

**STATE OF HAWAII  
OFFICE OF PLANNING  
& SUSTAINABLE DEVELOPMENT**

**JOSH GREEN, M.D.**  
GOVERNOR

**SYLVIA LUKE**  
LT. GOVERNOR

**MARY ALICE EVANS**  
DIRECTOR

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Statement of  
**MARY ALICE EVANS, Director**

before the  
**HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION**

Tuesday, February 3, 2026, 9:30AM  
State Capitol, Conference Room 325

in consideration of  
**HB1543**  
**RELATING TO ENVIRONMENTAL REVIEW**

Chair Lowen, Vice Chair Perruso, and Members of the House Committee on Energy & Environmental Protection, the Office of Planning and Sustainable Development (OPSD) offers the following **comments with strong concerns** on HB 1543, which adds a new section to HRS Chapter 343 establishing a time limit on the validity of certain determinations. HB 1543 would establish that any Finding of No Significant Impact (FONSI) on a final environmental assessment (FEA) or any Acceptance of a final environmental impact statement (FEIS) would only be valid for some unspecified number of years after the finding or acceptance was made by an agency, accepting authority or court order. The bill also states that upon the expiration of validity of a FONSI or Acceptance, an agency or applicant shall commence a new environmental review process to determine whether the proposed action may proceed.

OPSD has two strong concerns. First, we are **concerned** that this measure misrepresents the core purpose of Hawaii's environmental review process, which is to provide a disclosure document on the likely environmental impacts of a proposed action; not to make a determination/decision on the merits of the action. Determinations on whether the proposed action may proceed are made after the conclusion of the environmental review process, by the various agencies with authority to approve or disapprove the proposed action.

Second, we are **concerned** that setting a fixed number of years would be arbitrary, not based on changes to the project or changes to the location of the action. Over the years, there have been efforts to amend Ch. 343 to add an expiration date on FONSI or Acceptances. These efforts have failed because of the arbitrary nature of a specific number of years after which a FEA or FEIS would automatically become invalid. While there could be valid reasons why a particular FONSI or Acceptance is no longer relevant, the mere passage of time is not one.

In addition to the concerns above, OPSD is also concerned that HB 1543 would create significant unintended consequences for critical state priorities, particularly housing production, public infrastructure, and cost containment.

Major development and infrastructure projects in Hawai'i routinely take many years to advance due to factors outside of an applicant's control, including funding cycles, procurement processes, land acquisition, agency coordination, and litigation. By imposing a fixed expiration date

on a Finding of No Significant Impact or Acceptance of a Final Environmental Impact Statement, the bill would require agencies and applicants to repeat environmental review processes even when project designs and environmental conditions have not materially changed. This would result in duplicative analysis rather than improved environmental protection.

The requirement to restart environmental review would substantially delay projects that are already facing extended timelines, particularly affordable and workforce housing developments. Housing projects often experience delays related to financing, infrastructure connections, and phased construction schedules. Under HB 1543, these unavoidable delays could trigger expiration of environmental determinations, forcing projects to re-enter the environmental review process and delaying construction by years. These delays directly conflict with the State's urgent need to accelerate housing production to address Hawai'i's housing shortage.

The bill would also significantly increase project costs. Preparing a new environmental assessment or environmental impact statement requires extensive technical studies, consultant services, and public process, all of which add financial burden to public agencies and private applicants. These increased costs would ultimately be passed on through higher housing prices, higher rents, or increased public expenditures for infrastructure projects. For affordable housing projects in particular, additional environmental review costs can jeopardize financial feasibility and reduce the number of units delivered.

OPSD is further concerned that the bill could penalize projects that are delayed due to litigation, appeals, or agency processes that are outside of an applicant's control. While the bill accounts for certain judicial proceedings, the overall structure still introduces uncertainty into long-term project planning and financing. This uncertainty may discourage investment in housing and infrastructure projects at a time when the State is seeking to encourage development that supports community resilience and economic stability.

Finally, OPSD notes that existing administrative rules already provide agencies with the authority to require additional environmental review when there are substantial changes to a project or its environmental setting. This existing framework allows for a case-by-case, evidence-based determination rather than an automatic expiration triggered solely by the passage of time. HB 1543 would replace this flexible approach with a rigid timeline that may not correspond to actual environmental conditions.

For these reasons, OPSD believes HB 1543 could inadvertently slow the delivery of housing, increase costs to the State and private sector, and create regulatory uncertainty without necessarily improving environmental outcomes.

To address changes over time, the administrative rules for the environmental review process provides agencies with the discretion and criteria to determine whether the proposed action or the environment have changed to the extent that a new environmental review is warranted. This analysis is not arbitrary, unlike a pre-defined number of years.

Thank you for the opportunity to testify on this measure.

