



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

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Statement of
MARY ALICE EVANS, Director

before the
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Thursday, March 5, 2026, 2:00 PM
State Capitol, Conference Room 325

in consideration of
HB 1979, HD 2
RELATING TO ENVIRONMENTAL REVIEW

Chair Tarnas, Vice Chair Poepoe and Members of the House Committee on Judiciary and Hawaiian Affairs:

The Office of Planning and Sustainable Development (OPSD) offers the following **comments** on HB 1979 HD 2, which amends HRS Section 343-7.

HB 1979 HD 2 shortens the period to initiate certain judicial proceedings involving environmental assessments (EAs) and environmental impact statements (EISs) for actions that propose the use of land for, or construction of, affordable housing or clean energy projects. The bill also establishes that appeals from a decision of the environmental court that involves an action that proposes the use of land for, or construction of, affordable housing or clean energy projects shall constitute a case involving a question of imperative or fundamental public importance for purposes of transferring the case to the supreme court.

OPSD supports Governor Green's priority goal of increasing housing for local residents. Shortening the window for filing a judicial challenge to an agency determination will reduce uncertainty and risk for a developer of affordable housing. OPSD notes that this bill is narrowly constructed to align with the important goals of providing affordable housing and clean energy.

Thank you for the opportunity to testify on this measure.



**TESTIMONY PROVIDING COMMENTS ON HOUSE BILL 1979 HD2
RELATING TO ENVIRONMENTAL REVIEW**

Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i
(House Committee on Judiciary & Hawaiian Affairs)

Ke Kapitala ‘o Hawai‘i
(Hawai‘i State Capitol)

Malaki 5, 2026

2:00pm

Lumi 325

Aloha e Chair Tarnas, Vice Chair Poepoe, and Members of the Committee on Judiciary and Hawaiian Affairs:

The Office of Hawaiian Affairs (OHA) provides the following **COMMENTS on HB1979 HD2**, which would shorten the period for initiating judicial proceedings involving environmental reviews for affordable housing or clean energy projects, appeals for such projects would bypass the intermediate court of appeals, and the courts would be prohibited from awarding attorney’s fees in these cases.

OHA recognizes the intent of this measure to reduce litigation risk and expedite projects that address critical statewide needs, including affordable housing and the transition to renewable energy. However, **we have significant concerns that certain provisions of this measure—particularly the restriction on awarding attorneys’ fees—may have the unintended consequence of chilling legitimate public-interest litigation**, including actions brought by Native Hawaiian beneficiaries and community members seeking to enforce environmental and constitutional protections.

First, the prohibition on awarding attorneys’ fees to prevailing plaintiffs raises serious access-to-justice concerns. Public-interest litigation is an essential mechanism for enforcing laws when agencies or project proponents fail to comply with statutory requirements. Unfortunately, in many cases, community members serve as the primary enforcers of environmental laws. OHA regularly reviews environmental documents as part of our statutory duties, and we have observed instances where projects move forward

without proper Chapter 343 compliance. It is often community organizations, cultural practitioners, or affected residents who must bring suit to compel compliance. Litigation of this nature can be costly, and plaintiffs frequently rely on the possibility of recovering attorneys' fees when they prevail on the merits. Eliminating the possibility of fee awards in these cases would place the financial burden entirely on community members seeking to enforce the law, even when they are successful. **This creates a strong disincentive to pursue legitimate claims and could effectively shield unlawful actions from meaningful review.**

Second, many development projects incorporate affordable housing components or may qualify as clean energy projects under broad statutory definitions. Large mixed-use developments frequently include an affordable housing set-aside in order to obtain zoning approvals or financing incentives. As a result, a wide range of projects could potentially fall within the scope of this measure. By applying these litigation restrictions to such a broad category of projects, the bill may unintentionally limit meaningful oversight for developments with significant environmental or cultural impacts.

Finally, OHA is concerned about the proposed shortening of the time period to initiate judicial proceedings to 30 days, particularly where a project proceeds without the environmental review required by law. In situations where an environmental assessment or environmental impact statement is properly prepared and published, parties receive notice through established public processes. However, when a project proponent proceeds without conducting required environmental review, the public may have no advance notice that the action is occurring. In such cases, community members may only become aware of the issue once construction or ground-disturbing activity begins. Under the measure, the clock for filing suit may begin when the proposed action starts, even if no public notice has been issued. This creates a significant risk that legitimate claims could be barred before affected communities have a reasonable opportunity to identify the violation and seek judicial review.

