaiian customarily and tradition rights in which the State is compelled to protect as stipulated in the Hawaii State Constitution Article XI, Sections 1 & 9 and Article XII, Sections 4 & 7.

There is so much wrong with this bill, that it should be TERMINATED due to the reasons noted below. It would allow private corporations to lease public lands "for nominal considerations and without auction" similar to a \$1.00 a year that existing foreign and out-of-state telescopes on Mauna Kea are paying resulting in Hawai'i's taxpayers having to subsidize this type of science and technology development. Also, this bill proposes a "mediation agreement reached between the parties" which proposes a 'FAKE' and a 'BOGUS' due process. If a proposed project is determined to cause substantial and adverse impacts, there should be mitigation provisions instead of mediation provisions with the developer. Most disturbing is that this bill would allow any of these proposed subzones to be exempt from the environmental review process as defined under Chapter 343 which is intended to protect Hawai'i's unique natural and cultural resources.

Please remember your service to your constituents, not big business interests.

Mahalo,
Nanci Munroe

Oppose HB 1565 "SciTech subzones" bill and support preserving the purity of these lands. Do not allow Monsanto to spoil the environmental and religious integrity of the areas with their GMO crops.

Thank you,
Ravi Grover

HB-1565

Submitted on: 2/5/2018 3:33:20 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Roy		Oppose	No

Comments:

Rapid Ohia Death and other symptoms of ecological distress on Hawaii Island indicate that overdevelopment is already taking its toll. Do we want to become another Easter Island, barren, but cluttered with vacant monuments for future generations to reflect upon? Bill 1565 needs to be eliminated. Thank you.

February 5, 2018



KAHEA
THE HAWAIIAN-ENVIRONMENTAL ALLIANCE

PROTECTING

NATIVE HAWAIIAN

CUSTOMARY & TRADITIONAL

RIGHTS AND OUR FRAGILE

ENVIRONMENT

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www.KAHEA.org
kahea-alliance@hawaii.rr.com

KAHEA: the Hawaiian-Environmental Alliance is a non-profit 501(c)3 working to protect the unique natural and cultural resources of the Hawaiian islands. KAHEA translates to English as "the call."

Subject: Testimony of KAHEA: The Hawaiian-Environmental Alliance in Opposition to H.B. 1565, before the Economic Development and Business Committee of the 29th Legislature of the state of Hawai'i.

Aloha e Committee Members,

I am writing on behalf of KAHEA: The Hawaiian-Environmental Alliance, a 501(c)(3) nonprofit organization to **strongly oppose HB 1565**. KAHEA is a community-based organization working to improve the quality of life for Hawai'i's people and future generations through the revitalization and protection of Hawai'i's unique natural and cultural resources. We advocate for the proper stewardship of our resources and for social responsibility by promoting cultural understanding and environmental justice.

In addition to our specific objections to HB 1565 provisions, we oppose HB 1565 on the basis of its broader impacts on Hawai'i's social and political landscape:

1. This bill proposes a transparent end run around the Hawai'i Supreme Court's ruling that invalidated the Thirty-Meter Telescope's (TMT) conservation district use permit for construction on the summits of Mauna Kea. The Court ordered the BLNR to redo the TMT land use permitting process, under which the TMT would have to meet eight criteria in order to be built in the Mauna Kea Conservation District. This bill would change that process such that projects like the TMT would only have to meet one or two criteria. Most importantly, controversial projects like the TMT would not be subject to contested case hearings.
2. This bill does not only impact the sacred summits of Mauna Kea and Haleakalā. It would create a fast-track for industrial astronomy, geothermal development, and GMO test field projects in the Land Use Commission (LUC) land use permitting systems - which affect all lands.
3. In doing so, this bill would undermine ALL land use designations (conservation, agricultural, rural, and urban), which were put in place to guard against improper development and to secure the public trust.

We offer a further, section-by-section analysis of the shortcomings of this bill.

Section 1 of HB 1565 describes a purpose and need that privileges Western "science and technology" at the expense of traditional, place-based sciences. It is Hawaiian tradition and custom, however, that has been responsible for huge advances in navigation, aquaculture, agriculture, medicine, and food cultivation, feeding a million people in Hawai'i prior to 1778. Instead, this bill expressly prioritizes certain science and technology projects that have produced the most contested

land uses: genetics (GMO test fields); alternative energy (wind power plants and geothermal drilling); and astronomy (industrial telescopes placed on sacred summits). These dicey, experimental land uses require more, not less regulatory and public oversight.

Section 2 (b) exempts BLNR-designated scientific and technology research subzones from LUC and county authority to establish land use districts or regulate land uses. This means that the BLNR will be the one to make districting decisions, instead of the Land Use Commission, which has more extensive knowledge of land use regulations, and county planning processes, another layer of protection, will be bypassed. We need more, not less, input from the LUC and county land use planning over novel, experimental land uses proposed for these SciTech subzones.

Section 2 (c) further alienates the LUC and counties from land use regulation by exempting SciTech subzone use proposals from special use permit requirements, and authorizes a vaguely described “science and technology research permit” to be issued by counties. This fast-track for land use permitting problematically bypasses the expert agency on land use and, further would exempt “any property owner or person with an interest in real property” seeking a SciTech subzone designation from BLNR from environmental review requirements under HRS chapter 343. No purpose is served by denying the disclosure of environmental impacts of proposed science and technology uses of Hawai`i’s lands.

Subparagraph (d) is most troubling because it eradicates the primary information gathering vehicle for the BLNR - the contested case hearing. Contested case hearings are open proceedings in which the public may observe and listen to facts, interests, and arguments brought to BLNR in order to inform and improve their decisionmaking. Instead of these public, information-gathering procedures, HB 1565 substitutes a single public hearing followed by a potential thirty day mediation period between petitioners and the applicant. BLNR appoints the mediator, who submits a recommendation to BLNR for consideration in their final decision. Mediation, which is already available to BLNR under HRS § 91-8.5, cannot serve the purpose of a contested case. Mediations are closed proceedings, where parties’ statements cannot be admitted into future court cases, there are no guarantees of being able to introduce witnesses, evidence, cross-examine other witnesses, and most egregiously, mediation sessions are not considered “meetings,” requiring open, public deliberation under Hawaii’s Sunshine Law (HRS § 92-2). As proposed in HB 1565, BLNR (in conservation districts) and the counties (in urban, rural, and agricultural districts) are given the unprecedented authority to grant permits for construction without being required to consider impacts on natural or cultural resources. The entire point of the conservation district is to conserve natural and cultural resources, which is why their consideration is expressly described in the existing eight criteria for a CDUP.

Section 2, subparagraphs (d) and (e) would subject proposed scitech developments to a merely one or two permitting criteria: if it either would not unreasonably affect residents, nearby areas, and public services, OR mitigation for unreasonable effects are available. This section eviscerates the primary tool BLNR has for protecting conservation districts - the conservation district use permit (CDUP), which requires projects to meet eight criteria. The CDUP process was the means by which protectors of Mauna Kea, Haleakala, and the Honoli`i surf breaks were able to participate in preserving lands that meant most to them. HB 1565 would drastically reduce BLNR’s ability to regulate conservation districts and remove procedural safeguards for public participation in protecting conservation lands.

Section 5 exempts private and public SciTech operations from public auction requirements in securing 65-year leases and provides for nominal rent by adding them to HRS § 171-95 . This section redoubles the removal of public input on unqualified land use proposals, with the

apparent, unsupported purpose of expediting whatever projects proposed to conduct science and technology research and development. Exemptions from HRS chapter 171 and fair rent requirements is unwarranted.

HB 1565's many and major exemptions from the review, public participation, and decision-making procedures put in place to protect the fragile, unique areas designated for conservation have no place in Hawaii's legal landscape. It would destroy the wise balance between long-term land use planning and development imperatives, and with it the delicate trust in the state as public trustees of Hawai'i's natural and cultural resources. Art. XI, § 1, Hawai'i Const. (1978).

Thank you for considering KAHEA's testimony.

Me ka mahalo nui,

Bianca Isaki, Board Secretary

KAHEA Board of Directors and Staff, 2018

HB-1565

Submitted on: 2/5/2018 5:25:52 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
brianna pelekai		Oppose	No

Comments:

this bill isn't for the people its for the private corporations. this bill will not help protect our natural resources, environmental rights and the native Hawaiian customarily and traditional rights. this bill should be **terminated**.

HB-1565

Submitted on: 2/5/2018 5:31:16 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Underwood		Oppose	No

Comments:

Terminate HB1565. It serves special interest and Corp. Clear disregard to Hawaii State Constitution!

HB-1565

Submitted on: 2/5/2018 5:43:59 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mavis Oliveira-Medeiros		Oppose	No

Comments:

Aloha Legislatures:

I'm writing to oppose HB 1565 because it goes against so many values that my Tutu's taught me. 1. Don't mess with Mother Nature, Mother Earth. "Look to the mountains before going to the muliwai to collect food. Study the ocean before jumping in, study the tide before going rising or gathering seafood, so many lessons we learned.

It's so awful that people are willing to drill into the earth as if there hasn't been enough damage done already. Oil rigs, scientists, fracking, now geothermal? Hasn't man done enough? We only have one planet to live on, there's no more earths out there. No more Maunakea's to ruin. Only one Haleakala in the world. When do you say enough? It's beyond enough.

Please vote for your people and oppose this bill.

Mahalo!!

HB-1565

Submitted on: 2/5/2018 5:54:07 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dee Green		Oppose	No

Comments:

Aloha,

I am writing to you today because I am in strong opposition to HB 1565. My goal is to help you understand the issues I have with this bill, and why I would like you to oppose it as well.

I believe that this bill was created with a goal of trying to cut Hawaiian culture and Native Hawaiian land uses in our state. I believe that this is a way they are trying to show that astronomy is a financial benefit to the state and necessary for business growth on the islands. But, that is just money and greed talking.

We cannot allow for a narrow understanding of what science and technology are at the expense of protections for the Hawaiian community. The following points are what you should know:

- HB1565 undermines land use regulations, and specifically, the purpose of conservation districts in the interests of science and technology developers;
- HB1565 removes the contested case process through which people can publicly present evidence and argument - and hear the other sides' too;
- HB 1565 authorizes BLNR and the counties to permit "science and technology" land uses that would otherwise be prohibited; and
- HB 1565 creates a fast-track for certain SciTech projects at the expense of critical land use regulations and public procedures.

I am greatly concerned about the continued efforts undermine the judicial processes already in place by creating bills similar to this one. Those of us who do not wish to see Mauna Kea or any other part of our islands desecrated take our kuleana very seriously.

Please do not pass this bill or any future reincarnation of it. Science and technologies that don't consider the effects on the land, people and culture are not the future we want for these islands. WE are better than this!

Thank you for your time,

Wendy Green

HB-1565

Submitted on: 2/5/2018 6:24:11 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Cabalse	resident	Oppose	No

Comments:

HB-1565

Submitted on: 2/5/2018 6:29:11 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl		Oppose	No

Comments:

As stated in the letters that I hand delivered to your office, I am in strong opposition to this bill and sincerely regret that certain legislators continue to push this bill each year. There is so much wrong with this bill. Please just totally and unequivocally oppose this bill.

C. Burghardt

HB-1565

Submitted on: 2/5/2018 6:36:00 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jade Moss		Oppose	No

Comments:

Aloha committee on Economic Development and Business,

Please oppose this bill, it does not regulate our natural resources as the State has intended to and has a constitutional responsibility to do. We can all clearly see how this is directly in response to the Thirty Meter Telescope, GMO, and any other science that disregards ka 'aina and cultural significance.

This is not a good bill, no matter how much money you say it'll bring into the state. This may not be the most thorough testimony, but please be diligent and see what I'm pointing to.

Mahalo,

Jade Moss

Kalaheo

HB-1565

Submitted on: 2/5/2018 6:37:57 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
nicole collins		Oppose	No

Comments:

Aloha,

My name is Nicole Collins and i am a resident of Hawaii Island in the district of South Kohala. I am a kanaka maoli and aloha aina warrior. I am writing to you today in OPPOSITION of HB 1565 which is in clear disregard for Hawaii constitution Article 1, section 5 as well as other constitutional provisions and statutory laws. I feel my rights as a kanaka are being threatened by this bill and should therefore be terminated. I am deeply hurt that the bill mentions the unique natural and cultural resources so precious to Hawaii yet it does nothing to defend and protect it. This bill is blatantly written for the benefit of private entities and corporations and not the protection of our land and natural resources or the people who live in these communities and whose lands are up for bid to the deepest pockets for pennies of their value.

Again I ask that you oppose this bill HB1565 and terminate it.

Mahalo,
Nicole Collins

HB-1565

Submitted on: 2/5/2018 6:50:06 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gordon Takaki		Support	No

Comments:

I support the need to establish science and technology research subzones. We need a process for future research facilities that incorporates alternative dispute resolution principles to ensure that the concerns of all stakeholders are taken into account using standards that are fair, equitable and uniformly applied.

HB-1565

Submitted on: 2/5/2018 7:03:26 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sandee PhillipsJohnson		Oppose	No

Comments:

This proposed bill is a blatant special interest bill for the benefit of private entities and corporations with a clear disregard of Hawaii State Constitution Article I, Section 5 as well as other constitutional provisions and statutory laws. It is very evident that this bill is in response to the Thirty Meter Telescope International Observatory LLC's attempt to circumvent the judicial and approval process for a project that intends to take control and use of public lands in an environmentally and culturally sensitive area within a conservation district on Mauna Kea. This bill would strip the State's constitutional obligation to protect the public trust, natural resources, environmental rights as well as native Hawaiian customarily and tradition rights in which the State is compelled to protect as stipulated in the Hawaii State Constitution Article XI, Sections 1 & 9 and Article XII, Sections 4 & 7.