**JOSH GREEN, M.D.**  
GOVERNOR | KE KIA'ĀINA

**SYLVIA LUKE**  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA**

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**DAWN N.S. CHANG**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

**RYAN K.P. KANAKA'OLE**  
FIRST DEPUTY

**CIARA W.K. KAHANE**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARK

**Testimony of  
RYAN K.P. KANAKA'OLE  
Acting Chairperson**

**Before the House Committee on  
ENERGY & ENVIRONMENTAL PROTECTION**

**Tuesday, February 3, 2026  
09:30 AM**

**State Capitol, Conference Room 325 and Via Videoconference**

**In consideration of  
HOUSE BILL 1543  
RELATING TO ENVIRONMENTAL REVIEW**

House Bill 1543 proposes to specify a time limit for the validity of a finding of no significant impact of a final environmental assessment or acceptance of a final environmental impact statement for a proposed action. It also requires an agency or applicant to commence a new environmental review process for the proposed action if the validity expires. The Department of Land and Natural Resources acknowledges the intent of the measure and offers the following comments, which we believe would more effectively achieve the bill's intended goals.

Environmental review documents must remain sufficiently current and accurate to inform governmental decision-making. The Department agrees that environmental review should be reevaluated when new information becomes available, when the scope of a proposed action changes, or when material circumstances affecting the environment have changed. However, the Department is concerned that establishing a fixed expiration date would substitute an arbitrary passage of time for a substantive determination of whether environmental impacts have been adequately analyzed. Such an approach could require unnecessary repeat review where no material changes have occurred, while at the same time allowing reliance on outdated environmental analysis in cases where significant changes have in fact taken place.

The Department does see value in having the Legislature providing agencies with a clear framework for determining when environmental review documents should be subject to reevaluation. The Department believes that the following additions to chapter 343, Hawaii Revised Statutes, would accomplish this objective in a manner that is consistent with the purposes of the environmental review process:

**§343-\_\_ Reevaluation of environmental review documents.**

(a) A previously accepted or approved environmental assessment or environmental impact statement shall be subject to reevaluation, supplementation, or replacement prior to the issuance of any further discretionary approval or commencement of the proposed action when the accepting or approving agency determines that one or more of the following conditions exist:

(1) **Substantial changes** have been made to the proposed action that may result in significant environmental impacts not previously evaluated;

(2) **Significant new information** has become available that was not known, and could not reasonably have been known, at the time the environmental review document was prepared, and that information may materially affect the analysis of environmental impacts or mitigation measures;

(3) **Material changes in environmental conditions** have occurred within the affected environment such that the environmental baseline or impact analysis contained in the environmental review document is no longer accurate or complete;

(4) **New or amended statutes, rules, or formally adopted governmental policies** applicable to the proposed action may alter the evaluation of environmental impacts, mitigation measures, or alternatives;

(5) **A substantial period of time has elapsed** since acceptance or approval of the environmental review document without commencement or completion of the proposed action, such that continued reliance on the document may no longer provide an adequate basis for informed decision-making;

(6) **Later phases, secondary actions, or cumulative impacts** of the proposed action were not contemplated at the time of initial evaluation and have become reasonably foreseeable; or

(7) **Mitigation measures previously relied upon are no longer feasible or effective**, or monitoring demonstrates that such measures will not avoid or minimize environmental impacts to the extent previously assumed.

With these additions the Department would be able to support the bill.

Mahalo for the opportunity to comment on this measure.



HOUSE OF REPRESENTATIVES  
THE THIRTY-THIRD LEGISLATURE  
REGULAR SESSION OF 2026

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Nicole E. Lowen, Chair  
Rep. Amy A. Perruso, Vice Chair

Rep. Cory M. Chun                      Rep. Sean Quinlan  
Rep. Kirstin Kahaloa                Rep. Lauren Matsumoto  
Rep. Matthias Kusch

NOTICE OF HEARING

DATE:                      Tuesday, February 3, 2026  
TIME:                      9:30 a.m.  
PLACE:                    VIA VIDEOCONFERENCE  
                                Conference Room 325  
                                State Capitol  
                                415 South Beretania Street

**TESTIMONY OF THE OCEAN TOURISM COALITION IN OPPOSITION OF HB1543**

Dear Chair Lowen, Vice Chair Perusso, and Members of the Committee on Energy and Environmental Protection:

The Ocean Tourism Coalition (“OTC”). OTC represents hundreds of locally owned ocean tourism businesses across the State of Hawai‘i. OTC respectfully submits this testimony in opposition to HB1543 due to the ambiguity of the bill and the potential ramifications that ambiguity may have, particularly for ocean- and harbor-dependent operations and infrastructure statewide.

HB1543 establishes time limits on the validity of certain environmental determinations under Chapter 343. However, the bill does not clearly state what types of actions it is intended to apply to, nor does it clearly identify what actions are excluded. As written, it is unclear whether the bill applies only to actions that have not yet occurred, or whether it could also be read to apply to actions that have already occurred and continue on an ongoing basis.

The bill also does not explain how the expiration of an environmental determination would operate in the context of actions that are already in place and ongoing. Nor does it address how agencies should treat permits and approvals associated with those actions if a new environmental review is required. Because environmental review processes in Hawai‘i are often lengthy and constrained by limited agency resources, this ambiguity raises the possibility of permit lapses, interruptions to operations, and inconsistent application across agencies and operators.