Accordingly, OHA respectfully recommends, at minimum, deleting the amendments at page 3, line 21 to page 4, line 3; and page 6, lines 8 to 11.

Mahalo for the opportunity to testify. OHA respectfully urges the committee to carefully consider our **COMMENTS on HB1979 HD2.**

TESTIMONY IN STRONG OPPOSITION TO HB1979 HD2 Relating to Environmental Review

TO: House Committee on Judiciary & Hawaiian Affairs (JHA)

FROM: Jasmine Steiner

TITLE: Founder of KahuPuna

DATE: March 3, 2026

I. Statement of Standing and Intent

I am Jasmine Steiner, a 37-year resident of the immediate geothermal radius in Puna, Moku O Keawe, and the founder of **KahuPuna**, a grassroots organization dedicated to protecting the life, coastline, culture and community of Lower Puna as we fight to educate the world on the truth about geothermal and its true effects on 'aina. I am also a formal declarant in the Hawaii Geothermal Injunction alongside over a dozen others, which is now active litigation currently before the **Intermediate Court of Appeals (ICA)**, regarding **Puna Geothermal Venture (PGV) and its FRAUDULENT ENVIRONMENTAL IMPACT STATEMENT**. This case is headed by my mom Sara Steiner, who filed it pro se.

I stand in the **strongest possible opposition** to HB1979 HD2. **This bill is a bad-faith legislative maneuver designed to shield the State and developers from accountability while we are actively proving decades of environmental concealment and devastation in court.**

II. Objections to the Legislative Interference with Pending Litigation

HB1979 HD2 seeks to shorten the statute of limitations for environmental challenges to a mere 120 days and **prohibits courts from awarding attorneys' fees**.

- **Financial Silencing:** **By stripping the ability to recover legal fees, the State is creating a "pay-to-play" justice system. This ensures that grassroots organizations like myself and others, and pro se litigants like my mother, Sara Steiner, are financially barred from defending our constitutional rights.**
#AOLE !!!
- **Legislative Interference:** **The Puna community's case is currently "stalled" in the ICA precisely because we are challenging the adequacy of the Final EIS.**

For the legislature to change the rules of the game during an active appeal is a violation of the separation of powers and a direct assault on the due process rights of every declarant in our case. (wild!)

III. Scientific Evidence of Irreparable Harm

The Puna community has spent decades asking for anyone to care enough to look our way, and therefore took it upon ourselves to document that the East Rift Zone of Kilauea—our Madame Pele—has been turned toxic. **The State has allowed decades of misreporting and a total lack of monitoring.** See all the evidence and details yourself within the 157 pages of cold hard evidence within the injunction.

I submit into the record the following scientific concerns which HB1979 HD2 seeks to bypass:

- **Chronic Health Risks:** Peer-reviewed research (Nuvolone et al., 2019) confirms that chronic exposure to low-level Hydrogen Sulfide (H2S) from geothermal plants is associated with significant respiratory and cardiovascular morbidity. (included at end of this testimony for your reference)
- **Community Trauma:** Research on H2S crises (Quist et al., 2024) highlights the profound psychosocial stress and physical ailments residents face when monitoring fails.
- **Environmental Degradation:** Studies on geothermal fluid discharge (Kara et al., 2022) prove that heavy metal contamination in groundwater is a direct result of improper geothermal management.

IV. Notice of State Liability

By entertaining this bill while our injunction is actively playing out in ICA, the State is incurring severe liability:

1. **Official Misconduct:** Under HRS § 710-1040, any coordination to pass legislation specifically to deprive litigants of their day in court may constitute official misconduct.
2. **Breach of Public Trust:** Article XI, Section 1 of the Hawaii Constitution mandates the protection of our resources. To legislate away the public's right to stop "point of no return" destruction is a direct breach of this trust.
3. **Federal Civil Rights Violation:** This bill creates a "chilling effect" on our First Amendment right to petition the government. Should this bill pass and affect our current case, **we are prepared to seek redress under 42 U.S.C. § 1983 in Federal Court.**

V. Conclusion

I am one of the few remaining residents who was born, raised, and has remained within the toxic radius of this facility for 37 years. I have watched our ecosystem be systematically devastated. After decades of destruction with no remedy ever presented to those of us paying the price with our health and our land, the community here firmly believes that our current injunction represents the last line of defense for Puna.