"There is so much wrong with this bill, that it should be TERMINATED due to the reasons noted below. It would allow private corporations to lease public lands "for nominal considerations and without auction" similar to a \$1.00 a year that existing foreign and out-of-state telescopes on Mauna Kea are paying resulting in Hawai'i's taxpayers having to subsidize this type of science and technology development. Also, this bill proposes a "mediation agreement reached between the parties" which proposes a 'FAKE' and a 'BOGUS' due process. If a proposed project is determined to cause substantial and adverse impacts, there should be mitigation provisions instead of mediation provisions with the developer. Most disturbing is that this bill would allow any of these proposed subzones to be exempt from the environmental review process as defined under Chapter 343 which is intended to protect Hawai'i's unique natural and cultural resources

HB-1565

Submitted on: 2/5/2018 7:04:26 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeannine Johnson		Oppose	No

Comments:

HB-1565

Submitted on: 2/5/2018 7:05:15 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gary Ahu	Hawaii	Oppose	No

Comments:

HB 1565 must be TERMINATED.

This proposed bill is a blatant special interest bill for the benefit of private entities and corporations with a clear disregard of Hawaii State Constitution Article I, Section 5 as well as other constitutional provisions and statutory laws. It is very evident that this bill is in response to the Thirty Meter Telescope International Observatory LLC's attempt to circumvent the judicial and approval process for a project that intends to take control and use of public lands in an environmentally and culturally sensitive area within a conservation district on Mauna Kea. This bill would strip the State's constitutional obligation to protect the public trust, natural resources, environmental rights as well as native Hawaiian customarily and tradition rights in which the State is compelled to protect as stipulated in the Hawaii State Constitution Article XI, Sections 1 & 9 and Article XII, Sections 4 & 7.

"There is so much wrong with this bill, that it should be TERMINATED due to the reasons noted below. It would allow private corporations to lease public lands "for nominal considerations and without auction" similar to a \$1.00 a year that existing foreign and out-of-state telescopes on Mauna Kea are paying resulting in Hawaii's taxpayers having to subsidize this type of science and technology development. Also, this bill proposes a "mediation agreement reached between the parties" which proposes a 'FAKE' and a 'BOGUS' due process. If a proposed project is determined to cause substantial and adverse impacts, there should be mitigation provisions instead of mediation provisions with the developer. Most disturbing is that this bill would allow any of these proposed subzones to be exempt from the environmental review process as defined under Chapter 343 which is intended to protect Hawaii's unique natural and cultural resources."

TERMINATE HB 1565 !!!

Mahalo,

na Gary Kamulani Ahu Jr.

HB-1565

Submitted on: 2/5/2018 7:06:46 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tasia Y		Oppose	No

Comments:

Aloha kākou-

I am writing in strong opposition of HB1565. This proposed bill is a thinly-veiled response to the Thirty Meter Telescope International Observatory LLC's attempt to circumvent the judicial and approval process for a project that intends to use public lands in an environmentally and culturally sensitive area within a conservation district on Mauna Kea. The state is supposed to be working for the benefit of the people of Hawai'i, not for the special interests and profit gain of corporations which have little regard for the holistic health of our communities or 'Āina.

I have read that this bill would allow proposed subzones on Mauna Kea to be exempt from the environmental review process as defined under Chapter 343 which is intended to protect Hawai'i's natural and cultural resources. This is wrong and is an obvious attempt to change the laws so that actions that would currently be considered illegal would be legal because of lobbying and political pressure from a corporation.

In addition, the fact that this bill undermines land use regulations, removes the contested case process for publicly present evidence and argument, and creates a fast-track for development at the expense of critical land use regulations and public procedures are all reasons why I could never support this.

Government representatives should represent the will of the people, not the corporations. I strongly urge you to oppose HB1565.

HB-1565

Submitted on: 2/5/2018 7:13:08 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bridgette Dillan		Oppose	No

Comments:

I do not support monsanto, the use of chemicals or pesticides. Do not allow monsanto into Hawaii. Their products cause cancer and birth defects. Allow those living in hawaii to grow their own food and buy food free of chemicals. Say no to GMO!! I fully oppose monsanto.

HB-1565

Submitted on: 2/5/2018 7:29:21 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Lacques		Oppose	No

Comments:

HB-1565

Submitted on: 2/5/2018 7:40:18 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments:

**PRESENTATION OF THE
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES
DEMOCRATIC PARTY OF HAWAII
TO THE COMMITTEE ON ECONOMIC DEVELOPMENT & BUSINESS
HOUSE OF REPRESENTATIVES
TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2018
Wednesday, February 7, 2018
9:30 a.m.
Hawaii State Capitol, Conference Room 309**

AND RE: **Testimony in Support** of HB 1565, RELATING TO SCIENCE
TECHNOLOGY RESEARCH

To the Honorable Cindy Evans, Chair; the Honorable Jarrett Keohokalole, Vice-Chair and Members of the Committee on Economic Development & Business:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on House Bill No. 1565, regarding Science and Technology Research Subzones.

The OCC Legislative Priorities Committee is in favor of House Bill No. 1565 and support its passage.

House Bill No. 1565 is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it establishes science and technology research subzones and an approval process for future research facilities that incorporates alternative dispute resolution principles.

Specifically, the DPH Platform provides that "[w]e recognize that the responsible use and development of technology in all its manifestations offers immense potential for our community, government, including institutions of higher education and business sectors. We encourage synergistic research, development, commercialization and education programs to promote technological proficiency and innovation. In particular, we support Science, Technology, Engineering and Math (STEM) initiatives in our public, private and charter schools as these prepare the next generation to address the needs of our state. We also support programs that facilitate incubator, i.e., start-up, opportunities for new and promising technologies, and encourage the local retention of our intellectual resources." (Platform of the DPH, P. 3, Lines 149-156 (2016)).

Given that House Bill No. 1565 provides for Science and Technology Research Subzones, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ **Melodie Aduja**

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889

HB-1565

Submitted on: 2/5/2018 8:07:51 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Albertini	Malu 'Aina	Oppose	No

Comments:

This HB 1565 is a travesty! It subverts any semblance of protecting people's democratic input and undermines current land use regulations. It removes contested case process and fast tracks development for corporate interests. Such things as TMT, GMO, Geothermal, and runaway development in conservation and coastal areas. Kill this bill now!. Shame on the people who introduced such a bill. It's a disgrace that citizens even have to submit testimony to uphold such basic hard fought basic rights regarding land use.

Jim Albertini, President, Malu 'Aina center for Nonviolent Education & Action.

HB-1565

Submitted on: 2/5/2018 8:13:39 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kat Culina		Oppose	No

Comments:

HB-1565

Submitted on: 2/5/2018 8:36:13 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Miyahira	Business Strategies	Support	No

Comments:

HB-1565

Submitted on: 2/5/2018 8:38:31 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
keomailani von gogh		Oppose	No

Comments:

Aloha,

This hB 1565 seems to create a loophole for astronomy on Mauna Kea without developers having to follow the current laws. When will lawmakers stop catering to the "few" and instead listen to the people? HB 1565 would greatly undermine land use regulations, and specifically, the purpose of conservation districts in the interests of science and technology developers, removes the contested case process through which people can publicly present evidence and argument - and hear the other sides' too; It authorizes BLNR and the counties to permit "science and technology" land uses that would otherwise be prohibited; and creates a fast-track for certain SciTech projects at the expense of critical land use regulations and public procedures. PLEASE KILL HB 1565

Mahalo for your time,

Keomailani Von Gogh

HB-1565

Submitted on: 2/5/2018 8:41:51 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tamara Paltin		Oppose	No

Comments:

Aloha Representatives,

I am strongly opposed to the fast tracking of telescopes on Maunakea through designating science subzones. We have conservation districts for a reason. Maunakea is sacred and important to very many people who live here, myself included. The current process when not manipulated works.

Please kill this bill!

Mahalo

Tamara Paltin

808-870-0052

HB-1565

Submitted on: 2/5/2018 8:42:46 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Julia Paul		Oppose	No

Comments:

I strongly oppose this bill. Removing public protections is the last thing we should be doing. I can see how this bill could be used in a very negative way.

HB-1565

Submitted on: 2/5/2018 8:44:50 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sherry Pollack		Oppose	No

Comments:

HB-1565

Submitted on: 2/5/2018 8:46:25 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Clarence Ching		Oppose	No

Comments:

I am in overwhelming opposition to proposed HB 1565.

HB 1565's many and major exemptions from the review, public participation, and decision-making procedures put in place to protect the fragile, unique areas designated for conservation presently protected by the Hawai'i State Constitution and by Hawai'i Revised Statutes, have no place in Hawai'i's legal landscape. It would destroy the wise balance that has evolved and are exemplary and unique in the entire United States between long-term land use planning and development imperatives, and with it the primary responsibility of the state to protect the Public Trust as the designated trustee of Hawai'i's Constitutionally-protected natural and cultural resources. Art. XI, § 1, Hawai'i Const. (1978).

This house cannot legislate out good policy and law by passing ill-advised bills suggested by short-sighted special interests that have little or no concern for Hawai'i's unique natural and cultural resources.

The decidedly negative aspects of this proposed legislation:

1. undermines proven and valuable land use regulations, and the valid and genuine valuable purposes of conservation districts, to greedy special interests and self-promoting science and technology pro-developers;
2. removes the contested case process through which people can publicly present evidence and argument before a supposedly fair Hearing Officer, which then becomes subject to review by the highest level of legal review (appellate) in the so-called State of Hawai'i - the Hawai'i Supreme Court;
3. authorizes the counties to permit "science and technology" uses that would otherwise be prohibited; and
4. creates an un-balanced fast-track (bereft of much-needed checks and balances) for certain SciTech projects at the expense of critical land use regulations and public-involving procedures (land use laws and regulations are the laws that determine how all the lands in Hawai'i are used, developed, protected, or conserved).

Therefore, this proposed bill makes a sham of Hawai'i's time-tested policies and statutes of Constitutionally-protected environmental and cultural resources - and I

overwhelmingly oppose it. It has no redeeming qualities to add to the present mix - and should be terminated from further consideration.

HB-1565

Submitted on: 2/5/2018 8:50:00 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Blair		Oppose	No

Comments:

HB-1565

Submitted on: 2/5/2018 8:55:06 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cherie Griffore	Malama Kona, Surfrider Foundation	Oppose	No

Comments:

My name is Cherie Griffore and I am a resident of Kailua-Kona. I oppose this bill and would like to keep our rights to have contested cases

HB-1565

Submitted on: 2/5/2018 9:00:52 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Aria Juliet Castillo	Vote Hawaii	Oppose	No

Comments:

HB-1565

Submitted on: 2/5/2018 9:00:53 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Donna Grabow		Oppose	No

Comments:

Aloha,

My name is Donna Grabow, and I OPPOSE the proposed bill.

It is a blantly a sneaky means to try and get rid of land use regulations. Basically, HB1565 is designed to remove contested case process.

The bill is intended to benefit corporate interests, and to fast track industrial urbanization of the summit of Mauna Kea (Thirty Meter Telescope), and for things such as spraying fields for GMO research, and runaway development in conservation and coastal areas. (all justifies by promising of jobs, but very few jobs for people of Hawai'i.)

It's scandalous that this House Bill has even been proposed.

Now citizens have to go to the trouble of submitting testimony to try and maintain the basic rights regarding land use.

Sincerely,

Donna Grabow

Hilo, Moku o Keawe

HB-1565

Submitted on: 2/5/2018 9:04:27 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Leina'ala Sleightholm		Oppose	No

Comments:

Aloha kakou, my name is Jennifer Leina'ala Sleightholm and I am a resident of Hawai'i island, aloha 'aina, wife, mother, grandmother, and a party in the Mauna Kea Contested Case hearing that will be before the Supreme Court for appeal soon.

I'm writing in opposition of HB 1565. We have voiced our opposition more than once regarding this bill and what it stands for, yet time and time again it tries to sneak it's way through. This bill goes against exactly what the Supreme Court noted in it's findings during the first Mauna Kea Contested Case. They said that the community should be able to meaningfully participate in the contested case process in a meaningful way. This bill would strip the public of it's right to question, voice concerns, and present facts relating to proposed projects in the areas covered in this bill. The impacts this bill will have is devastating to our rights to speak for and protect these places that have no voice of their own. It is our birthright to speak on behalf of our kupuna, who are these place . It is our constitutional right to do so and passing this bill would make It very clear to the community just who's voices have more value, the ones with money. In this very tumultuous time where trust in our elected officials are in question, do the right thing to restore our faith that those who are in positions of government and decision making really listen and value the rights of the people who voted them into the positions they hold. Kill HB 1565 once and for all.

Mahalo,

J. Leina'ala Sleightholm

Mauna Kea 'Ohana/Aloha 'Aina 'Oia'i'o

HB-1565

Submitted on: 2/5/2018 9:18:38 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mehana Kihoi	Self	Oppose	No

Comments:

Aloha,

My name is Mehana Kihoi, I am a resident of Hawai'i Island, and I am a Petitioner in the TMT Contested Case. I am born and raised on Hawai'i Island, and my genealogical ties connect to Kohala, Waimea, and South Kona. I come from a long line of ancestors who stood strong for the protection of their lands.