Recent environmental review activity at Mā‘alaea Harbor illustrates these concerns. In November 2024, a Draft Environmental Assessment was published for the expansion and renovation of the

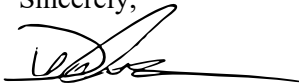
United States Coast Guard's Station Maui facilities at Mā'alaea Small Boat Harbor, a project located on state land managed by the Department of Land and Natural Resources' Division of Boating and Ocean Recreation. This project involves critical harbor and maritime safety infrastructure and demonstrates the risk of unintended disruption if environmental determinations expire without clear statutory direction.

The potential consequences of this uncertainty are substantial. Harbors and boating facilities are key pieces of statewide infrastructure that support not only tourism, but also public access, public safety, and inter-island commerce. Disruption to these systems would result in significant harm to residents and commercial operators.

OTC respectfully urges the Committee to recognize that clarity regarding the scope and application of HB1543 is essential before the bill advances further.

Mahalo for the opportunity to provide testimony.

Sincerely,

A handwritten signature in black ink, appearing to read 'Denver S. Coon', with a horizontal line extending to the right.

Denver S. Coon  
President, Ocean Tourism Coalition



February 3, 2026

Representative Nicole Lowen, Chair  
Representative Amy Perruso, Vice Chair  
Committee on Energy & Environmental Protection

RE: **HB 1543 - Relating to Housing**  
**Hearing date: February 3, 2026 at 9:30AM**

Aloha Chair Lowen, Vice Chair Perruso and members of the committee,

Mahalo for the opportunity to submit testimony on behalf of NAIOP Hawaii in Strong **OPPOSITION** to **HB 1543 RELTATING TO ENVIRONMENTAL REVIEW**. NAIOP Hawaii is the local chapter of the nation's leading organization for office, industrial, retail, residential and mixed-use real estate. NAIOP Hawaii has over 200 members in the State including local developers, owners, investors, asset managers, lenders, and other professionals.

HB 1543 raises serious concerns by imposing a rigid time limit on findings of no significant impact (FONSI) and accepted environmental impact statements (EIS) without adequate justification and with significant unintended consequences.

First, the bill provides no clear policy rationale for placing an arbitrary expiration date on a FONSI or an accepted EIS. Environmental reviews are already subject to extensive procedural requirements, public scrutiny, and judicial oversight. If project conditions materially change, agencies already have the authority to require supplemental review. Creating a mandatory expiration period does not improve environmental protection, but instead adds a new procedural hurdle disconnected from actual environmental impacts.

Second, HB 1543 would significantly increase development costs by forcing projects to repeat environmental reviews even when no material changes have occurred. Environmental assessments and impact statements are time-consuming and costly, and requiring applicants to restart the process solely due to the passage of time will divert resources away from project delivery. These added costs will ultimately be passed on to consumers, taxpayers, and, in the case of housing projects, future residents.

In practice, HB 1543 risks slowing the production of housing, infrastructure, and other needed development without providing corresponding environmental benefits. Rather than improving environmental review, the bill substitutes in a time-based trigger for the existing, more appropriate standard of whether project conditions or impacts have materially changed.

Representative Nicole Lowen, Chair  
Representative Amy Perruso, Vice Chair  
Committee on Energy & Environmental Protection  
February 3, 2026  
Page 2

For these reasons, we respectfully oppose HB 1543 and urge the committee to defer the measure. NAIOP appreciates the Legislature's commitment to creating affordable housing for Hawaii residents and we look forward to working together. Thank you for the opportunity to provide testimony.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read "Ken Hayashida". The signature is fluid and cursive, with the first name "Ken" and last name "Hayashida" clearly distinguishable.

Ken Hayashida, President  
NAIOP Hawaii



Opposed to HB 1543, applying time limits to any EIS that has been approved.

From Ron Tubbs, B.S.N.D. UHM

Extremely Important Read!

Court injunction halts commercial ocean permitting in Kā'anapali; hundreds to lose jobs. Exemptions by DOBAR and DLNR are being sought regarding this EIS court requirement (based on new EIS laws), but it appears to me that the Supreme Court will not allow them to stand on legal appeal.

What do the Super Ferry, Thirty Meter Telescope, Aquarium Fishery, and now all Commercial Fisheries and All Ocean-based Tourism Permits have in common?

Act 343 is shutting them down solely due to user conflict, not environmental concerns.

Whereas chapter 343 HRS does not imply anywhere in its statutes that ocean-based permits apply. This law was intended for land-based construction.

Recent Kā'anapali Court decision: Hundred without Jobs After many of them Lost Their Homes to the Lahaina Wildfire, permits are likely to be removed before expiring. The Lahaina harbor still needs 34 million in renovations before tour companies can use it for business, leaving these companies shut down.

Act 343 Supreme Court Interpretation Flawed; all DLNR-issued ocean permits now apply to 343 environmental laws, and the pro-Hawaiian BLNR biased decisions will not likely allow permits for some, even if HEPA laws are adhered to (for example, the aquarium fishery was denied permits even with Act 343 HEPA EIS passage).

NEWS:

Court injunction blocks commercial ocean permitting in Kā'anapali

<https://mauinow.com/2024/12/06/court-injunction-blocks-commercial-ocean-permitting-in-ka%CA%BBanapali/>

In addition, another current lawsuit will affect all Commercial Marine License permit holders.