To witness these radical and legally reckless bills be brought forth and entertained is beyond alarming—it is an affront to justice. It is precisely because of this systemic failure that I am now a Master's Student in Criminal Justice. I have committed my life to ensuring that these crimes against humanity and 'āina—perpetrated under the guise of "geothermal agendas"—are finally addressed and that justice is served once and for all.

The State cannot legislate its way out of the truth. I urge this committee to reject HB1979 HD2 and stop the further victimization of the Puna community.

Respectfully,

Jasmine Steiner

Founder, KahuPuna

#weArePuna #itstimeweBreathe

wearepuna.wixsite.com/aloha-activism



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***** Two very important Geothermal Peer Reviewed Studies on negative effects** (there's tens of thousands out there. Hawaii is the only place in the world that they lie to the people and tell us its "clean" or "pono") :



The impact of geothermal fluid discharge on drainage water and groundwater quality in terms of toxic contaminants in the agricultural Harran Plain, Turkey

Hatice Kara^a, Aysegül Demir Yetiş^{b,*}, Saddam Kalkan^a

^a GAP Agriculture Research Institute, Sanliurfa 63100, Turkey

^b Medical Services and Techniques Department, Bilecik Eren University, Bilecik 13000, Turkey

ARTICLE INFO

Keywords:

Karaali geothermal
Heavy metal contamination
Drainage channel
Groundwater
Metal load
Sanliurfa

ABSTRACT

The Karaali Geothermal field located in Harran Plain, which has a great agricultural potential for the development of our country, has a great importance because of being a thermal tourism and greenhouse heating source in Sanliurfa province. In this study, the aim was to determine heavy metal contamination, which has direct and indirect serious effects on human health, due to geothermal causes. In this context, a total of 11 sampling points in the Karaali Geothermal fluid (KG), the closest drainage channels where geothermal water is discharged (DW1, DW2, DW3, DW4 and DW5), and the closest groundwater to these points (GW1, GW2, GW3, GW4 and GW5), were sampled during 8 months between May 2020 and March 2021. Heavy metal concentrations were obtained in the order F>Sr>B>Ba>Al>Li>Fe>Cr>V>Mo>Zn>Cu>Zr>Be>Mn>Cd>Co>Pb>Ag>Ni for groundwater and Al>Fe>Sr>F>B>Mn>Ba>Li>Cu>Zn>Cr>Ni>Co>Mo>Be>Pb>Zr>Cd>Ag>V for drainage water. Al, Fe and Mn values were determined to exceed the acceptable values in terms of suitability of the water in the drainage channels for reuse and agricultural irrigation purposes. In groundwater, the limit values in terms of suitability for drinking water were exceeded for Al, B, F, Fe and Mo parameters. In the diagram of pH and metal load, all the samples were classified as "near neutral-high metal." The study found that six factors in both drainage and groundwater factor analysis separately explained 86.1% and 81.2% of the total variation in the data, respectively. In the cluster, good results were obtained with three different similarity groups for drainage waters and five different similarity groups for groundwater. These results show that the factors responsible for toxic contamination in the drainage channels and especially in the groundwater are primarily related to the use of geothermal fluid in greenhouse cultivation and spa tourism, excessive use of pesticides and fertilizers in agricultural activities, and geogenic processes.

1. Introduction

Due to the rapid decrease and consumption of energy resources, in recent years the development of renewable energy sources has gained a great importance all over the world. Among the renewable energy sources, geothermal energy will become the most important energy source in the near future. It has already been used extensively in recent years (Baba, 2015; Baba et al., 2021).

Karaali Geothermal field is located in Harran Plain, which has a very important agricultural potential for the development of our country, and it has a great importance because it is the only thermal tourism and greenhouse heating source in Sanliurfa province. After using geothermal

resources, they are directly or indirectly discharged into the nearest drainage channels without controls, this situation negatively affects drainage waters which have the potential to be reused in irrigation, groundwater, soil and plants in terms of heavy metal pollution (Derin et al., 2020). Geothermal fluids in Turkey are highly mineralized with high levels of As, B, Cd and Pb (Baba and Armansson, 2006). Geothermal waters in particular may contain high concentrations of potentially toxic metals and metalloids due to water-rock interactions at high temperatures (Ramos et al., 2021). Since geothermal waters contain high levels of NaCl, HCO₃, H₂S, As and B, they cause a serious pollution of water and soil. If necessary precautions are not taken, the high concentration of dissolved substances in geothermal fluid can cause