Over the course of 10 months, I was involved in a process where we as descendants and care takers of this land were treated unfairly, unjust, and unconstitutional by the BLNR and State of Hawaii. The TMT Contested Case proved to me that our traditional rights as Native Hawaiians are NOT being honored. The TMT Contested Case proved to me that the State of Hawaii protects corporations over its constituents. The TMT Contested Case proved to me that the BLNR prioritizes development over conservation. And the TMT Contested Case has proven to me that justice is not being served within our government. This bill goes exactly against what the Supreme Court noted in its findings during the first Contested Case,

It is very evident that this bill as proposed is an attempt to secure the approval process and construction for the Thirty Meter Telescope. A project that intends to take control and use of public lands in a environmentally and culturally sensitive area within a Conservation District on Mauna Kea. Do we not have Conservation Districts for a reason?

This bill would strip the State's constitutional obligation to protect the public trust, natural resources, environmental rights, as well as Native Hawaiian customary and traditional rights in which the State is compelled to protect as stated in the Hawaii State Constitution Article XI, Sections 1 & 9 and Article XII, Sections 4 & 7.

Even more disturbing is that this bill would allow any of these proposed sub zones to be exempt from the environmental review process as defined under Chapter 343, which is intended to protect Hawaii's unique and cultural resources.

The TMT Contested Case proved to me how truly important and environmental review is. It also proved to me how mismanaged and misused our precious resources are. We should be fighting with everything we have to make sure our 'aina is protected and preserved for our future generations. Because its certainly clear that its not. We have voiced our opposition more than once regarding this bill and what it stands for, yet time and time again it sneaks its way through.

I object to HB 1565 as a bad law because it:

1. Undermines land use regulations, and specifically, the purpose of conservation districts in the interests of science and technology developers;
2. removes the contested case process through which people can publicly present evidence and argument - and hear the other sides' too.
3. authorizes BLNR and the counties to permit "science and technology" land uses that would otherwise be prohibited; and
4. creates a fast track for certain SciTech projects at the expense of critical land use regulations and public procedures.

For these reasons I oppose HB 1565, and I strongly urge you to kill this bill. Do the right thing and restore the faith in your people, and value the voices who placed you in the positions you hold.

Me ke aloha 'aina,

Mehana Kihoi

Honaunau, HI

2/05/18

Re: HB1565,

Feb 07 2018 9:30 AM, Rm 309, EDB

Testimony of Robert Petricci,

Position: strongly oppose,

Rep. Cindy Evans, Chair, EDB

Rep. Jarrett Keohokalole, Vice Chair,

Committee members,

Rep. Daniel Holt

Rep. Kyle T. Yamashita

Rep. Linda Ichiyama

Rep. Lauren Kealohilani Matsumoto

Rep. Aaron Ling Johanson

Aloha chair Evans and committee members:

I am in opposition to HB 1565 which appears on it's face to be special interest legislation designed to make an end run around hard won existing land use regulations. Removing the contested case process to facilitate fast tracking development is nothing less than an invitation for conflict or in other words a recipe for disaster. HB1565 attempts to restrict impacted residents due process and recourse, in order to throw open the door to development in conservation and coastal areas. While at the same time fast tracking controversial developments like geothermal, GMO, and TNT. It seems obvious that HB1565 is deeply rooted special interest legislation intended to circumvent critical checks and balances that are in place to protect the public interest.

I ask you to oppose HB1565,

Mahalo for your consideration.
Robert Petricci

HB-1565

Submitted on: 2/5/2018 9:26:20 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Kohn MD	We Are One, Inc. - www.WeAreOne.cc - WAO	Oppose	No

Comments:

No fasttracking telescopes on Mauna Kea through designating "science subzones"! We have Conservation Districts for a reason!

HB-1565

Submitted on: 2/5/2018 9:28:04 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
SANDRA LEHUA KAMAKA	ALOHA 'AINA, 'AINA ALOHA	Oppose	No

Comments:

Aloha I Ke Akua

Aloha E Na Aumakua

Aloha E Na Kupuna

Aloha 'Aina Hawai'i Aloha

Aloha Representatives,

I STRONGLY OPPOSE!!! THIS IS NOT RIGHT.

How can you continue to make decisions for NATIVE TENANTS in their own HOMELAND without hearing from us? We are an Independent Nation, A Neutral Country, recognized by Treaty's with other nation/countries. How long shall this continue?

Be the CHANGE! Listen to the people. The NATIVE TENANTS, we definately are the PRIORITY, with being INCLUSIVE of tenants who has made Hawai'i their home, and understands our CULTURE, and STRUGGLES, and knowing in their hearts, that we the Native Tenants, Descendants of Great Ones before us, are very important, and a vital source for decision making. For we are the STORIES that LIVE in today's era, because we are the bloodlines that continue our great ancestors journey in us today. WE ARE ALIVE!!! WE ARE HERE, ALWAYS BEEN.

This is all ILLEGAL process continuing after the Apology Bill for the ILLEGAL overthrow, and still being ILLEGALLY OCCUPATED today. Enough Already. Make things right.

WHAT PART OF ILLEGAL AM I MISSING? Apology Bill for ILLEGAL overthrow??? I was arrested on Mauna Kea, in our prayer circle, taken to Hilo prison for trespassing. A trespassing charge that was ill created by Governor Ige's Emergency Rules, which was,

"ILLEGAL!" ALL ILLEGALLY DONE, IN ALL-KNOWING. WE WERE ALL WRONGFULLY ARRESTED! Court decision, DISMISSED. Did we make a class-action lawsuit, or TORT? Of course not! We had every reason to do it. I, with aloha, humbled with humility, I forgave such a, "sinister act", committed by thee, "Governor Ige". Not the right way to use his powers. What I can do is forgive him, for FORGIVENESS is DIVINE, and VENGEANCE is NOT ours, it's God's.

SANDRA LEHUA KAMAKA is my given name at birth. Receiving my name is not an option that I have at the time of my birth. In the all knowing of today, UCC, BIRTH CERTIFICATE, SOCIAL SECURITY, STRAWMAN, ALL CAPS Vs flesh and blood, upper-lowers case, red ink, blue ink, black ink, etc., I understand and know of it. And so where does truth lay in such an ILLEGAL STATE? As Representatives, pen color is vital. Likewise is our Lives.

Stop the genocide on us please. Our Great Ancestors were great for many of reasons, and we shall, and will continue to live in their teachings, and how we evolve with today's teachings.

Teach our children the TRUTH. TEACHINGS OF THE ANCESTORS.

HB1565 is not the answer, it is the PROBLEM, and GREED is the problem.

Aloha Kekahi I Kekahi

SANDRA LEHUA KAMAKA©

Sandra Lehua Kamaka, Authorized Representative

HB-1565

Submitted on: 2/5/2018 9:35:40 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaimikila Moraes		Oppose	No

Comments:

To Whom it May Concern,

My name is Kaimikila Moraes and this is my testimony **in opposition to HB1565**. I was born and raised in Volcano Village on the Big Island of Hawaii, was educated at Kamehameha Schools Kapalama, and sought further education for my Bachelor of Science on the mainland. I have been many things in my life, a lifeguard, a scientist, a cook, an EMT, and a Firefighter, but for all the occupational changes I've made one thing never will. I am kanaka maoli.

My travels have instilled in me a renewed appreciation for the natural wonders Hawaii holds, an appreciation that was always there, but was strengthened by perspective. I worked in the conservation field on Hawaii Island and spent countless days hiking the mountains, valleys, and forests of our islands freely giving my blood, sweat, and tears in attempt to leave what we have left in a better state than it was found. For anyone who knows from personal experience, conservation in Hawaii is a losing battle. Our ecosystem is so fragile and so broken that we keep losing ground for all of our technical and scientific advances of the past few decades.

There is a question we must ask ourselves everyday; why? Why do we need more scientific research? One answer is because we as stewards of the land are responsible for what lies within. The other and far more common answer is to benefit mankind. We research to cure diseases, solve socio-economic issues, and to feed mankind's insatiable desire to accumulate more knowledge so that we can understand the world around us.

I agree with these sentiments as they are noble. What I do not agree with is displacing pristine nature and by proxy, culture to do so. I disagree with millennia of similar practices that resulted in trampling indigenous cultures and their beliefs. I cannot idly stand by and watch the same fate that befell indigenous cultures around the world throughout history happen to me and mine. It is ironic how this bill touts the unique natural and cultural resources yet offers no protection for them. Precious it seems only for the monetary gains of a government woefully dependent on tourism. I offer no solutions to this issue, but it is a mistake to think that speeding the desolation of Hawaii's unique natural and cultural resources in the name of science is the answer. I humbly ask you to oppose this bill and terminate all future versions thereof.

Mahalo,

Kaimikila Moraes

HB-1565

Submitted on: 2/5/2018 9:48:49 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Zach Street		Oppose	No

Comments:

I write in opposition to HB1565.

I believe in the immense value of science and the positive impact research can have on our educational system and economy, but I do not believe in circumventing conservation law or cultural protections, and *that* is the underlying premise of this legislation.

The intentions of this bill are clear, and they pave the way for ecological damage and cultural oppression in order support development in protected places.

These places are protected for good reason, please, continue those protections. Now is **NOT** the time to soften environmental regulations and cultural protections. The reasons why are clear. I urge you to be on the right side of history, and stand for the 'aina, for the people of this land, and for all of us. Reject this bill.

Mahalo,

Zach Street
Hilo, Hawai'i

HB-1565

Submitted on: 2/5/2018 9:53:46 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nami Nielipinski		Oppose	No

Comments:

I strongly oppose this bill. This is an illegal and unfair attempt by private industry to go around legitimate laws. Please do not pass this bill to benefit the private geothermal and GM industry. It is not only unfair, this is a public safety issue. As much as I support alternative energy sources, this geothermal site has proven to be explosive and dangerous historically. I do not want GMO industry in my neighborhood spraying chemicals and doing other research. I oppose this bill. Thank you.

HB-1565

Submitted on: 2/5/2018 10:00:38 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bimo Akiona		Oppose	Yes

Comments:

Aloha,

My name is Bimo Akiona, a lifelong resident of Hawaii.

I ask this Committee to terminate Bill 1565 by not letting it proceed beyond your vote for the following reasons:

This Bill is outdated. It was initially submitted in January of 2017, with information gathered in 2016. The facts and figures contained in it cannot be deemed accurate. That there has been no adjustments made to this Bill from its original submittal a year ago is indicative of the cavalier values of its sponsors. Even as a "carry over" Bill, there should still be a standard that demands current and accurate representation when it is presented for vote. This Bill does not have that.

Further, this Bill represents poor legislation. It is obvious the intent of this Bill is to circumvent the Judicial Process. HB1565 is a threat to the integrity and health of our system of Government. The three branches of Government are necessary for lawful and righteous representation of its citizens. That one of those Branches seeks to circumvent another is disturbing.

A need for this Bill is non-existent. I suggest this Bill was introduced in biased response to the history of the Thirty Meter Telescope. That history establishes the clear and effective presence of the Judiciary Branch of Government. All parties in the Thirty Meter Telescope story have been accommodated and addressed and directed by the Judiciary of the State of Hawaii. That story has advanced to where it is now before the Hawaii Supreme Court. To introduce and pass a Bill such as this, while the Judiciary is engaged in the process this Bill seeks to circumvent, should be uncomfortable for you. It is for me.

Finally, if this Bill had value it would have been passed when first introduced in 2017. It wasn't. It is now a year later. What would make this Bill more necessary now, than it was last year? The obvious answer is that it isn't. Bill 1565 is inaccurate, outdated and a threat to the Judicial process. Please set a high legislative standard. Put this Bill to rest.

Mahalo,

Bimo Akiona

HB-1565

Submitted on: 2/5/2018 10:01:48 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrew Cooper		Support	No

Comments:

There is much to consider in this bill... As the ongoing controversies over our mauna has amply demonstrated, creating a sub-zone specifically for research facilities is overdue. HB1565 recognizes a very specific land use that should have equally specific rules governing the use.

But there remains a question... Does the process specified in this particular bill to manage this new type of sub-zone excessively curtail public participation in the land management process? Where is the balance between sensible development and protection of the environment?

We currently have a situation in which a small and vocal minority can completely derail the process, that even reasonable development is blocked. A situation where only extraordinarily well funded organizations can accomplish anything. Then only with a stunning amount of wasted resources and effort along the way.

This needs to change. Please support HB1565!

Thank you,

Andrew Cooper

HB-1565

Submitted on: 2/5/2018 10:02:59 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kanoeuluwehianuhea Case		Oppose	No

Comments:

Aloha Representatives Cindy and Jarret and Committee members,

This is an email stating my opposition to Bill HB 1565 regarding our public land trust in which the bill proposes to withhold the voice of our people who seek to protect our Hawaii from any further corporate development that does not serve the well being of our place and preserve our Aina and waters for generations to come. Please consider this request as we wish to move forward in a way that all of our Hawaii who wishes to be a part of the legal processes are not left out, that our peoples voice will not be diminished and bring an end to desecration of all that we hold sacred in our homeland, the homeland of my ancestors who are indigenous to these lands often referred to as Kanaka Maole, Native Hawaiians, as well as non natives who seek and value the culture and traditions we hold dear to our heart and the blood in our bones. I OPPOSE Bill HB 1565!

Mahalo nui!