Still active 2026 Lawsuit 1CCV-24-0001625 is before the First Circuit Court. A ruling will likely require all commercial fishing permits to undergo environmental reviews. All commercial fishing permits could face immediate elimination! Small nearshore fisheries are worth 16 million annually, and the Tuna Fishery is worth 100 million annually.

The Legislative Goal Should be to exempt all ocean use permits; DLNR effectively manages to be exempt from HEPA EIS laws by clarifying the meaning of Act 343 regarding ocean use permits.

Please change HB 1543 to read:

*Whereas* it was just ruled that commercial ocean user permits in Kā'anapali require environmental reviews. Hundreds of Jobs will be affected in an already devastated location. Environmental Court Judge Peter Cahill has ordered the Department of Land and Natural Resources not to issue or renew commercial use permits for state waters in Kā'anapali until it can complete environmental assessments for their use or determine such permits are exempt from environmental review under Hawai'i law. We would expect this precedence to apply to all Commercial Ocean tourism permits. We expect these permits, despite being given time to continue until permits expire, to be taken before then, as was done regarding the aquarium fishery.

*Whereas* lawsuit 1CCV-24-0001625 will likely very soon result in a similar ruling for all commercial Fishing permits. Ensuring a resulting HEPA law precedence requirement for all fishery DLNR-issued permits. The Hawaii seafood industry generates around \$867 million in annual sales impacts, making it a significant contributor to the state's economy, with the majority of

this value coming from the high-value, low-volume longline fishery that is considered the largest food-producing industry in Hawaii.

*Whereas* 80% of all visitors to Hawaii participate in Ocean activities, and invalidating ocean user permits would be devastating to the 20 billion dollar a year tourist industry. In 2019, the visitor industry supported 216,000 jobs statewide, yielded nearly \$17.8 billion in visitor spending, and contributed more than \$2 billion in tax revenue to state coffers.

*Whereas* Despite the acceptance of the RFEIS in July 2021, the DLNR has not issued a law, in numerous respects. The Circuit Court, however, found that the RFEIS was sufficient as a

matter of law, and entered judgment to that effect on September 12, 2022.

The Plaintiffs in that action appealed, and the Supreme Court issued its ruling affirming the Circuit Court on August 28, 2024. In that opinion, the Supreme Court discussed each of the complaints concerning the sufficiency of the RFEIS and, in every case, found the RFEIS to comply with the requirements of HRS Chapter 343 and Hawai'i Administrative Rule ("HAR") § 11-200. Still, HEPA laws in Act 343 have failed the sustainable Aquarium Fishery and they still have not been issued permits.

*Whereas* BLNR has shown bias against the fishery and favoritism in favor of Hawaiians who are opposed to the fishery while ignoring Hawaiians who are in support of the fishery. BLNR members also showed favoritism against the fishery enough that several board members were legally prevented from voting in decision-making meetings regarding the fishery.

BLNR has not given out permits after 7 years and \$750,000 in fishers' efforts while unemployed in the fishery even though researchers have already considered the fishery sustainable. Therefore, they cannot be trusted

concerning the issuance of aquarium fishing, commercial fisheries, tourism permits, or EIS passage for these groups.

*Whereas* Act 343 was intended upon passage to only apply to land-based activities because DLNR, with a team of marine biologists, had already shown to be effective in ocean management. The legislature gave DLNR the power to implement emergency rules in case of any marine species endangerment, banning their take as needed. And BLNR was given a path to create new laws to protect the environment. Every 5 years, SWAP reviews all Marine species and determines if further regulations or studies are needed.

*Whereas* Marine fish are the most efficient breeders on the planet, and during the past five extinction-level events, they have had a greater survival rate than land-based species. No Marine fish are currently threatened or on the verge of extinction, unlike over 100 land-based species. All Marine fish species historically and legally under current take laws are considered IUCN species of “Least Concern”.

*Whereas* Current Laws limit the take of marine fish by permit with daily limits, size limits, protected areas, white list of approved fish, and many other laws already and was deemed sustainable by a group review of 21 of the world's leading marine biologists in the “We expected better letter”.

*Whereas* Ka’anapali tour businesses were just devastated by the Lahina fires, and the closure of these groups will result in even more job losses and a reduction in Maui tourism. Lahina Harbor is still closed and requires 34 million in restoration before it can open and the only location for these business to exist effectively is Kā’anapali.

*Whereas* the Kā'anapali. The lawsuit allowed Hawaiian groups to blackmail this business over a parking conflict. User conflict was also the basis of the aquarium fish lawsuit, which resulted in the loss of the Hawaii model, the most sustainable and valuable fishery.

*Whereas* with over 15,000 Hawaiians moving away from Hawaii Annually, the loss of more jobs without reasonable environmental causes, just user conflict, is unacceptable. Ten percent of aquarium fish participants were of Hawaiian ancestry and were part of those 15,000 displaced Hawaiians.

*Whereas* Current HRS 343 11-200.1-9 laws put an undue burden on filers, are excessive in demand, and effectively shut down those required to do them. This means changes must be made, or Hawaii's economy will significantly suffer.