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Health effects associated with chronic exposure to low-level hydrogen sulfide from geothermoelectric power plants. A residential cohort study in the geothermal area of Mt. Amiata in Tuscany



Daniela Nuvolone*, Davide Petri, Pasquale Pepe, Fabio Voller

Epidemiology Unit, Regional Health Agency of Tuscany, Via Pietro Dazzi 1, 50100 Florence, Italy

HIGHLIGHTS

- Electricity production from geothermal resources is a source of H₂S.
- Studies about the health effects of the chronic exposure to low levels of H₂S are few.
- This residential cohort study used a dispersion modelling for exposure assessment.
- Our study report consistent results for adverse effects of H₂S on respiratory system.
- Negative associations were reported for neoplasms.

GRAPHICAL ABSTRACT



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Dispersion models
Sustainable energy

ABSTRACT

Background: Geothermal power plants for the production of electricity are currently active in Mt. Amiata, Italy. The present study aimed to investigate the association between chronic low-level exposure to H₂S and health outcomes, using a residential cohort study design.

Methods: Spatial variability of exposure to chronic levels of H₂S was evaluated using dispersion modelling. Cohorts included people residing in six municipalities of the geothermal district from 01/01/1998 to 31/12/2016. Residence addresses were georeferenced and each subject was matched with H₂S exposure metrics and socio-economic status available at census tract level. Mortality and hospital discharge data for neoplasms and diseases of the respiratory, central nervous and cardiovascular systems were taken from administrative health databases. Cox proportional hazard models were used to test the association between H₂S exposure and outcomes, with age as the temporal axis and adjusting for gender, socio-economic status and calendar period.

Results: The residential cohort was composed of 33,804 subjects for a total of 391,002 person-years. Analyses reported risk increases associated with high exposure to H₂S for respiratory diseases (HR = 1.12 95%CI: 1.00–1.25 for mortality data; HR = 1.02 95%CI: 0.98–1.06 for morbidity data), COPD and disorders of the peripheral nervous system. Neoplasms were negatively associated with increased H₂S exposure.

Conclusions: The most consistent findings were reported for respiratory diseases. Associations with increased H₂S exposure were coherent in both mortality and hospitalization analyses, for both genders, with evidence of exposure-related trends. No positive associations were found for cancer or cardiovascular diseases.

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Abbreviations: H₂S, hydrogen sulfide; HR, hazard ratio; CI, confidence interval; COPD, chronic obstructive pulmonary disease; CO₂, carbon dioxide; CH₄, methane WHO World Health Organization; ARPAT, Regional Agency for the Environmental Protection of Tuscany; ATSDR, Agency for Toxic Substances and Disease Registry; WRF, Weather Research and Forecasting Model; EEA, European Environment Agency; ISPRA, Italian Institute for Environmental Protection and Research; SMR, standardized mortality rates; SHR, standardized hospitalization rates; AMIS, hydrogen sulfide and mercury abatement filters.

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To: The House Committee on Judiciary & Hawaiian Affairs (JHA)
From: Sherry Pollack, 350Hawaii.org
Date: Thursday, March 5, 2026, 2pm

In opposition to HB1979 HD2

Aloha Chair Tarnas, Vice Chair Poepoe, and JHA Committee members;

I am Co-Founder of the Hawaii chapter of 350.org, the largest international organization dedicated to fighting climate change. 350Hawaii.org **opposes HB1979 HD2**. HB1979 HD2 would shorten the period during which certain judicial proceedings involving environmental assessments and environmental impact statements on actions that propose the use of land for, or construction of, affordable housing or clean energy projects must be initiated. This measure further specifies that appeals from environmental courts that involve actions that propose the use of land for, or construction of, affordable housing or clean energy projects meet one of the grounds for transfer to the Supreme Court and prohibits any court from awarding attorneys' fees in these judicial proceedings.

We appreciated that the HD1 amendments to this measure attempted to address some of the concerns raised in the previous hearing. However, despite these amendments, this measure may still result in unintended negative impacts to the protection of our natural resources.

HB1979 HD2 would increase the risk that inadequate environmental determinations are not remedied, including failures to properly assess impacts to water resources, cultural sites, traffic systems, or public trust lands. To be clear, this bill favors well-funded developers and makes it harder for impacted residents to hold decision-makers accountable. In particular, stipulating that "No court shall award attorneys' fees in a judicial proceeding initiated pursuant to this section that involves an action that proposes the use of land for, or construction of, an affordable housing project or clean energy project" discourages legitimate legal challenges and essentially is ensuring only the affluent can participate.