Kanoeuluwehianuhea Case

Kanoesc@gmail.com

HB-1565

Submitted on: 2/5/2018 10:06:57 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
SHANELL P. SUBICA	ALOHA ?AINA, ?AINA ALOHA	Oppose	No

Comments:

Aloha

My name is SHANELL P. SUBICA, and I strongly wholeheartedly OPPOSE HB1565.

This bill and any similar ones should be TERMINATED INDEFINATELY.

Enough said. Mahalo

Aloha

SHANELL P. SUBICA ©

Shanell P. Subica, Authorized Representative

HB-1565

Submitted on: 2/5/2018 10:20:22 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kulani Nelson-Riley		Oppose	No

Comments:

Aloha Kakou,

I strongly oppose this bill!!! Trying to bend the rules once again to fast track the TMT.

Not Pono! Stop this bill!

Aloha,

kulani Nelson-Riley

HB-1565

Submitted on: 2/5/2018 10:37:29 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Roxane Stewart		Oppose	No

Comments:

I write in strong opposition to this bill that is nothing more than a blatant attempt by private interest groups to bypass land use regulations. Private interests are already outweighing public good in so many ways. The state seems to have to be constantly reminded of their their obligation to hold these lands in trust for the good of the people. It is not the state's obligation nor is it the state's personal privilege to jeopardize longitudinal sustainability and health of our natural and cultural spaces for the benefit of a few parties looking to perpetuate the longitudinal sustainability and growth of their bank accounts. Entities such as BLNR have demonstrated a lack of integrity as actual stewards and have proven to be incapable of decision-making that upholds the fore mentioned responsibility of the state. Private entities were unable to bypass current land use regulations in their attempt to fast track TMT, and checks and balances through the courts corrected that fast tracking. And so this attempt to change the law is their next maneuver to protect private interests and profits. I call on legislators to KILL this bill and others like it that perpetuate circumnavigating judicial process and public involvement. We have to collectively think and live with objective that we have done everything possible to ensure that seven generations from now our 'Ä• ina is healthy thereby allowing our families and communities to thrive. Our descendants will not be able to eat infrastructure and cannot drink water that is no longer abundant. I call on the integrity of legislators to truly represent the needs and the voices of the people - KILL THIS BILL'

HB-1565

Submitted on: 2/5/2018 10:43:13 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Me Fuimaono-Poe	Malie Cannabis Clinic	Oppose	No

Comments:

HB-1565

Submitted on: 2/5/2018 10:44:21 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Riley		Oppose	No

Comments:

Aloha Kakou,

I strongly oppose HB 1565! This bill is simply trying to bend conservation protection rules for big corporations such as the TMT. Conservation laws were put in place to protect natural and unique areas of Hawaii. And Mauna Kea is a wonderful example of such a place needing exactly such protection from over development and misuse by corporate entities and other such powers. Circumventing this law to make the outcome favorable to the TMT is tantamount to gerrymandering and shows that the TMT did not meet the right criteria. If it did, there would be no reason to bend the rules. Protection of our Sacred and unique gifts of the island are the very reason such laws were initially created. Please don't allow corporate bullies to end the rules for their gain and our loss of beautiful lands in need of protection. The laws were clearly written for such a time as this. Do not let it be in vain. Protect Mauna Kea.

HB-1565

Submitted on: 2/5/2018 11:11:24 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Smith		Oppose	No

Comments:

Probably unconstitutional

HB-1565

Submitted on: 2/5/2018 11:14:06 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Theodora Akau Gaspar		Oppose	No

Comments:

HB-1565

Submitted on: 2/5/2018 11:20:35 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Veronica Ohara		Support	No

Comments:

I support HB1565 because science and technology is an important part of Hawaii's future. From the sea to the mountains there is research in areas such as agriculture, corals, marine life & fishing, IT, and astronomy. The state should support science because discoveries, pursuit of knowledge can make a better future for all who live here. The astronomy precinct in the Maunakea Science Reserve has come under a great deal of scrutiny in the past years. But the recent commitment from the UH Board of Regents in support of the Office of Maunakea Management demonstrates a renewed interest to support one of Hawaii's academic blocks of our community. Hawaii can take great pride in the Nobel Prize in Astronomy for the discovery of dark matter in 1997 and 1998. More recently in 2008 there was the first imaging of planets around other stars. The observatories on Maunakea contribute to our communities in various ways with science workshops/fairs, telescope time for the university, and of course jobs, careers and scholarships. Please support HB1565, "science and technology subzones and approval process for research facilities that incorporates alternative dispute resolution principles" because the pursuit of education and knowledge has always been important to Hawaii.

HB-1565

Submitted on: 2/5/2018 11:22:58 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lehua Kaulukukui	Kuamoo FoundatioN	Oppose	No

Comments:

HB 1565 should be TERMINATED

This proposed bill is a blatant special interest bill for the benefit of private entities and corporations with a clear disregard of Hawaii State Constitution Article I, Section 5 as well as other constitutional provisions and statutory laws. It is very evident that this bill is in response to the Thirty Meter Telescope International Observatory LLC's attempt to circumvent the judicial and approval process for a project that intends to take control and use of public lands in an environmentally and culturally sensitive area within a conservation district on Mauna Kea. This bill would strip the State's constitutional obligation to protect the public trust, natural resources, environmental rights as well as native Hawaiian customarily and tradition rights in which the State is compelled to protect as stipulated in the Hawaii State Constitution Article XI, Sections 1 & 9 and Article XII, Sections 4 & 7.

"There is so much wrong with this bill, that is should be TERMINATED due to the reasons noted below. It would allow private corporations to lease public lands "for nominal considerations and without auction" similar to a \$1.00 a year that existing foreign and out-of-state telescopes on Mauna Kea are paying resulting in Hawaii's taxpayers having to subsidize this type of science and technology development. Also, this bill proposes a "mediation agreement reached between the parties" which proposes a 'FAKE' and a 'BOGUS" due process. If a proposed project is determined to cause substantial and adverse impacts, there should be mitigation provisions instead of mediation provisions with the developer. Most disturbing is that this bill would allow any of these proposed subzones to be exempt from the environmental review process as defined under Chapter 343 which is intended to protect Hawaii's unique natural and cultural resources."

HB-1565

Submitted on: 2/5/2018 11:35:34 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Wai'ala Ahn		Oppose	No

Comments:

To whom it may concern,

Aloha, I strongly encourage you to oppose this bill HB1565.

this bill over rides conservations regulations and fast tracks development; endangering these conservative regulations that put land, people and safety practices above profit.

thank you for your time and consideration on this matter; and please Oppose this bill.

aloha

HB-1565

Submitted on: 2/5/2018 11:39:43 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bradd Haitzuka		Oppose	No

Comments:

HB-1565

Submitted on: 2/6/2018 12:05:00 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sandra C. Castell	retired	Oppose	No

Comments:

'A'aole.

I am opposed to HB 1565. I am Native Hawaiian.

This bill seeks to undue years of work to protect Maunakea. This bill is meant to undo contested case hearings, and take away the due process. It seeks to dismantle and interfere with GOOD law —that means law that the courts have ruled on and found to be Constitutional or in compliance with established law and the protections they uphold —such as the Public Trust Doctrine (regarding amount other things our Water and Clean water and Oceans) and our Native Hawaiian Constitutional Protections.

Sandra Castell

91-1298 Kaikohola St.

Ewa Beach, HI 96706

HB-1565

Submitted on: 2/6/2018 12:05:10 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Mader	Hawai'i resident	Oppose	No

Comments:

No fasttracking telescopes on Mauna Kea through designating "science subzones"! We have Conservation Districts for a reason!

Joseph Kualii Lindsey Camara Testimony in opposition of SB 1565

Aloha Representatives,

SB 1565 seeks to amend HRS 171 to allow for nominal lease rent for scientific and technology research.

This ignores the State's fiduciary responsibility to collect fair market value revenues from "ceded" lands for the betterment of Native Hawaiians and the general public. It also ignores the fact that Mauna Kea has already given more to astronomy than any other astronomy site in the world. All current facilities on Mauna Kea **already pay nominal lease rent, in direct violation of HRS 171, in particular HRS 171-17 and HRS 171-18.** We cannot allow this bill to "grandfather" illegal actions.

Beyond total rejection of SB 1565, you as our Representatives must uphold the laws of this State and hold BLNR, UH, and all subleasees on Mauna Kea accountable for the current, blatant and illegal misappropriation of "ceded" lands to scientific leasees for nominal rent.

What good is passing new laws if we cannot even uphold our current laws?

Mahalo for your consideration,
Me ke aloha aina,
Joseph Kualii Lindsey Camara

HB-1565

Submitted on: 2/6/2018 12:26:47 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
kesha		Oppose	No

Comments:

I do not support this bill due to certain religious as well as traditional reasons. I am a Hawaiian, and although I love the opportunities and innovations we have accomplished over the years, this is something I cannot support. In Hawaiian traditions Kalo, also known as sweet potato was a symbol of life after death. MY Tutu told me the story of our beginning as Hawaiians. And although Tita been nearly 25yrs later I still remember this. She spoke of how the Sky and the Sun came together and birthed a still born baby who they named HÄ• loa which they buried on the eastern side of the house so he could greet the sun (his father) every morning, and from Haloa became the plant Kalo that would eventually feed Hawaiians for generations to come. So this is one of the main reasons I choose not to support this bill. I cannot say it's ok to experiment with the lives of future generations. Over the years I have watched so much of our lands be polluted and blocked off because they are contaminated from pesticides that were intended to help mass produce products as well as many of our native species, whether it be plants or animals die due to hostile changes in our environment. I'm not sure if the people reading this are necessarily from Hawaii but I hope you take the time to really read everyone's testimony. I know testimony may not be the greatest or strongest but I love my Hawaii and I respect what it means to live here and don't want to see it monopolized for profit anymore.

Mahalo Nui!

HB-1565

Submitted on: 2/6/2018 12:28:43 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kauai Trainer	Momilani Farm	Oppose	No

Comments:

I am adamantly opposed to HB 1565 and extremely suspicious of the people who created it. Why would ANYONE want to fast track development in all zones of the conservation district? There are reasons for safeguards: so that our open spaces, unique species, historically and culturally significant sites and sacred burials can be protected and preserved. What would Hawai'i be without its beautiful spaces? Who on earth wants to live in overdeveloped, polluted, traffic and crime ridden cities? Not me. That's why we need to keep Hawai'i safe. Why do we keep catering to profiteers at the expense of our most precious resources? It is as if the writers of this bill have been to the "Trump Training Academy: Global Warming? Ridiculous! Public Lands? Sell them off to the highest bidder! Valuable resources on Indian reservations? Open them up to mining!" This is madness! How ironic that this bill can open up with such a glowing review of Hawai'i's unique and special species, landscapes and ecosystems and then ask for a way to undermine, exploit and profit from them! If we want to protect the unique nature of Hawai'i then stop developing it! Diversity of species and ecosystems does not increase when they are destroyed by development! HB 1565 will do that. It will fast-track approvals for these science and technology research subzones, addressing much of Mauna Kea; the very site where the university has FAILED three times as determined by State audits, to properly manage! Are you insane? Why would you give more power and authority to organizations who have a track record of FAILURE to protect these pristine and unique landscapes and communities that you so gloriously describe? The bill also states that its purpose is to ensure that "the concerns of all stakeholders are taken into account using standards that are fair, equitable, and uniformly applied." This suggests that the current system is unfair, inequitable and non-uniformly applied. And yet, in the Mauna Kea case, the Hawaii Supreme Court has ruled against the state because they didn't follow the proper procedures. So this bill is going to make it easier for the state not to follow the proper procedures? Is that really fair and equitable? In regards to the language that addresses an "alternative means for resolving disputes in the designation or permitting processes"; TMT paid for a risk report. The report warned TMT that they would face stiff opposition if they did not follow the right procedures. They continued regardless of the warnings. The state dropped the ball by NOT FOLLOWING ITS OWN FAIR AND EQUITABLE PROCEDURES. Hence, the Supreme Court ruling. So now the state wants to make it easier for itself so it doesn't have to safeguard our resources? This is a travesty and against all ethical and fiduciary duties to protect the resources for beneficiaries of the public land trust. The fact that this bill goes on to designate science and technology research subzones and

facilities in ALL ZONES of CONSERVATION districts is hypocritically ironic. Again, Trump Training Academy: "As long as it's research it's all ok for development, destruction and desecration." AND as a beneficiary of the public land trust, I DO NOT GIVE PERMISSION to allow the state to "provide for the negotiated lease of public lands to government agencies and science and technology research organizations and institutions for the development and operation of a science and technology research facility for nominal consideration and without auction." THIS IS INSANE. Public land trusts include special fiduciary duties to their beneficiaries. YOU CANNOT sign away our rights. These public lands are for our benefit. Not foreign investors and developers. The fact that the state has allowed these areas to be developed to extent that they are now for "nominal consideration" is an understatement. Stop throwing our diamonds to swines. Besides, the very general nature of the words "organizations and institutions" could mean ANYONE. Do you give a blank check to a stranger with a history of dishonesty and oppression and expect him to be fair and equitable? This bill, for all it's hyped support of environmentalism, then goes on to say that for the science and technology research subzone designation, an Environmental Impact Statement SHALL NOT BE REQUIRED! I am flabbergasted at the utter disregard and disdain for true equity. It appears that the writers of this bill are only concerned about one thing. Short changing the public and degrading/desecrating the land. DO NOT PASS HB 1565.