Act 343 (read the link below) clearly was not intended to apply to well-managed DLNR ocean permits and extended far beyond 343's intended legislative mandate due to biased Judicial Supreme Court decisions, which were decided not based in science or in fact but on a broad interpretation of actual meaning given false testimony from Petitioners.



§343-5

HRS\_0343-0005.htm

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Search terms: **343**

HRS Chapter 343 1-7 Is Viewable by pressing the “next results” at the top of the page to scroll through. Link:

<https://search.capitol.hawaii.gov/HRS/isysquery/995ea4a7-9608-41ab-a7f4-7446f84626bd/1/doc/>

Whereas Chapter 343 HRS does not imply anywhere in its statutes that ocean-based permits apply.

The Umber vs. DLNR ruling was based on false claims by Earthjustice and false testimony. The ruling should never have been ruled to apply to the “Model,” “Sustainable,” and most “Valuable” near-shore fishery, the Aquarium Fishery. The state never used fisheries science to counter the claim; instead, it sought to protect other user groups from the same fate and argued only for definitions and meanings in Act 343. Since then, the state has been blackmailed to prevent others from losing permits by EJ to keep the fishery shut down. The Aquarium Fishery did not have representation in the ruling but relied on the courts making the right decisions; they ruled incorrectly, and now everyone will pay the price.

To the Hawaii State Legislative Members: ENOUGH; PLEASE CORRECT THE UNCONSTITUTIONAL AND MISGUIDED Judicial Branch USE OF LEGISLATIVE

LAW ACT 343. Put ENVIRONMENTAL management back in the Scientific review process of scientists working for DLNR!

YOU ALREADY HAVE A WHOLE DIVISION OF GOVERNMENT TO MANAGE THESE PERMITS TO ENSURE ENVIRONMENTAL CONCERNS ARE MET! IT WAS NEVER THE INTENT OF ACT 343 TO HAVE THE COURTS SUPERCEED THIS MAGEMENT.

Anti aquarium fish propaganda backfires, case law precedence and Supreme Court rulings: ALL OCEAN USE PERMITS AT RISK, THANKS TO EARTH JUSTICE, RENE UMBERGER RULING AND THOSE WHO FORCED THE Anti aquarium fish, lawsuit through. And forget getting an EIS passed quickly, look at the sustainable aquarium fishery, backed by decades of science, 2017 to now, EIS passage and still no permits. Hawaii is the only State in the USA where an EIS is required for Ocean use and fishing permits. Not about ecology, this was about anti-science pro one user group over another.

The 2017 lawsuit against commercial operators in Kaanapali, Maui, resulted in a December 2024 court ruling that requires environmental reviews for commercial use permits and halts permit issuance and renewals until those reviews are completed. The Hawaii Department of Land and Natural Resources (DLNR) sought a reconsideration of the injunction due to economic impact, leading to a temporary stay on the prohibition of renewing existing permits, but the ban on new permits remains in effect. Permits are expected to be removed soon on appeal of exemption. Beware: all of Hawaii, commercial ocean fishers and tour operators you are at extreme risk of closure and the legislature refused to pass a bill saving Kaanapali tour groups last year!

Please change Act 343 Laws to protect, not shut down, Hawaii Businesses!

**Do not impose time limits on those who have somehow passed their EIS.**

HRS Chapter 343 1-7 Is Viewable by pressing the “next results” at the top of the page to scroll through. Link:

<https://search.capitol.hawaii.gov/HRS/isysquery/995ea4a7-9608-41ab-a7f4-7446f84626bd/1/doc/>

Ron Tubbs, B.S. N.D. UHM



**HB-1543**

Submitted on: 1/30/2026 7:18:41 PM

Testimony for EEP on 2/3/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Uilani Naipo	Individual	Support	Written Testimony Only

Comments:

***I strongly support this measure.***

**HB-1543**

Submitted on: 1/31/2026 10:00:50 PM

Testimony for EEP on 2/3/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Oppose	Written Testimony Only

## Comments:

Strongly Oppose HB 1543

House Committee: EEP

Energy and Environmental Protection

BILL NUMBER: HB 198, HB 1982, HB 1979, HB 1650, &amp; HB 1543

POSITION: STRONG OPPOSITION

RE: STRONG OPPOSITION RELATING TO GEOTHERMAL ENERGY EXPLORATION ON DHHL LANDS AND ENVIRONMENTAL REVIEWS  
House Bill HB1981: RELATING TO A PROGRAM TO CHARACTERIZE CARBON SEQUESTRATION POTENTIAL AND GEOTHERMAL AND UNDERGROUND WATER RESOURCES STATEWIDE.

Establishes a Geothermal, Carbon Sequestration, and Underground Water Resource Characterization Program via slim hole bores and a related statewide environmental assessment. Appropriates funds for the program and positions to support the program.

House Bill HB1982: RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

Appropriates funds to the Department of Hawaiian Home Lands for certain geothermal resource exploration and development activities and the hiring of consultants.

House Bill HB1979: RELATING TO ENVIRONMENTAL REVIEW.