Bottom line, today's decisions should consider the environmental and social impacts on future generations, and promote sustainable, long-term stewardship. While transitioning rapidly to clean energy and providing affordable housing are both critical to meet the needs of our Hawaii residents and address the Climate Crisis, **we can and should do so in a way that is sustainable, ensuring ecological protection is not sidelined.**

If passed, this measure would likely result in serious negative consequences. **A better solution would be to properly resource the regulatory agencies so they stop taking shortcuts and prevent controversies from arising in the first place.** Forcing people to take sides between the environment we cherish and the climate we hope to protect is not only counterproductive, it's not necessary.

We urge the Committee to **HOLD** this measure.

Mahalo for the opportunity to testify.

Sherry Pollack
Co-Founder, 350Hawaii.org

HB-1979-HD-2

Submitted on: 3/3/2026 10:56:29 PM

Testimony for JHA on 3/5/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kanoeuluwehianuhea Case	Truth for the People/ Na Wai Ho'ola Nui La'au Lapa'au Foundation	Oppose	Remotely Via Zoom

Comments:

Position: STRONG OPPOSITION to HB1979 HD2

Relating to Environmental Review; Clean Energy Projects; Judicial Proceedings

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

My name is Kanoeuluwehianuhea Case, Co-founder of Na Wai Ho'ola Nui La'au Lapa'au Foundation in collaboration with Truth for the People, standing in protection of Aloha 'Āina to protect our "Natural resources" otherwise known to Kanaka as our Na Akua, elemental beings from invasive developments such as the proposed TMT, prolonged Military occupation on Pōhakuloa and proposed geothermal in the name of "Renewable Energy" on our Mauna and Public Trust Crown Lands. 'O Mauna A Wakea no ku'u Mauna, 'O Waimea Moku 'O Keawe mai au.

I respectfully submit this testimony in strong opposition to HB1979 HD2.

I oppose this measure because it weakens environmental and judicial protections in order to accelerate so-called "clean energy" and "affordable housing" projects — including geothermal development — while limiting the ability of communities to challenge harmful projects in court.

This testimony is offered not only as a political position, but as a statement of lived experience, ancestral responsibility, and lived consequence.

—

HB1979 HD2 Silences Communities and Weakens Accountability!

HB1979 HD2 proposes to:

- Shorten judicial timelines for environmental cases
- Limit grounds for appeals

- Shift cases directly to the Supreme Court
- Prohibit courts from awarding attorneys' fees in these proceedings

These changes make it harder for communities to:

- Challenge harmful development
- Seek justice through the courts
- Defend sacred lands
- Hold agencies and developers accountable

This bill does not streamline justice — it restricts it.

It creates barriers for Native Hawaiian families and rural communities who already face enormous obstacles in accessing legal remedies. By removing attorneys' fees and compressing timelines, this bill favors developers and agencies over people and 'āina. With past and present litigation actively being pursued, this bill is unfair to the people.

—

Geothermal is not clean energy and Has Already Harmed Our People and 'Āina

Geothermal development in Hawai'i is not theoretical. It has a documented history of physical harm, displacement, illness, and desecration to our sacred Deity Akua Pele known to the World as our Fire Goddess— particularly to Kanaka Maoli communities living closest to these projects.

Communities near geothermal operations have experienced:

- Chronic health issues linked to hydrogen sulfide and toxic emissions
- Loss of access to ancestral lands
- Devaluation of homes and forced displacement
- Ongoing psychological stress from living near industrial extraction sites

These harms are not “externalities.” They are borne by our people, while benefits flow elsewhere.

To advance geothermal again — under new language or through procedural shortcuts — is to ignore lived trauma and repeat known harms.

—

DHHL's Role Is Especially Troubling As it expedites Housing initiatives that are doing just as much harm than good:

The involvement of the Department of Hawaiian Home Lands (DHHL) in geothermal exploration and development is deeply troubling and fundamentally contradictory to its trust responsibility.

DHHL exists to:

- Restore land to Native Hawaiians
- Improve health, stability, and well-being of beneficiaries
- Correct historical injustices — not deepen them

Yet geothermal activity has been proposed in areas such as Humu'ula on our Mauna, a region of profound cultural, spiritual, and genealogical significance, currently under the jurisdiction of Mauna Kea Stewardship and Oversight Authority.