HB-1565

Submitted on: 2/6/2018 1:18:17 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Raul Nohea Goodness		Oppose	No

Comments:

undermines land use regulations, and the purpose of conservation districts in the interests of science and technology developers;
removes the contested case process through which people can publicly present evidence and argument;
authorizes the counties to permit "science and technology" uses that would otherwise be prohibited; and

undermines ALL land use designations (conservation, agricultural, rural, and urban), which were put in place to guard against improper development and to secure the public trust.

is contrary to the State's constitutional obligation to protect the public trust, natural resources, environmental rights as well as native Hawaiian customarily and tradition rights (Hawaii State Constitution Article XI, Sections 1 & 9 and Article XII, Sections 4 & 7).

HB-1565

Submitted on: 2/6/2018 1:38:29 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ray Newman		Oppose	No

Comments:

I am opposed to this bill.

HB-1565

Submitted on: 2/6/2018 1:42:29 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Malia Hulleman		Oppose	Yes

Comments:

Aloha,

I want you to speak this word first and really listen to it. It's a word used everyday and misused every second. Aloha is a not to be taken lightly, nor is it to be mistaken for weakness. Aloha is proud and true and the strength it holds when spoken with the the utmost pure understanding of it, will forever be among the greatest gifts to give.

I absolutely OPPOSE this bill and am truly irritated that we have to keep opposing such ludacris recomendations made by people who misuse the word aloha. Sign number one to me, a kanaka, that my land, culture and respect is not being acknowledged or honored in any given way. As "regining governors" of said "laws," it has become your duty to constitute areas upon which are beneficial to the greater whole, yet you musn't forget the whole who has always been the care takers of the land itself. You musn't forget the responsibility to acknowledge our undying presence and the culture we bare. So let this again, be a reminder to you, that you do not have a right to put your agendas above your HOST culture. You are guests upon this 'āina and you shall remain within those boundaries.

Again I oppose this bill because I do not trust the words that have created the introduction in itself. The blatant reasoning that this is for economic growth and upkeep is enough for me to already understand that this bill has nothing to do with the true well being of Hawai'i's land and people. But i will continue to speak on the other reasons why this bill should not be ruled in.

1. This bill suggests that upon zoning of "scientific and technological subzones," a board shall be created in conjunction with the ruling of BLNR over such zones. A board shall be created by whom, and by what standards will they be upheld by? The standards of pure scientific/technological advancement with no consideration of the host culture? Need I remind again, because it seems a lot has been forgotten, that culture is salient to the health and wellness of the land and its people whom are biologically connected to it. And if im not mistaken biology is a science, and so is anthropology. The study of. Therefore that should have been included in the consideration, yet it's not. It needs to be exclusively added.

1. This bill suggests that the upkeep of the the ego that Hawai'i need be one of the most, if not the most reputable source of human development in knoweldge is ridiculous. And the fact that all thats listed as an accomplishment is a single noble peace prize is dumbfounding. What would you like to know about human development in knowledge? Could it be how nature teaches us? Well you can't destroy the very source you seek to gain knowledge from, because that would be extremely contradictory and unsustainable for you, me and everyone. And don't for one second think that the well being of land would be at top priority because drilling, spilling chemicals, injecting pesticides/herbicides etc. are prime examples that occur EVERYDAY on every island in every city, and that in itself tells me you will not be responsible caretakers.

1. Section four of this bill makes me want to puke. To sell/lease/exchange public lands, grant licenses/easments, and waive building requirements to government agencies//public utilities//science and technology research organizations and institutions for noncommercial reasearch purposes within a science and technolgy subzone pursuant IS ABSOLUTELY LUDACRIS, and you know it. To relinquish all rights to see through proper land use and management to sources not from here and with no understanding or desire to properly care for the land is a terrible move. And then listed in this joke of a section among the joke of this bill is "Execute quitclaim deeds to the governments and 6 agencies, with or without consideration, releasing any claim to the property involved made upon disputed legal or equitable grounds, whenever the board in its discretion deems it beneficial to the State." WITH OR WITHOUT consideration!? So thus giving these parties power to do as they please without claiming any responsibility to what takes place on that land so long as it is beneficial to the state!?!?? absolutely not.

You are porposing to allow scientific/technological research to take presidence over the land, the culture and it's people in order to remain the leader in development of human knowledge and to upkeep the states profit from it, without little to no regulations and the explicit excuse of bypassing established requirements of public hearings, diminishing it to a mediated process of which is selected by the board, but ultimately is ruled out by the board itself, therefore being a circle argument. Honestly we've been through it before, we're not ignorant to it.

I numbered my reasons all as "one," because none is more important than another.

Being that I am Kanaka Maoli, biologically connected to this land and its culture as a whole, I have not nor will I ever relinquish my rights, responsibilities and power as an entrusted caretaker to you or anyone else that does not align with the highest good of the collective molecules that create the environment you so abundantly get to live and thrive upon. You dont have my permission to pass this bill.

and yes this is about the environment. it always should be first in any consideration.

aloha,

Malia Hulleman

HB-1565

Submitted on: 2/6/2018 5:17:10 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Felicia Cowden		Oppose	No

Comments:

I deeply oppose this science and technology bill which is intended to circumvent the public process and the public will. It is designed to insulate global corporate interests from the concerns and efforts of the residents of Hawaii to protect themselves, the culture and the physical environment from exploitation. Most of the best paying jobs of these industries hire external from Hawaii's residential base and place more pressure on housing and services.

This bill is designed to thwart the will of the people that have even been supported by the decisions of the Supreme Court. It is a relentless game of chess by big international business against the well-being of Hawaii. Stunning how little the legislature represents interests of the people.

HB-1565

Submitted on: 2/6/2018 5:31:52 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Barry		Oppose	No

Comments:

Aloha,

I strongly oppose HB 1565.

Mahalo,

Ms. Barbara Barry

Ha'iku, HI

HB-1565

Submitted on: 2/6/2018 6:36:48 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Isaac Paka Harp	Makamaka	Oppose	No

Comments:

HB 1565 is a means to remove the democratic process and undermine decades of environmental protection efforts. Kill HB 1565

Chair Cindy Evans
Committee on Economic Development & Business

HB 1565

Wednesday, February 7, 2018

9:30 A.M. State Capitol, Conference Room 309

Aloha Chair Evans, Vice Chair Keohokalole, and Members of the Committee on Economic Development & Business:

Mahalo for this opportunity to testify in **opposition of HB 1565**, which aims to create science subzones.

As a kanaka maoli of Molokai, I stand in supporting our Protect Mauna Kea 'ohana who are in opposition of this bill. Here are my top two reasons why I, myself, do not support HB 1565:

1. This bill privileges Western "science and technology" at the expense of our Native Hawaiian traditions and place-based sciences.
2. In the beginning of this bill, it states how unique Hawaii is and how "research activity brings in millions of dollars that help diversity and stabilize the State's economy that is heavily dependent on tourism." If we continue to put business and profits before our home lands and people of Hawaii, we will be in this continued cycle of exploitation of our natural resources and the "unique-ness" of Hawaii. Ultimately, we are adding on to the threats that our Hawaii faces. If it's our natural surroundings and elements in Hawaii that make us so unique, we must protect it from capitalism greed. We already see very blatantly in Hawaii, how the tourism industry can takeover and desecrate many sacred places to Hawaii and our people. Places that were once known to Native Hawaiians to be very abundant with native animal life and plants are now seen as our "paradise desserts," just pure drylands because Hawaii's government has allowed such companies to come in and take ownership over the people of the land.

Mahalo for this opportunity to submit testimony and I hope you will stand with our communities of Hawaii and not favor business and money over our home. In closing, please oppose HB 1565 and please, Aloha 'Āina.

Emma Ulali'a Oto-Pale

HB-1565

Submitted on: 2/6/2018 6:55:38 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bianca Matthews		Oppose	No

Comments:

HB-1565

Submitted on: 2/6/2018 6:58:04 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lana Olson		Oppose	No

Comments:

Thank you for the opportunity to submit testimony on this bill.

It appears, this bill would strip the State's constitutional obligation to protect the public trust, natural resources, environmental rights as well as native Hawaiian customarily and tradition rights in which the State is compelled to protect as stipulated in the Hawaii State Constitution Article XI, Sections 1 & 9 and Article XII, Sections 4 & 7.

Since there are already processes in place and further amending them in this way would infringe on the public trust and other rights, I respectfully oppose this bill.

HB-1565

Submitted on: 2/6/2018 6:59:47 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
fane tonga		Oppose	No

Comments:

Land use should always be taken into discussion with the people of Hawai'i before any construction is ever done! This bill is a joke and should be 100% thrown away.

HB-1565

Submitted on: 2/6/2018 7:11:44 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Geoffrey Lasr	Puna Pono Alliance	Oppose	No

Comments:

This HB 1565 is a travesty! It subverts any semblance of protecting people's democratic input and undermines current land use regulations. It removes contested case process and fast tracks development for corporate interests. Such things as TMT, GMO, Geothermal, and runaway development in conservation and coastal areas. Kill this bill now!. Shame on the people who introduced such a bill. It's a disgrace that citizens even have to submit testimony to uphold such basic hard fought basic rights regarding land use. enough is enough

HB-1565

Submitted on: 2/6/2018 7:12:07 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jenny Pawai		Oppose	No

Comments:

HB-1565

Submitted on: 2/6/2018 7:51:50 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
H. Doug Matsuoka	Hawaii Guerrilla Video Hui	Oppose	No

Comments:

I am speaking against this bill which is clearly designed to broker public lands/Crown lands/conservation lands to oversea Science Industrial Complex interests without the "intervention" or objection of local citizens or the Kanaka Maoli. Such circumvention will only create ill-will and increased distrust of government.

Respectfully submitted,

H. Doug Matsuoka
ph 808.383.0893

PO Box 22046
Honolulu HI 96823

HB-1565

Submitted on: 2/6/2018 7:56:58 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kerry Long		Oppose	No

Comments:

Aloha Chair Evans, Vice Chair Keohokalole, and members of the Committee on Economic Development and Business,

I'm writing you in strong opposition to HB1565. The function of this bill is to erode protections and processes that have been put in place to protect conservation lands and to give regular people a opportunities to holding developers accountable to those protections.

This bill stands to strengthen the power of the already incredibly powerful in Hawai'i, namely those who can pour millions of dollars into research. As a PhD student at the University of Hawai'i at Mānoa, the only Research One university in Hawai'i, I support and am committed to the important of research. I also serve as the Student Faculty Engagement Specialist at Native Hawaiian Student Services where I build programs for students to develop research skills as Research Assistants for faculty across many disciplines including those that fall within Science and Technology. I truly believe that research is and will remain one of the most critical components to solving the problems that face Hawai'i including climate change, food security, and energy. Research is also central to the recovery of Native Hawaiian history, including how Native Hawaiians managed the lands and oceans of this archipelago 100% sustainably.

However, the Science and Technology zones that would be created through this bill are in service to research agendas that are heavily contested by so many of Hawai'i's people, so many that these contestations have become definitive issues of our time. It is clear that the issue that this bill seeks to address is the development of the Thirty Meter Telescope. It seeks to alleviate a number of burdens they've faced such as conservation zone compliance and the contested case process. These instruments and mechanisms are in place to give our precious conservation lands and the people who love them a fighting chance against research agendas that do more to pour money into the pockets of corporations and into an incredibly narrow fraction of UH research than they do to solve Hawai'i's problems.

The University of Hawai'i wants to send a message to the TMT Corporation and future massive telescope projects, that they have the state on their side and have a secure grip on the future of the summit of Mauna Kea. This bill serves that need. As a member

of the University of Hawai'i community, I am totally disheartened at the act of bad faith that this demonstrates on behalf of UH, especially at this moment in time, when multiple high profile court cases are in process and the people are preparing to stand on the mountain once again. I see this as an incredibly disheartening act of bad faith.

Adding fuel to the fire is not good for business and it is not good for politics in Hawai'i. Passing legislation that undermines the very legal processes that are currently underway sends a message to the community that engaging in the processes laid out is pointless. Because if things get too difficult for the developers, or take too long, the state will come in and, literally, take care of business. I know that is not the desire of our good lawmakers.

I myself am committed to growing and developing research in Hawai'i. I also believe we are in a moment to do some soul searching as a state, community and university as to what that means, what and who that should serve and how that is in alignment with our visions for the future of Hawai'i. It is my recommendation that the committee NOT move this bill forward.

Mahalo nui loa,

K. Kamakaoka'ilima Long

HB-1565

Submitted on: 2/6/2018 8:04:49 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
NO Kapaole		Oppose	No

Comments:

aloha kakou,

We are in strong opposition to this bill, as we have been in previous legislative sessions that have submitted and considered similar or identical efforts to create "Science Reserves" that further circumvent due process and turn a blind eye to Hawaiian traditional, customary, and religious rights and practices. There should be no need for "Science Reserves", rather we should have "Cultural Reserves" that provide more protections to our unique and critically endangered habitat and environment, and that assure the protection of rights for Hawaiians and proper stewardship.

Please kill this bill and prevent it from being considered every legislative cycle. Mahalo.

NO KAPAOLE

Puna, Moku o Keawe, Hawaiian islands

HB-1565

Submitted on: 2/6/2018 8:07:38 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephany Cecil		Oppose	No

Comments:

No fast track, destructive developments in the name of "science" on our islands!

HB-1565

Submitted on: 2/6/2018 8:28:06 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laura Acasio		Oppose	No

Comments:

Dear Committee and Legislators,

I am highly opposed to the proposed Bill HB1565 mainly because of the exeption that it would provide developers to be exempt from the environmental review process that is in place to protect Hawaii's very special natural and cultural resources.