Shortens the period within which certain judicial proceedings involving environmental assessments and environmental impact statements for actions that propose the use of land for, or construction of, affordable housing or clean energy projects must be initiated. Requires judicial proceedings involving actions that propose the use of land for, or construction of, affordable housing or clean energy projects to be filed directly with the Supreme Court and prohibits the Supreme Court from awarding attorneys' fees in these judicial proceedings.

House Bill HB 1650: RELATING TO ENVIRONMENTAL ASSESSMENTS.

Removes historic sites and the Waikiki special district from the requirement for environmental assessments under section 343-5, HRS.

House Bill HB 1543: RELATING TO ENVIRONMENTAL REVIEW.

Specifies a time limit for the validity of a finding of no significant impact of a final environmental assessment or acceptance of a final environmental

impact statement for a proposed action. Requires an agency or applicant to commence a new environmental review process for the proposed action if the validity expires.

**SAMPLE TESTIMONY:**

**Title: RELATING TO GEOTHERMAL ENERGY EXPLORATION ON DHHL LANDS**

Aloha Chair Nicole Lowen, Vice Chair Amy Perruso, and Members of the Committee,

I submit this testimony in Strong Opposition to the above-referenced measures, which requires the Hawai‘i State Energy Office to conduct a statewide environmental assessment for, and subsequently administer, a Geothermal Resources Characterization Program under the direction of the University of Hawai‘i Groundwater and Geothermal Resources Center, and appropriates funds for that purpose.

These Bills represent a fundamental shift toward institutionalizing geothermal exploration under the guise of research while simultaneously weakening environmental protections and public oversight. Of particular concern is the University of Hawai‘i Groundwater and Geothermal Resources Center has been actively advancing legislative proposals that would override or shortcut existing environmental review requirements, including those involving seismic monitoring related to groundwater and geothermal exploration on Department of Hawaiian Home Lands (DHHL) and public trust lands.

Geothermal exploration is not a neutral scientific activity. It involves intrusive testing, drilling, and seismic monitoring that directly affect subsurface water systems, geologic stability, and culturally significant landscapes. Framing these activities as “characterization” does not change their physical impact or their legal implications. Authorizing such activities without full environmental review violates the precautionary principles embedded in Hawai‘i law and undermines long-standing protections for trust resources. We strongly oppose, shortening “the period within which certain judicial proceedings involving environmental assessments and environmental impact statements for actions that propose the use of land for, or construction of, affordable housing or clean energy projects must be initiated. We strongly oppose amendments that will require judicial proceedings involving actions that propose the use of land for, or construction of, affordable housing or clean energy projects to be filed directly with the Supreme Court and prohibits the Supreme Court from awarding attorneys' fees in these judicial proceedings.

Public trust lands and DHHL lands are not appropriate sites for experimental or exploratory geothermal programs. These lands are held in trust for specific Native Hawaiian beneficiaries and purposes, and any activity that risks contamination of groundwater, destabilization of geologic formations, or disruption of cultural sites constitutes a breach of fiduciary duty.

It is deeply concerning that the Department of Hawaiian Homes Lands

proposing and administering the industrialization of Geothermal which is a violation of the State Constitution Article XII Section 7. The exclusion of Beneficiary consultation eliminates community input and oversight and creates a closed loop in which project proponents are empowered to define, implement, and evaluate their own impacts. Such an arrangement is incompatible with transparent governance and public accountability. Appropriation of State and/or Federal Funds with the intent of sponsoring statewide geothermal exploration threatens both the integrity of our trust land.

Furthermore, Industrialized geothermal development and drilling into Kūpuna Pele further endanger interconnected trust resources, including groundwater, air quality, and geologic stability. These risks are especially acute on the Moku O Keawe, where volcanic and aquifer systems are inseparable from subsistence practices, burial grounds, and ceremonial sites. The State cannot lawfully authorize degradation of these resources under Article XI, Section 7 of the Hawai'i State Constitution or under the fiduciary standards imposed by the Admissions Act of 1959 in the name of speculative energy benefit.

With respect to DHHL lands, the breach is even more severe. These lands are held in trust under the Hawaiian Homes Commission Act for the exclusive benefit of Native Hawaiian beneficiaries. Legislation proposing industrialized geothermal exploration or development that authorizes drilling into Kūpuna Pele on DHHL lands without prior beneficiary authorization already constitutes a violation of fiduciary duty. Beneficiary consultation cannot be treated as a procedural afterthought or a remedy for an unlawful act.

Furthermore, consultation does not cure desecration. The proposal of industrialized geothermal exploration, development and drilling into Kūpuna Pele on trust lands without consent reflects a failure to honor both the cultural foundations of these lands and the legal obligations established to protect them. Beneficiaries are not merely stakeholders; we are Lineal Descendants of our Hawai'i, trust beneficiaries whose rights must guide, not follow, legislative action.

Accordingly, I urge this Committee to reject this measure because it:

1. Authorizes geothermal exploration under the guise of research while weakening environmental review;
2. Undermines protections for groundwater, seismic stability, and culturally significant lands;
3. Threatens DHHL and public trust lands with intrusive exploration activities; and
4. Prioritizes energy policy over environmental law and trust obligations.