Mauna A Wakea, particularly the wahi pana of Humu'ula is not an "empty" landscape (nor any other proposed development sites by DHHL statewide geothermal development initiatives). It is:

- A sacred cultural region
- A storied ancestral space
- A place of ongoing spiritual practice and relationship

There is no version of geothermal drilling that is culturally neutral which validates overrides of the judiciary process in the effort to expedite construction claiming this will relieve the housing crisis. This applies to any private and public partnerships seeking to develop and utilize Federal, State and County renewable energy funding of tax payer dollars on private or trust lands.

—

Exploratory Drilling Is Not Harmless

HB1979 HD2 facilitates development by narrowing judicial review of environmental cases involving land use and construction for energy projects.

But "exploratory" geothermal drilling is not benign. It involves:

- Deep drilling into the body of the 'āina
- Alteration of subsurface systems

- Introduction of industrial infrastructure
- Irreversible disturbance even if full development does not proceed

For Kanaka Maoli, the ‘āina is a living relative. You do not “test” a living body without consequence.

—

Economic Framing Ignores Cultural/spiritual and Physical/emotional Harm

Geothermal is often justified using language of:

- Renewable energy
- Sustainability
- Economic development

But these frameworks exclude cultural, spiritual, and physical/ emotional harm — cumulative trauma that is real and intergenerational.

The stress of watching sacred lands threatened or industrialized manifests as:

- Anxiety and grief
- Community fragmentation
- Loss of trust in institutions
- Re-traumatization of people already carrying historical dispossession

True sustainability cannot come at the cost of continued harm to Native people.

—

Our Hawai‘i communities and Truth for the Peoples opposition to geothermal has been consistent, informed, and rooted in experience since Wao Kele O Puna (see Pele Defense Fund vs Patty) supreme court ruling. To proceed despite clear community opposition since then — while now seeking to weaken court access to pursue litigation is a clear violation of human rights.

—

A Call for a Different Path:

If the State of Hawai‘i is serious about renewable energy and justice, it must:

- Reject geothermal projects that harm Kanaka Maoli and sacred ‘āina
- Remove DHHL from extractive energy development
- Protect judicial access for environmental cases
- Invest in truly community-led regenerative energy
- Treat cultural landscapes as living systems, not development zones

Energy sovereignty cannot be built on cultural sacrifice.

—

In Conclusion, I respectfully urge you to OPPOSE HB1979 HD2.

Our ‘āina is not a commodity.

Our sacred sites are not expendable.

Our people are not collateral damage.

And our right to seek justice must not be weakened to serve development timelines.

Mahalo for the opportunity to submit this testimony.

Respectfully,

Kanoeuluwehianuhea Case

Moku O Keawe

Co-Founder of Na Wai Ho'ola Nui La'au Lapa'au Foundation (emerging)

Co-Collaborator of Truth for the People



Testimony Before the House Committee on Judiciary & Hawaiian Affairs

By Beth Amaro
Member Services and Communications Manager
Kaua'i Island Utility Cooperative
4463 Pahe'e Street, Suite 1, Līhu'e, Hawai'i, 96766-2000

Thursday, March 5, 2026; 2:00 pm
Conference Room #325 & Videoconference

House Bill No. 1979, House Draft No. 2 - RELATING TO ENVIRONMENTAL REVIEW

To the Honorable Chair David A. Tarnas, Vice Chair Mahina Poepoe, and Members of the Committee:

Kaua'i Island Utility Cooperative (KIUC) is a not-for-profit utility providing electrical service to more than 34,000 commercial and residential members.

KIUC supports this measure.

This bill seeks to amend section 343-7, Hawai'i Revised Statutes, to provide clearer and more predictable timelines for judicial review of environmental determinations involving clean energy projects.

Over the past 10 years, KIUC has significantly increased its renewable generation. In 2010, KIUC's energy mix included 10% renewable. Renewable production now stands at roughly 50%. For the past five years, KIUC has operated the Kaua'i electric grid at 100% renewable for thousands of hours on sunny days. KIUC's renewable mix currently includes biomass, hydropower, utility-scale solar, utility-scale paired with battery energy storage systems, and distributed (rooftop) solar. We believe this bill supports Hawai'i's clean energy objectives while maintaining the essential environmental protections of Chapter 343.

Supporting Timely Development of Clean Energy Resources

Hawai'i's statutory clean energy goals require the continued development of renewable energy projects which involve significant capital investment and long-term planning. This measure improves predictability by establishing defined and expedited timeframes for legal challenges related to environmental review for clean energy projects. Clear timelines are critical for utilities to plan generation resources, coordinate grid upgrades, and manage costs that ultimately affect ratepayers.