This bill benefits corporate and private interest over the interest of the people and the environment. This bill undermines current landuse regulations and very important due process public procedures, such as our rights to a contested case hearing.

This kind of bill is absolutely unacceptable and must be abandoned immediately.

I am certain that I speak for many.

Thank you for your consideration,

Laura Acasio, State Central Committee - Hilo

HB-1565

Submitted on: 2/6/2018 8:29:07 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sara Steiner		Oppose	No

Comments:

Dear Ms. Evans, Mr. Keohokalole, Others,

This is in regard to HB1565. I am reminding you that you represent the actual living breathing people of Hawaii. We need new technology, that is true. We do not need you, a representative sworn to represent us, to give away our coastal (or any lands) to corporations without Environmental Protections or Contested Case Hearings which are in place to protect the living breathing people. Who wrote this bill? Definitely not anyone who gives a damn about the land or the people. This bill does not represent a smart approach, this represents a rape and pillage and remove our right, same thing that is going on in Washington D.C.. Absolutely oppose this bill!

Thank you for representing people and not corporations!

Sara Steiner

HB-1565

Submitted on: 2/6/2018 8:30:00 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Hawaiian Civic Club of Honolulu	Oppose	No

Comments:

I oppose HB165 because it undermines land use regulations, and the purpose of conservation districts in the interests of science and technology developers.

HB-1565

Submitted on: 2/6/2018 8:30:40 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Amber Kahealani Alapa'i		Oppose	No

Comments:

Aloha, my name is Amber Kahealani Alapa'i and I OPPOSE BILL HB 1565.

1. As a Kanaka Practitioner this Bill goes against the protection of our 'aina, especially in the Conservation District. It is not PONO to use this legislative process to undermine land regulation that is guaranteed by the constitution to be manipulated in the name of education or science.
2. Taking away the contested hearing process is admittedly cutting off the voice of the general public. State agencies that make decisions that could affect people's "rights, duties, and privileges" must have a process for holding contested case hearings. The purpose of these hearings is to provide the decision-makers with the most complete and relevant information and evidence they need to make a proper decision. In other words hear both side of the story to come to a comprehensive decision. As tax payers we should have our opinions heard because the decision are more than likely going to impact us.
3. Authorizing BLNR and the counties to issue permits on 'aina they are supposed to be protecting is backward and not PONO. The BLNR mission statement: "Enhance, protect, conserve and manage Hawaii's unique and limited natural, cultural and historic resources held in public trust for current and future generations of the people of Hawaii nei, and its visitors, in partnership with others from the public and private sectors." There action of approving permits for use of conservation land is contradictory to there mission statement. How can our future generations see and experience these wahi pana if there pristine landscapes, limited natural resources, are tampered with, built on or no longer there. Do your job and protect our aina and resources that are only found here in Hawaii nei.

I OPPOSE BILL HB 1565 for the future of our Land and People.

Mahalo nui,

Amber Kahealani Alapa'i

February 6, 2018

HB-1565

Submitted on: 2/6/2018 8:33:17 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
fehren	self	Oppose	No

Comments:

HB 1565 should be TERMINATED

This proposed bill is a bill for the benefit of private entities and corporations with a clear disregard of Hawaii State Constitution Article I, Section 5 as well as other constitutional provisions and statutory laws. It is very evident that this bill is in response to the Thirty Meter Telescope International Observatory LLC's attempt to circumvent the judicial and approval process for a project that intends to take control and use of public lands in an environmentally and culturally sensitive area within a conservation district on Mauna Kea. This bill would strip the State's constitutional obligation to protect the public trust, natural resources, environmental rights as well as native Hawaiian customarily and tradition rights in which the State is compelled to protect as stipulated in the Hawaii State Constitution Article XI, Sections 1 & 9 and Article XII, Sections 4 & 7.

"There is so much wrong with this bill, that it should be TERMINATED due to the reasons noted below. It would allow private corporations to lease public lands "for nominal considerations and without auction" similar to a \$1.00 a year that existing foreign and out-of-state telescopes on Mauna Kea are paying resulting in Hawai'i's taxpayers having to subsidize this type of science and technology development. Also, this bill proposes a "mediation agreement reached between the parties" which proposes a 'FAKE' and a 'BOGUS' due process. If a proposed project is determined to cause substantial and adverse impacts, there should be mitigation provisions instead of mediation provisions with the developer. Most disturbing is that this bill would allow any of these proposed subzones to be exempt from the environmental review process as defined under Chapter 343 which is intended to protect Hawai'i's unique natural and cultural resources."

HB-1565

Submitted on: 2/6/2018 8:38:32 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela Boyar	Farm Lovers Farmers Markets	Oppose	No

Comments:

HB-1565

Submitted on: 2/6/2018 8:52:09 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Bishop	na	Oppose	No

Comments:

Strongly oppose HB 1565

Hi Daniel Holt,

I am contacting you to express my worries and concerns about the proposed HB 1565 that will adversely impact the environment. I am hoping that with my concern, you will vote against this bill.

This proposed bill is a blatant special interest bill for the benefit of private entities and corporations with a clear disregard of Hawaii State Constitution Article I, Section 5 as well as other constitutional provisions and statutory laws. It is very evident that this bill is in response to the Thirty Meter Telescope International Observatory LLC's attempt to circumvent the judicial and approval process for a project that intends to take control and use of public lands in an environmentally and culturally sensitive area within a conservation district on Mauna Kea. This bill would strip the State's constitutional obligation to protect the public trust, natural resources, environmental rights as well as native Hawaiian customarily and tradition rights in which the State is compelled to protect as stipulated in the Hawaii State Constitution Article XI, Sections 1 & 9 and Article XII, Sections 4 & 7.

"There is so much wrong with this bill, that it should be TERMINATED due to the reasons noted below. It would allow private corporations to lease public lands "for nominal considerations and without auction" similar to a \$1.00 a year that existing foreign and out-of-state telescopes on Mauna Kea are paying resulting in Hawai'i's taxpayers having to subsidize this type of science and technology development. Also, this bill proposes a "mediation agreement reached between the parties" which proposes a 'FAKE' and a 'BOGUS' due process. If a proposed project is determined to cause substantial and adverse impacts, there should be mitigation provisions instead of mediation provisions with the developer. Most disturbing is that this bill would allow any of these proposed subzones to be exempt from the environmental review process as defined under Chapter 343 which is intended to protect Hawai'i's unique natural and cultural resources."

Mahalo,
Thai

HB-1565

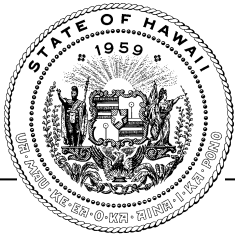
Submitted on: 2/6/2018 9:10:00 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bryan Moore		Oppose	No

Comments:

No more developments on our sacred Mauna... preserve for the future of our keiki



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DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
DIRECTOR
OFFICE OF PLANNING

Statement of
LEO R. ASUNCION
Director, Office of Planning
before the
HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT AND BUSINESS
Wednesday, February 7, 2018
9:30 AM
State Capitol, Conference Room 309

in consideration of
HB 1565
RELATING TO SCIENCE AND TECHNOLOGY RESEARCH.

Chair Evans, Vice Chair Keohokalole, and Members of the House Committee on Economic Development and Business.

The Office of Planning (OP) offers the following comments on HB 1565, which would, in part, amend Hawaii Revised Statutes (HRS) Chapter 205 to authorize the designation of science and technology research subzones by the Board of Land and Natural Resources (BLNR) in each of the State land use districts, and define “science and technology research activities” as a permitted use in all State land use districts as well as in all Conservation District subzones. HB 1565 would also establish a mediation process for science and technology research permits before the BLNR or the counties.

The OP acknowledges that Hawaii has unique resources and assets of significant value to the advancement of science and technology, which contribute to the expansion of knowledge-based industries in Hawaii and the diversification of the State’s economy. However, the OP believes there is sufficient flexibility and opportunity with existing land use permitting processes at the State and county-levels to accommodate the needs of this sector. Furthermore, the OP believes the definition and criteria for science and technology activities is vague and subject to interpretation.

The OP is concerned that the new subzone overlay could have the unintended consequence of creating more uncertainty in the State’s land use regulatory environment, due to the overlapping authorities created and the lack of clarity of subsequent permit enforcement responsibilities.

There may be value to establishing mediation processes for such permits before the BLNR and the counties; however, these provisions are more appropriate as amendments to their respective chapters, HRS Chapters 183C and 46.

Thank you for this opportunity to testify.

HB-1565

Submitted on: 2/6/2018 9:17:01 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tina Grandinetti		Oppose	No

Comments:

I am writing to OPPOSE HB1565. Having read the bill, I recognize that it is an attempt to fast-track projects like the Thirty-Meter Telescope and allow the University and the State to sidestep its responsibilities to its stakeholders (the people of Hawai'i). As an academic researcher, I take issue with the bill's supposed intent to "advance research" in Hawai'i. Good research, responsible research, valuable research, must always also be ETHICAL research that takes into account environmental and cultural needs. If it cannot meet those challenges, the State has no business supporting those projects to the detriment of the public. As a final comment, I am also extremely disturbed by this bill's attempt to silence Native Hawaiians and their claims to their sacred lands. I hope the legislature will kill this irresponsible, hurtful, and dangerous bill. Mahalo.

HB-1565

Submitted on: 2/6/2018 9:18:20 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kamala Galletes		Oppose	No

Comments:

Aloha & mahalo for your time! I strongly oppose HB1565. This bill allows the BLNR and counties to permit currently prohibited activities. Undermines land use regulations and removes the Contested Case process. It is a fast-track for development at the expense of land use regulations & public procedure. Please protect this state & sacred places!!

Mahalo,

Kamala Galletes

HB-1565

Submitted on: 2/6/2018 9:24:13 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Meredith Buck		Oppose	No

Comments:

This bill undermines land use regulations; removes the contested case process for publicly present evidence and argument; authorizes BLNR and the counties to permit currently prohibited activities; and creates a fast-track for development at the expense of critical land use regulations and public procedures. In a time when space is so limited on our islands, and while the health and well-being of the public has repeatedly been placed second to industry and corporation, creating further openings for development adds insult to injury. My request is that this bill not pass, and that a better solution be identified, placing conservation and the wellbeing of the public first. Thank you.

HB-1565

Submitted on: 2/6/2018 9:28:15 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stella Caban		Oppose	No

Comments:

I oppose HB1565. Conservation lands should not have loopholes that allow negative environmental impact or desecration of lands as well as allowing the public different ways to oppose such impacts (including contested case hearings). Please consider my testimony.

Mahalo,

Stella

HB-1565

Submitted on: 2/6/2018 9:35:53 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Pua'ena N. Ahn		Oppose	No

Comments:

OPPOSE OPPOSE OPPOSE

HB 1565 undermines land use regulations, and the purpose of conservation districts in the interests of science and technology developers;removes the contested case process through which people can publicly present evidence and argument;authorizes the counties to permit “science and technology” uses that would otherwise be prohibited; andcreates a fast-track for certain SciTech projects at the expense of critical land use regulations and public procedures (land use laws and regulations are the laws that determine how all the lands in Hawai`i are used, developed, protected, or conserved).proposes a transparent end run around the Hawai`i Supreme Court’s ruling that invalidated the Thirty-Meter Telescope’s conservation district use permit for construction on the summits of Mauna Kea. The Court ordered the BLNR to redo the TMT land use permitting process, under which the TMT would have to meet eight criteria in order to be built in the Mauna Kea Conservation District. This bill would change that process such that the TMT would only have to meet one or two criteria. Most importantly, the TMT would not be subject to contested case hearings.adversely affects the sacred summits of Mauna Kea and HaleakalÄ• by creating a fast-track for industrial astronomy, geothermal development, and GMO test field projects in the Land Use Commission (LUC) land use permitting systems - which affect all lands.undermines ALL land use designations (conservation, agricultural, rural, and urban), which were put in place to guard against improper development and to secure the public trust.is contrary to the State’s constitutional obligation to protect the public trust, natural resources, environmental rights as well as native Hawaiian customarily and tradition rights (Hawaii State Constitution Article XI, Sections 1 & 9 and Article XII, Sections 4 & 7).

HB-1565

Submitted on: 2/6/2018 9:36:31 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shelley Muneoka		Oppose	No

Comments:

Aloha Chair Evans, Vice Chair Keohokalole and members of the EDB committee,

My name is Shelley Muneoka and I'm a life long resident of He`eia Uli and I'd like to submit testimony in strong opposition of HB1565 which attempts to create science subzones that would fast track science and technology proposals at the expense of land use regulations and proper vetting. One of the important tools the public and Native Hawaiians have to represent and protect our interests are contested cases—this bill would remove that tool, increasing the already unequally heavy burden the public carries against powerful monied interests. Contested case hearings are open proceedings in which the public may observe and listen to facts, interests, and arguments brought to BLNR in order to inform and improve their decisionmaking. Instead of these public, information-gathering procedures, HB 1565 substitutes a single public hearing followed by a potential thirty day mediation period between petitioners and the applicant. BLNR appoints the mediator, who submits a recommendation to BLNR for consideration in their final decision. Mediation, which is already available to BLNR under HRS § 91-8.5, cannot serve the purpose of a contested case. Mediations are closed proceedings, where parties' statements cannot be admitted into future court cases, there are no guarantees of being able to introduce witnesses, evidence, cross-examine other witnesses, and most egregiously, mediation sessions are not considered "meetings," requiring open, public deliberation under Hawaii's Sunshine Law (HRS § 92-2).