Energy planning must not come at the expense of environmental integrity, public trust responsibilities, or Native Hawaiian rights. Any geothermal-related activity must remain subject to full, site-specific environmental review and meaningful community consent, particularly

where trust lands are concerned.

Mahalo for the opportunity to submit this testimony.

Respectfully,

Dana Keawe

**HB-1543**

Submitted on: 1/31/2026 10:05:44 PM

Testimony for EEP on 2/3/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kanoeuluwehianuhea Case	Truth for the People Moku O Keawe	Oppose	In Person

Comments:

Kanoeuluwehianuhea Case

Kanoesc@gmail.com

01/31/2026

House Committee: EEP

Energy and Environmental Protection

BILL NUMBER: HB 1981, HB 1982, HB 1979, HB 1650, & HB 1543

POSITION: STRONG OPPOSITION

RE: STRONG OPPOSITION RELATING TO GEOTHERMAL ENERGY EXPLORATION  
ON DHHL LANDS AND ENVIRONMENTAL REVIEWS

House Bill HB1981: RELATING TO A PROGRAM TO CHARACTERIZE CARBON  
SEQUESTRATION POTENTIAL AND GEOTHERMAL AND UNDERGROUND WATER  
RESOURCES STATEWIDE.

Establishes a Geothermal, Carbon Sequestration, and Underground Water Resource  
Characterization Program via slim hole bores and a related statewide environmental  
assessment. Appropriates funds for the program and positions to support the program.

House Bill HB1982: RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

Appropriates funds to the Department of Hawaiian Home Lands for certain geothermal resource exploration and development activities and the hiring of consultants.

House Bill HB1979: RELATING TO ENVIRONMENTAL REVIEW.

Shortens the period within which certain judicial proceedings involving environmental assessments and environmental impact statements for actions that propose the use of land for, or construction of, affordable housing or clean energy projects must be initiated. Requires judicial proceedings involving actions that propose the use of land for, or construction of, affordable housing or clean energy projects to be filed directly with the Supreme Court and prohibits the Supreme Court from awarding attorneys' fees in these judicial proceedings.

House Bill HB 1650: RELATING TO ENVIRONMENTAL ASSESSMENTS.

Removes historic sites and the Waikiki special district from the requirement for environmental assessments under section 343-5, HRS.

House Bill HB 1543: RELATING TO ENVIRONMENTAL REVIEW.

Specifies a time limit for the validity of a finding of no significant impact of a final environmental assessment or acceptance of a final environmental impact statement for a proposed action. Requires an agency or applicant to commence a new environmental review process for the proposed action if the validity expires.

Title: RELATING TO GEOTHERMAL ENERGY EXPLORATION ON DHHL LANDS

Aloha Chair Nicole Lowen, Vice Chair Amy Perruso, and Members of the Committee,

I submit this testimony in Strong Opposition to the above-referenced measures, which requires the Hawai'i State Energy Office to conduct a statewide environmental assessment for, and subsequently administer, a Geothermal Resources Characterization Program under the direction of the University of Hawai'i Groundwater and Geothermal Resources Center, and appropriates funds for that purpose.

These Bills represent a fundamental shift toward institutionalizing geothermal exploration under the guise of research while simultaneously weakening environmental protections and public oversight. Of particular concern is the University of Hawai'i Groundwater and Geothermal Resources Center has been actively advancing legislative proposals that would override or shortcut existing environmental review requirements, including those involving seismic monitoring related to groundwater and geothermal exploration on Department of Hawaiian Home Lands (DHHL) and public trust lands.

Geothermal exploration is not a neutral scientific activity. It involves intrusive testing, drilling, and seismic monitoring that directly affect subsurface water systems, geologic stability, and culturally significant landscapes. Framing these activities as “characterization” does not change their physical impact or their legal implications. Authorizing such activities without full environmental review violates the precautionary principles embedded in Hawai‘i law and undermines long-standing protections for trust resources. We strongly oppose, shortening “the period within which certain judicial proceedings involving environmental assessments and environmental impact statements for actions that propose the use of land for, or construction of, affordable housing or clean energy projects must be initiated. We strongly oppose amendments that will require judicial proceedings involving actions that propose the use of land for, or construction of, affordable housing or clean energy projects to be filed directly with the Supreme Court and prohibits the Supreme Court from awarding attorneys' fees in these judicial proceedings.

Public trust lands and DHHL lands are not appropriate sites for experimental or exploratory geothermal programs. These lands are held in trust for specific Native Hawaiian beneficiaries and purposes, and any activity that risks contamination of groundwater, destabilization of geologic formations, or disruption of cultural sites constitutes a breach of fiduciary duty.

It is deeply concerning that the Department of Hawaiian Homes Lands proposing and administering the industrialization of Geothermal which is a violation of the State Constitution Article XII Section 7. The exclusion of Beneficiary consultation eliminates community input and oversight and creates a closed loop in which project proponents are empowered to define, implement, and evaluate their own impacts. Such an arrangement is incompatible with transparent governance and public accountability. Appropriation of State and/or Federal Funds with the intent of sponsoring statewide geothermal exploration threatens both the integrity of our trust land.