Maintaining Environmental Review While Reducing Unnecessary Delay

This bill does not diminish environmental review requirements or limit public participation. Environmental assessments and environmental impact statements remain subject to notice, comment, agency review, and judicial oversight.

Instead, the measure promotes procedural efficiency by requiring that challenges be brought within a reasonable and clearly defined period. This helps avoid prolonged uncertainty that can delay projects after environmental review is complete, increasing costs without providing additional environmental benefit.

Benefits to Ratepayers and Grid Reliability

Delays in clean energy development can result in higher project costs, missed funding opportunities, and continued reliance on imported fossil fuels. Streamlining the timing and forum for judicial review helps reduce these risks and supports the timely deployment of renewable resources that enhance long-term affordability, energy security, and grid reliability for Hawai'i's communities.

We encourage you to support this measure.

HB-1979-HD-2

Submitted on: 3/4/2026 8:42:30 AM

Testimony for JHA on 3/5/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lauae kekahuna	'O Maku'u ke kahua	Oppose	Written Testimony Only

Comments:

Oppose



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**HEARING BEFORE THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 325
THURSDAY, MARCH 5, 2026 AT 2:00 P.M.**

To The Honorable Representative David A. Tarnas, Chair
The Honorable Representative Mahina Poepoe, Vice Chair
Members of the Committee on Judiciary & Hawaiian Affairs

SUPPORT HB1979 HD2 RELATING TO ENVIRONMENTAL REVIEW

Housing has been a top priority for the Maui Chamber of Commerce for years, given our critical need for affordable and attainable housing and rentals. We have consistently heard about the many challenges that homebuilders face that impact affordability. Given that, we support HB1979 HD2 that proposes targeted reforms to judicial proceedings related to environmental review for affordable housing and clean energy projects.

By shortening the period during which legal challenges to environmental assessments and impact statements must be initiated, this measure has the potential to reduce project delays that often escalate costs and deter investment in much-needed housing. The bill's provision to allow expedited transfer of relevant appeals to the Supreme Court further supports a more predictable and timely resolution process, which is crucial for developers navigating Hawaii's complex regulatory environment, while also not eliminating or diminishing the environmental review requirements.

We appreciate that this bill also includes clean energy projects, as these are crucial tools to reaching the State's clean energy goals in the future.

Mahalo for the opportunity to share our support of HB1979 HD2.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

TESTIMONY IN OPPOSITION TO HOUSE BILL 1979 HD2

Thursday, March 5, 2026, 2:00 p.m.
Conference Room 325 & Videoconference
State Capitol
415 South Beretania Street

Aloha Chair Tarnas, Vice Chair Poepoe, and Committee Members:

Based on our decades of familiarity and experience with Hawai'i Revised Statutes chapter 343, also known as the Hawai'i Environmental Policy Act or HEPA, Earthjustice opposes HB 1979 HD2. While we support genuine affordable housing projects and have an extensive track record of promoting clean energy projects and representing clean energy industry interests, we do not believe this bill's proposed amendments offer effective and meaningful benefits for such projects.

Reducing the statute of limitations for HEPA challenges across the board to only 30 days—even when, for example, a project disregards HEPA compliance and fails to do even the first step of an environmental assessment—does not save much time in the overall scheme and is not fair to the public and communities who may not have been properly informed because of deficient compliance. Indeed, it may perversely result in more litigation and delay by forcing communities to preemptively file rushed lawsuits just to preserve their rights.

In contrast, providing that HEPA appeals shall be transferred directly from the environmental court to the supreme court may reduce the time of an appeal, depending on the situation. We defer to the judiciary as to whether it believes this arrangement is advisable.

Prohibiting the award of attorneys' fees, however, is unnecessarily punitive. In cases where the court awards attorneys' fees, it is because it has determined that the defendant has *violated the law*. Prohibiting such awards will not dissuade challenges, but it will unduly penalize those who have legitimate and successful claims.

If the Legislature is looking for ways to facilitate preferred projects, it should consider measures that appreciably save time and constructively promote efficiencies. In the HEPA context, the categorical exemption for affordable housing projects that was adopted in the HEPA regulation is one already existing example. *See* Hawai'i Administrative Rules § 11-200.1-

House Committee on Judiciary and Hawaiian Affairs

March 5, 2026

Page 2

15(c)(10). In general, it does not appear that the HEPA law and process is a priority concern for these projects that would warrant the law being singled out for such changes.