Why should science and technology projects be exempted from land use regulations? Do they not pose the same risks, if not more due to their experimental nature than other types of development proposals? This bill expressly prioritizes certain science and technology projects that have produced the most contested land uses: genetics (GMO test fields); alternative energy (wind power plants and geothermal drilling); and astronomy (industrial telescopes placed on sacred summits). These dicey, experimental land uses require more, not less regulatory and public oversight.

I am concerned specifically about the impacts this bill would have on Mauna Kea, Haleakalā and other sacred summits as well as other important environmental and cultural landscapes. Section 2 of this bill eviscerates the Conservation District Use

Permit process (which is crucial in protecting our most sensitive environments), and Section 5 exempts private and public SciTech operations from public auction requirements in securing 65-year leases and from fair market rent requirements .

These changes are unwarranted and dangerous. Please vote 'no' on Bill 1565. Mahalo.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Economic Development & Business
Wednesday, February 7, 2018 at 9:30 a.m.

by

Vassilis L. Syrmos, Vice President for Research and Innovation
University of Hawai'i System

HB 1565 – RELATING TO SCIENCE AND TECHNOLOGY RESEARCH

Chair Evans, Vice Chair Keohokalole, and Members of the Committee:

The University of Hawai'i (UH) continues its commitment to accelerate the growth of its research and innovation activities to help diversify and stabilize the state's economy. One such effort is the Hawai'i Innovation Initiative, a bold and exciting partnership with the Hawai'i business community, to build a thriving innovation, research, education and training enterprise that will help develop a third major economic sector for the state, create high-quality living wage-jobs and address regional and global challenges.

The University of Hawai'i contributes to the research enterprise and the state by bringing in approximately \$400 million annually in research and non-research extramural awards. Its portfolio includes externally funded instructional and training programs, outreach and community services, and other non-research activities that benefit UH students and community. In June 2017, Governor David Ige signed into law two legislative measures, known as Act 38 and Act 39, to facilitate the transformation of discoveries and inventions generated by UH research into commercially viable enterprises that will broaden workforce opportunities for the state, help to diversify the economy, and deliver innovative and useful products to the public.

The University of Hawai'i continues to support research, innovation and economic development by maintaining Hawai'i's position as a globally recognized center for research and scientific discoveries.

Thank you for this opportunity to offer comments.

HB-1565

Submitted on: 2/6/2018 10:15:23 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rene Umberger		Oppose	No

Comments:

HB-1565

Submitted on: 2/6/2018 10:55:58 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tulsi Greenlee		Oppose	No

Comments:

Time to protect out conservation areas. Please oppose this bill. Thank you Tulsi

HB-1565

Submitted on: 2/6/2018 11:59:32 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dennis Fern		Oppose	No

Comments:



HB1565
RELATING TO SCIENCE AND TECHNOLOGY RESEARCH
House Committee on Economic Development and Business

February 7, 2018

9:30 am

Room 309

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB1565, which would facilitate, if not mandate, the further overdevelopment of our ecologically, culturally, and economically critical conservation lands; provide for relaxed approval standards and expedited permitting processes for industrial-scale land uses in all land use districts; and provide for the long-term disposition of public lands, including “ceded” lands, without the accountability or transparency mechanisms otherwise required for the leasing of public lands. **This measure would accordingly invite the abandonment of the state’s fiduciary duties and moral obligations to our public lands and natural and cultural resources, as required under the public trust.**¹

As an initial matter, OHA notes that the specified areas proposed to be designated “science and technology research subzones” (STRS) in this measure are already currently engaged in science and technology related activities. It is unclear why these areas require the additional proposed STRS designation and processes when existing land use processes, utilizing district boundary amendments and variances, have sufficiently facilitated science and technology related activities in these areas. Creating an additional process further complicates our land use policy unnecessarily.

In addition, HB1565 would severely erode current protections for our conservation district lands, which are intended to be maintained under the highest standard of care. HRS Chapter 183C-1 reflects the long-standing state policy to preserve the integrity of our conservation lands for future generations, stating:

The legislature finds that lands within the state land use conservation districts contain important natural resources essential to the preservation of the State’s fragile natural ecosystems and the sustainability of the State’s water supply. **It is therefore the intent of the legislature to conserve, protect, and preserve the important natural resources of the State through appropriate management and**

¹ Office of Hawaiian Affairs v. Housing Community and Development Corporation of Hawai‘i, 117 Hawai‘i 174, 195, 177 P.3d 884, 905 (2008) (citing Ahuna v. Hawaiian Homes Comm., 64 Haw. 327, 339, 640 P.2d 1161, 1169 (1981)).

use to promote their long-term sustainability and the public health, safety and welfare.²

This long-standing policy would be severely undermined by HB1565's proposed mechanism for the development of our conservation lands, subjecting them to relaxed land use standards and expedited approval processes that would also be applied to lands in the rural, agricultural, and even urban districts.³ Notably, any "research and technology research activities" proposed for anywhere in the conservation district would be required to be permitted by the Board of Land and Natural Resources (BLNR), so long as such activities meet the broad and relaxed standards described in this measure. **As evidenced by the existing, full-scale industrial development that has already occurred in the areas specifically designated as STRS in this measure, such standards and processes could open the door to land uses that subvert long-established state policies concerning the preservation and protection of our conservation lands for future generations**

Similarly, the time restrictions on the processing, approval, and appeal of "science and technology research activities" proposed for the conservation district and all other districts – in other words, anywhere in the state – would be impractical if not impossible for the BLNR and counties to satisfy. For example, upon a request for mediation concerning proposed science and technology research activities, the BLNR or county authority would be required to appoint mediator within five days; however, state Sunshine Law would require the BLNR or county authorities to post five days prior notice just to discuss, much less decide, to make such an appointment.

In addition, this measure imposes 30-day maximum mediation periods, to resolve potentially complex issues involving numerous stakeholders and requiring eyewitness testimony; ecological, historical, and ethnographic analysis; infrastructure impact analysis; and other research and data gathering. Such a brief period may significantly inhibit the development of a record in which decisionmakers can adequately identify and evaluate expert testimony; the existence of traditional and customary Native Hawaiian practices

² HRS §183C-1 (emphasis added).

³ Currently, any proposed permitted use in the conservation district must be consistent with the purpose of the conservation district; must be consistent with the objectives of the subzone of the land on which the use will occur; must not cause substantial adverse impact to existing natural resources within the surrounding area, community, or region; must be compatible with the locality and surrounding areas, must be appropriate to the physical conditions and capabilities of the specific parcel(s); must preserve or improve upon the existing physical and environmental aspects of the land, such as natural beauty and open space characteristics; must not subdivide land to increase the intensity of land uses; and must not be materially detrimental to the public health, safety and welfare. HAR 13-5-30(b). In contrast, this measure would mandate that the board of land and natural resources grant a conservation district use permit for any use in a conservation district STRS that merely "would not have unreasonable adverse health, environmental, or socioeconomic effects on residents or surrounding property; and . . . would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and police and fire protection; or there are reasonable measures available to mitigate the unreasonable adverse effects or burdens referred to above." Notably, these would be the same standards that would mandate county approval of uses in a STRS that falls within the urban, agricultural, and rural land use districts.

and significant cultural resources; effects on health, the environment, and socioeconomic circumstances; reasonable mitigation measures for any proposed use; and potential impacts to county infrastructure and civil services; among many other critical considerations. **Accordingly, this 30-day restriction may be grossly insufficient to accommodate the government's due diligence in upholding the public trust, ensuring appropriate protections for public lands as well as our natural and cultural resources, and executing its many other critical functions and responsibilities.** The six-month deadline for final decision-making may also likewise severely limit both the BLNR's and counties' abilities to fully investigate and evaluate claims, and ensure appropriate permitting conditions and mitigation measures.

Notably, regulatory protections and oversight for industrial-scale, "research and technology activities" proposed for lands under county jurisdiction would also be further foreclosed by this measure's exceptions circumventing the Land Use Commission and appropriate county land use agencies, including county planning commission special use permit procedures and land use commission approvals for larger-scale uses.

With regards to the leasing authority found in Part IV, OHA notes that this measure provides for 65-year lease terms of public lands in STRS, including "ceded" and public land trust lands, to science and technology research organizations and institutions by direct negotiation, and without public auction or any of the generally applicable mechanisms that otherwise ensure a level of public accountability and transparency. While certain types of leases may require more flexibility than public auctions provide, this section would allow all types of leases to avoid public auction and other public accountability mechanisms. **Exempting all such organizations from complying with existing land disposition safeguards risks the issuance of multi-generational leases of public lands to private entities, that fail to appropriately reflect the best interests of the state and the public, including Native Hawaiians.**

Finally, OHA notes that although 65-year leases for public lands are already allowed in some circumstances, **such leases lock public lands into a questionably beneficial land use for multiple generations, tying the hands of the state and future generations in utilizing leased lands in a more beneficial manner, even in the event that more beneficial alternatives uses are discovered.** Moreover, long-term leases often lead to a sense of entitlement on the part of the lessee, that can and has resulted in the alienation of Hawai'i's public lands .

Accordingly, OHA urges the Committee to **HOLD** HB1565. Mahalo for the opportunity to testify on this measure.

HB-1565

Submitted on: 2/6/2018 12:24:03 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ahonui Mims		Oppose	No

Comments:

I oppose this bill because it removes the contested case process for public presentation of evidence and argument.

HB-1565

Submitted on: 2/6/2018 1:14:37 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omanapono Political Action Committee (HPAC)	Oppose	Yes

Comments:

HB-1565

Submitted on: 2/6/2018 1:23:31 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Thayne Currie		Support	No

Comments:

I generally support this bill, which establishes "science and technology research subzones and an approval process for future research facilities that incorporates alternative dispute resolution principles."

The current system for adjudicating disputes over land use related to science and technology fields is simply, irredeemably broken. TMT is the clearest example. From start to finish, the entire process to approve a permit for what was a blindingly clear-cut case of an environmentally and culturally responsible land use took 18 months in large part thanks to bureaucratic red tape and a process that outright encouraged "filibustering" rather than facing facts. As a result, the case cost the applicants, advocates, and opponents alike egregious amounts of time and money. The only people who benefitted were lawyers.

No doubt there will be future, similar disputes focused on different tracts of land proposed to be used for different scientifically/technologically-focused purposes. Some of these will have merit and others won't. Regardless, the people of Hawai'i deserve a streamlined, clear and fair process based on the facts and the facts alone, heard "in a meaningful time and in a meaningful manner", not the discombobulated mess the state currently has.

The importance of streamlining the process for thoughtful, environmentally responsible science and technology land uses is clear as these uses benefit Hawai'i. For example, astronomy on Maunakea in the past 20 years alone has provided a substantial source for tech jobs and educational opportunities to Big Island, as evidenced by the recent UHERO report (<http://www.uhero.hawaii.edu/products/view/472>) and opportunities afforded by the Hawaii Community Foundation, Akamai Workforce Initiative, Maunakea Scholars program, etc. Furthermore, astronomy on Maunakea has revolutionized our understanding of the universe. Quite literally, the astronomy on Maunakea has provided key steps to answering the two most basic human questions ("what is the

universe made of?” “are we alone?”) as it contributed to the discovery of dark energy (subject of the 2011 Nobel Prize in Physics), demonstrated that numerous nearby stars also host their own solar systems (1995-present), and provided the first images of planets orbiting other stars (around the star HR 8799, in 2008). Other science fields and tech advances implicitly covered in this bill (geology, botany, evolutionary biology, geothermal energy) likewise contribute an immense amount of practical good for these islands and substantially increase the body of knowledge about humanity’s place on this planet and in the universe.

The people of Hawai’i are rightly proud of all the discoveries and the tangible benefits these, and the legislature should ensure that Hawai’i benefit from them in the future.

For suggested changes I would make, first while the bill speaks of being applicable to leases, perhaps it would also be applicable to subleases. Second and most importantly, the bill MUST affirm that it is not a “free pass” to approve just any land use. Some residents might worry that the usage of “(un)reasonable” in points 1-3 is bendable enough that a project’s approval is essentially guaranteed. The legislature should make clear that this bill should not be a means to simply rubberstamp development and perhaps consider additional language accordingly. For in addition to requiring that the land use abide by current state and county ordinances, we must still strike a balance between land use and environmental sensitivity and cultural/traditional rights (e.g. traditional burial sites). To the latter point, it may be useful to clarify that traditional cultural rights can be considered where applicable: the impact on which should be mitigated whenever possible. The current HAR 13-5-30(c)(4) is one guide for language, as it speaks of “substantial and adverse” impact to natural resources, which is perhaps a bit less malleable than “unreasonable” if not prone to being wielded too freely.

Sincerely,

Thayne Currie

HB-1565

Submitted on: 2/6/2018 1:25:18 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Ho`omana Pono, LLC	Oppose	Yes

Comments:

HB-1565

Submitted on: 2/6/2018 2:57:45 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jacqui Hoover	Hawaii Island Economic Development Board	Support	No

Comments:

Science, research, and technology are vital in today's rapidly changing and highly competitive global society and economy. The ability to execute in these arenas in expedient, efficient manner is also of paramount import if Hawaii is to keep pace.

HB 1565 and the creation of science subzones provide pathways for collaborative science and research, and beneficial impacts, while being mindful and respectful of individual beliefs and perspectives without bringing everything to a halt due to polarization that can result when attempting to navigate differing belief systems.