Furthermore, Industrialized geothermal development and drilling into Kūpuna Pele further endanger interconnected trust resources, including groundwater, air quality, and geologic stability. These risks are especially acute on the Moku O Keawe, where volcanic and aquifer systems are inseparable from subsistence practices, burial grounds, and ceremonial sites. The State cannot lawfully authorize degradation of these resources under Article XI, Section 7 of the Hawai‘i State Constitution or under the fiduciary standards imposed by the Admissions Act of 1959 in the name of speculative energy benefit.

With respect to DHHL lands, the breach is even more severe. These lands are held in trust under the Hawaiian Homes Commission Act for the exclusive benefit of Native Hawaiian beneficiaries. Legislation proposing industrialized geothermal exploration or development that authorizes drilling into Kūpuna Pele on DHHL lands without prior beneficiary authorization already constitutes a violation of fiduciary duty. Beneficiary consultation cannot be treated as a procedural afterthought or a remedy for an unlawful act.

Furthermore, consultation does not cure desecration. The proposal of industrialized geothermal exploration, development and drilling into Kūpuna Pele on trust lands without consent reflects a failure to honor both the cultural foundations of these lands and the legal obligations established



to protect them. Beneficiaries are not merely stakeholders; we are Lineal Descendants of our Hawai'i, trust beneficiaries whose rights must guide, not follow, legislative action.

Accordingly, I urge this Committee to reject this measure because it:

1. Authorizes geothermal exploration under the guise of research while weakening environmental review;
2. Undermines protections for groundwater, seismic stability, and culturally significant lands;
3. Threatens DHHL and public trust lands with intrusive exploration activities; and
4. Prioritizes energy policy over environmental law and trust obligations.

Energy planning must not come at the expense of environmental integrity, public trust responsibilities, or Native Hawaiian rights. Any geothermal-related activity must remain subject to full, site-specific environmental review and meaningful community consent, particularly where trust lands are concerned.

Mahalo for the opportunity to submit this testimony.

Respectfully,

Kanoeuluwehianuhea Case

**HB-1543**

Submitted on: 2/1/2026 1:32:02 PM

Testimony for EEP on 2/3/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

**Support.**

**No old EIS or EAs, much changes in 10 years.**

**HB-1543**

Submitted on: 2/1/2026 3:43:11 PM

Testimony for EEP on 2/3/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Laura Ruby	Individual	Oppose	Written Testimony Only

Comments:

H.B. NO. 1543

**"§343- Time limit on validity of certain determinations.** (a) Any finding of no significant impact of a final environmental assessment or acceptance of a final environmental impact statement for a proposed action shall be valid until the latter of:

(1) xxxx years after the finding or acceptance; or

(2) If any judicial proceeding is initiated pursuant to section 343-7, xxxx years after any court order issuing a finding of no significant impact of a final environmental assessment or acceptance of a final environmental impact statement for the proposed action.

There should be more time for parties other than the originators of a project, or funders, or developers to investigate either a final EA or EIS. A further EIS will allow additional information, facts, and evidence to be brought to light.

**HB-1543**

Submitted on: 2/2/2026 11:11:13 AM

Testimony for EEP on 2/3/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Preston Galera	Individual	Support	Written Testimony Only

## Comments:

This bill is important to support our lands and native wildlife due to how sensitive many of our species are. In Mt. Ka'ala, the ecosystem up there is so fragile and significant to our island of O'ahu, as it is the only Tropical Cloud Forest ecosystem on O'ahu. Tropical Cloud Forest ecosystems are extremely rare due to needing to be at altitudes of 3,500 - 6,000 feet. These ecosystems are especially vulnerable to human pressures, and with even the smallest disruptance in these ecosystems, they face being destroyed completely. Yet, this is not only about protecting Mt. Ka'ala, but the vast majority of our sensitive ecosystems on O'ahu. Many of our species here are unique only to our island, yet are so sensitive to human impacts. Many of our species have been wiped out either indirectly or directly.

As someone who has been up to Mt. Ka'ala and worked with the Department of Land and Natural Resources and Natural Area Reserves System for my class, I have seen how biologically diverse and fragile the ecosystem up there is. With this bill, it would protect both the ecosystem up in Mt. Ka'ala, and the vast species we have on our island. They are so unique and diverse, and this bill would protect the beauty of nature on our island.

**LATE**

**HB-1543**

Submitted on: 2/3/2026 12:19:35 AM

Testimony for EEP on 2/3/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Gregory Misakian	Individual	Comments	Remotely Via Zoom

Comments:

**Aloha Chair, Vice Chair, and Members of the EEP Committee,**

**I am submitting testimony as an individual.**

**I currently serve as the President of the Kokua Council, Vice President of the Hawaii Alliance for Retired Americans (HARA), and was formerly a Waikiki Neighborhood Board Member from Jan. 2023 until June 2025.**

**I beleive that HB1543 may have unintended consequences and suggest a very thourough review and discussion. I hope to provide more input if this bill moves forward.**

**Respectfully,**

**Gregory Misakian**