HB-1565

Submitted on: 2/6/2018 3:15:40 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
James Long		Oppose	No

Comments:

I oppose HB1565 as the bill would bypass important contested case hearings, strips land use regulations, particularly those in place protecting conservation districts. Thank you, James Long

HB-1565

Submitted on: 2/6/2018 4:15:01 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Diann Karin Lynn	US Navy (Retired)	Support	No

Comments:

Hawaii has played an important role in a number of major scientific discoveries that have resulted in significant advancement of human knowledge (e.g., the Nobel prize-winning discovery of dark energy in 1997 and 1998, and the first images of planets around other stars in 2008).

Notwithstanding other important uses of our public lands, the State must continue to provide suitable and appropriate access to continue scientific and high-technology research like astronomy. Science and technology subzones are a way to achieve this goal. An understandable, CLEAR, concise approval process which ensures consideration of ALL stakeholders' concerns is critical, to avoid replicating the miasma that is TMT and Maunakea, which never should have unfolded the way it has. Standards need to be fair, equitable, and uniformly applied.

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lieutenant Governor

LUIS P. SALAVERIA
Director

MARY ALICE EVANS
Deputy Director



LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai'i

DANIEL ORODENKER
Executive Officer

Bert K. Saruwatari
Planner
SCOTT A.K. DERRICKSON AICP
Planner

RILEY K. HAKODA
Chief Clerk/Planner

FRED A. TALON
Drafting Technician

Statement of
Daniel E. Orodenker
Executive Officer
Land Use Commission
Before the
House Committee on Economic Development and Business
Wednesday February 7, 2018
9:30 AM
State Capitol, Conference Room 309

In consideration of
HB 1565
RELATING TO SCIENCE AND TECHNOLOGY RESEARCH

Chair Evans, Vice Chair Keohokalole, and members of the Committee on Economic Development and Business:

The Land Use Commission opposes HB 1565 that would add a new section to Chapter 205, Hawai'i Revised Statutes (HRS). The proposed measure would authorize the Department of Land and Natural Resources (DLNR) to designate science and technology research subzones within any of the current State land use districts; and, whose activities would not be subject to Land Use Commission (LUC) review or approval.

We are concerned that this measure would create a process where designation of such "subzones" would not provide for adequate review and protections for public trust resources.

Thank you for the opportunity to testify on this matter.

HB-1565

Submitted on: 2/6/2018 6:06:45 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Theresa Freund		Oppose	No

Comments:

Aloha, my name is Theresa and I am from Nuuanu. I strongly oppose this bill because it promotes GMO, geothermal, and destruction of conservation and coastal lands to facilitate development. This is a special interest bill with a clear disregard of the people of Hawaii and its residents. Please oppose this bill. Mahalo.

HB-1565

Submitted on: 2/6/2018 7:14:03 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shaelene Kamakaala		Oppose	No

Comments:

HB-1565

Submitted on: 2/6/2018 7:35:36 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Noa Lincoln		Oppose	No

Comments:

Should absolutely be rejected for including the sale of public lands without a public hearing. That gives absurd authority to the BLNR. Also should not designate initial science zones, both those should be part of a public discourse.

HB-1565

Submitted on: 2/6/2018 8:45:37 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Marshall		Oppose	No

Comments:

HB-1565

Submitted on: 2/6/2018 8:49:07 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kamuela Park		Oppose	No

Comments:

Ke aloha,

I STRONGLY OPPOSE HB1565.

This bill will undermine the land use regulations set in place, remove the right of having a contested case process for publicly present evidence and arguments, allow BLNR and the counties to permit currently prohibited activities, and additionally will allow for a fast-track to develop at the expense of important land-use regulations and public procedures. Please do not let this bill pass.

Mahalo,

Kamuela Park

HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT & BUSINESS

Wednesday, February 7, 2018 at 9:30 a.m.
Hawai'i State Capitol Conference Room 309

In STRONG OPPOSITION to HB 1565 Relating to Science and Technology Research

Aloha Chair Evans and members of the Committee,

House Bill 1565 would arbitrarily create a new subzone called "science and technology research" within the urban, rural, agricultural, and conservation land use districts throughout the State. HB 1565 would also create a new alternative mediation process to resolve disputes in the designation of such subzones or disputes in the permitting of science and technology research activities. Finally, HB 1565 permits all science and technology research activities within all zones of the State's conservation district.

Quite frankly, as a biologist and as someone who has worked at the intersection of land development and conservation for over 15 years, HB 1565 is outrageous and embarrassing.

It is abundantly clear that HB 1565 is meant to achieve the following: (1) cater to special interests and big money under the guise of science and technology research; (2) circumvent existing environmental review processes; (3) eliminate meaningful public input; and (4) disregard traditional ecological knowledge from the Native Hawaiian host culture here.

For these reasons stated above, while I value science and technology research -- I am in strong opposition to HB 1565. Please act now and kill HB 1565.

Respectfully yours,



Lasha-Lynn H. Salbosa
Honolulu, HI 96825

HB-1565

Submitted on: 2/6/2018 9:21:38 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jazzmin Cabanilla		Oppose	No

Comments:

HB-1565

Submitted on: 2/6/2018 9:42:07 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jillian Jakahi		Oppose	No

Comments:

I strongly oppose bill hb1565. I am against gmos. My daughter has severe food allergies related to genetically modified food I have consumed during my lifetime. She requires epi pen if given any type of wheat product.

HB-1565

Submitted on: 2/6/2018 11:30:02 PM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
MaryAnn Omerod		Oppose	No

Comments:

I STRONGLY OPPOSE HB 1565 RELATING TO SCIENCE AND TECHNOLOGY RESEARCH.

This proposed bill is a blatant special interest bill for the benefit of private entities and corporations with a clear disregard of Hawaii State Constitution Article I, Section 5 as well as other constitutional provisions and statutory laws.

YOU ARE MAKING LAWS TO BREAK THE LAWS!

- THIS bill undermines land use regulations;
- authorizes the sale public lands otherwise known as government or crown lands “for nominal considerations and without auction”
- removes the contested case process for publicly present evidence and argument;
- authorizes BLNR and the counties to permit currently prohibited activities;
- allows proposed subzones to be exempt from the environmental review process as defined under Chapter 343 which is intended to protect Hawai'i’s unique natural and cultural resources."
- creates a fast-track for development at the expense of critical land use regulations and public procedures.
- proposes mitigation provisions instead of mediation provisions with the developer.
- strips the State’s constitutional obligation to protect the public trust, natural resources, environmental rights as well as native Hawaiian customarily and tradition rights in which the State is compelled to protect as stipulated in the Hawaii State Constitution Article XI, Sections 1 & 9 and Article XII, Sections 4 & 7.

THIS BILL PROMOTES GMO, GEOTHERMAL, AND DESTRUCTION OF CONSERVATION AND COASTAL LANDS TO FACILITATE DEVELOPMENT – SHAME ON YOU!!

HB 1565 should be TERMINATED!

HB-1565

Submitted on: 2/7/2018 3:37:25 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

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

Comments:

Law develops over time to provide citizens with the checks and balances needed to protect their environment, living standards, and community. This bill reduces those checks and balances, without identifying why it is necessary to do so. Vote against this bill.

HB-1565

Submitted on: 2/7/2018 6:34:19 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jonathan Osorio	University of Hawai'i	Oppose	No

Comments:

My name is Jonathan K. Osorio and I write in strong opposition to HB 1565 which proposes to allow the creation of Science and Technology Research Subzones on urban, rural, agricultural and conservation lands that would circumvent current protections under the law and seriously undermine public access to the decision making process.

HB 1565 takes land management practices in Hawai'i in exactly the opposite direction from where we should be heading as a society by fast tracking development projects that have any conceivable relationship to science and technology projects (telescope construction, geothermal development, genetically modified organisms) which have all been subject to fierce public opposition over the past three decades.

Removing layers of public access to decision making is not good ethics and will have the result of leaving the public no choice but to exercise civil disobedience against projects that threaten communities, Native cultural practices and the environment. HB 1565 makes no pretense about its intentions and there are aspects of the bill that are shamefully opportunistic and exploitive. From my perspective, the provisions regarding the creation of these subzones on conservation lands are the most disturbing.

This bill proposes to eliminate the contested case hearing which has been used to effectively bring scrutiny on a number of initiatives brought to the BLNR and allow public discussions of land-use policies and specific developments. Instead, a single hearing will be followed by private mediations with the mediator having extraordinary powers to influence decisionmaking by the BLNR. But HB 1565 also replaces strong and effective criteria for awarding conservation district use permits (CDUP) that prohibit developments from causing "substantial adverse impacts to existing natural resources" and require the preservation of "existing physical and environmental aspects of the land, such as natural beauty and open space characteristics..."

There are eight conditions that currently guard proposed land use in a conservation district and these would be replaced by two new conditions: that the "desired use would not have unreasonable adverse health, environmental, or socio-economic effects on residents or surrounding property;" and would not unreasonably burden public agencies to provide infrastructure. There is a third condition which simply makes it easier to ignore the first two by suggesting that a project could proceed if there are "reasonable

measures available to mitigate the unreasonable adverse effects or burdens referred to above.”

There is much that is unclear about this bill, but not its intent. HB 1565 intends to eliminate the most significant aspects of a public trust by asserting that it is always in the public interest to promote and allow science and technology development wherever it wishes to be located. But the point is, why then should we stop with science/technology projects? This bill really only mentions the economic benefits that supposedly come with these projects, so why not extend the same favor to the hotel industry or to the military?

HB 1565 is such a dramatic divergence from the protections of public trust lands that have been set in place since statehood, that it would be a betrayal of the values of this state and the communities of people whose livelihoods and quality of life depend on those protections. And this does not even take into consideration the fact that many of the specific project sites mentioned in this bill are Kingdom Crown and Government Lands, “ceded lands” which are part of an ongoing dispute with Hawai‘i’s Native people. What limited protections currently exist to maintain the state’s trust obligations to Native Hawaiians are deeply compromised by the language and intent of HB 1565.

I urge your committees to reject this bill.

Jonathan K. Osorio, PhD

Professor and Interim Dean, University of Hawai‘i

HB-1565

Submitted on: 2/7/2018 7:19:17 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Halonaikaiopuna Mikala Fukutomi	Cultural Practioner In Training	Oppose	No

Comments:

HB-1565

Submitted on: 2/7/2018 8:12:11 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Berlinski Stefan		Oppose	No

Comments:

HB-1565

Submitted on: 2/7/2018 8:22:46 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Winona K Lee		Oppose	No

Comments:

Aloha e Chair Evans and Vice Chair Keohakalole,

My apologies for this late testimony. I am in strong opposition to HB 1565. This bill would be severely detrimental to all people of Hawai'i because it the intent to allow counties to permit "science and technology" uses that would otherwise be prohibited, therefore creating a fast-track for certain SciTech projects at the expense of critical land use regulations and public procedures/ It also proposes a transparent end run around the Hawai'i Supreme Court's ruling that invalidated the Thirty-Meter Telescope's conservation district use permit for construction on the summits of Mauna Kea. Most importantly, the TMT would not be subject to contested case hearings. HB1565 undermines ALL land use designations (conservation, agricultural, rural, and urban), which were put in place to guard against improper development and to secure the public trust and is contrary to the State's constitutional obligation to protect the public trust, natural resources, environmental rights as well as native Hawaiian customarily and tradition rights.

As a Native Hawaiian Associate Professor and Pediatrician in the Department of Native Hawaiian Health at the University of Hawai'i John A. Burns School of Medicine, I stand in strong opposition to the passing of this bill which would severely undermine the cultural strengths that positively impact the health of all Native Hawaiians and broader communities in our state.

Sincerely,

Winona K. Lee, MD

LATE

HB-1565

Submitted on: 2/7/2018 8:23:14 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Suzanna Kinsey		Oppose	No

Comments:

LATE

HB-1565

Submitted on: 2/7/2018 8:55:42 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Linnea Heu		Oppose	No

Comments:

RE: Opposition to HB 1565

I am writing today to voice my opposition to HB 1565 relating to science and technology research. HB 1565 is a dangerous bill that eliminates environmental protections, ultimately placing development of research facilities ahead of the health of our communities and environment. I appreciate the role of science and technology in helping to secure Hawai'i's economic stability; however, I don't believe that this bill is founded on a legitimate "need to establish science and technology research subzones..." Furthermore, the potential impact of this legislation on our urban, rural, agricultural and conservation districts jeopardizes other future sustainable economic pathways for Hawai'i, which is unacceptable. I strongly oppose this bill.

Thank you for your time and consideration,

Linnea Heu

LATE

HB-1565

Submitted on: 2/7/2018 9:17:41 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christel Denzler		Oppose	No

Comments:

HB-1565

Submitted on: 2/7/2018 9:29:46 AM

Testimony for EDB on 2/7/2018 9:30:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Becky Jacobs		Oppose	No

Comments:

This bill is ridiculously vague and poorly written. They project earnings and employment but give no sources or other information for how they determined these numbers. There are many residential subdivisions within a 5-10 mile radius of the proposed industrial park. These are large subdivisions. It would be unconscionable to permit this type of activity. I oppose this bill and ask you do the same.

LATE

HB-1565

Submitted on: 2/7/2018 9:36:46 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
natasha sky		Oppose	No

Comments:

LATE

HB-1565

Submitted on: 2/7/2018 10:07:02 AM

Testimony for EDB on 2/7/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
William Liboy		Oppose	No

Comments:

LATE

Cindy Freitas

HB 1565 I strongly OPPOSE this BILL...