Mahalo for the opportunity to testify. Please do not hesitate to contact us with any questions or for further information.

Isaac H. Moriwake, Esq.
Managing Attorney
Earthjustice, Mid-Pacific Office



Hawaii's Thousand Friends

335 Hahani Street #342132 * Kailua, HI 96734 * Phone/Fax (808) 262-0682 E-Mail: htf3000@gmail.com

March 5, 2026

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

Members of the Committee

HB 1979, HD2

RELATING TO ENVIRONMENTAL REVIEW

Hawaii's Thousand Friends, a statewide non-profit water and land use planning organization dedicated to protecting the environment, human health, and cultural and natural resources opposes HB 1979, HD2 that shortens the HRS 343-5 public review and action period for affordable housing and clean energy projects from 120 days to 30 days.

Reducing the public comment period for an environmental review from 120 to 30 days almost guarantees that residents will not have an opportunity to provide information on potential impacts to natural resources and cultural sites in the project area.

A shortened environmental review period does not just apply to development in urban areas but includes rural communities where developments could threaten clean water streams that flow into ocean estuaries known as "nurseries of the sea" filtering pollutants which allows subsistence lifestyles to continue and thrive.

Decreasing time allocated for public review and action is short sighted. It assumes that if residents do not know that an environmental review process has begun, they can't act in a timely manner making it more likely that an affordable housing or clean energy can go through more expeditiously.

This is not necessarily true. Residents know, appreciate and are protective of their community's lifestyle and natural and cultural resources to allow developments that will be harmful.

We urge you to hold HB 1979 HD2 in committee because denying residents adequate time to comment on impacts from a proposed project on natural and cultural resources in their community is wrong and unwise.



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WRITTEN TESTIMONY

IN STRONG SUPPORT OF H.B. 1979, H.D. 2

Aloha Chair, Vice Chair, and Members of the Committee:

Avalon Development Company LLC submits this testimony in strong support of H.B. 1979, H.D.1, which amends Hawai'i Revised Statutes §343-7 to shorten the timeframes for judicial challenges related to environmental review for affordable housing and clean energy projects. This bill addresses a persistent and well-understood problem in Hawai'i's permitting environment: environmental litigation is frequently used not to remedy legitimate environmental deficiencies, but to delay or stop projects from moving forward altogether.

In many cases, opponents of housing or infrastructure projects are not primarily concerned with the adequacy of environmental review. Rather, they oppose the project itself and recognize that challenges to environmental assessments or environmental impact statements are among the most effective procedural tools available to delay or prevent development, regardless of whether those challenges ultimately succeed. Even after agencies have completed environmental review and made formal determinations, lawsuits may be filed months or years later, imposing significant delay and cost. In many instances, these lawsuits achieve their true objective—stopping the project—without ever prevailing on the merits.

H.B. 1979, H.D. 1 directly responds to this reality by requiring that challenges to environmental determinations be brought promptly. The bill does not eliminate environmental review, weaken Chapter 343, or limit public participation. Agencies must still conduct environmental assessments, prepare environmental impact statements when required, and comply with all applicable environmental laws. What the bill does is place reasonable limits on open-ended litigation timelines so that environmental review cannot be misused as a strategy of delay.

Affordable housing and clean energy projects are particularly vulnerable to prolonged litigation. These projects often rely on complex financing structures, public approvals, and limited funding windows. When litigation drags on, projects frequently become financially infeasible and are abandoned—not because of environmental harm, but because delay itself makes the project impossible to deliver. If Hawai'i is serious about increasing housing supply and advancing clean energy goals, the State must address procedural mechanisms that allow projects to be stalled indefinitely after environmental review has been completed.



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H.B. 1979, H.D. 1 represents a targeted and necessary reform that preserves environmental protections while discouraging litigation tactics intended to block lawful development. By requiring timely judicial challenges, the bill promotes fairness, certainty, and the ability to deliver housing and clean energy projects that serve the public interest.

Avalon Development Company LLC respectfully urges the Committee to pass H.B. 1979, H.D. 1.

Mahalo for the opportunity to submit testimony.

Respectfully submitted,

Avalon Development Company LLC

HB-1979-HD-2

Submitted on: 3/3/2026 3:23:35 PM

Testimony for JHA on 3/5/2026 2:00:00 PM

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

Comments:

STRONGLY OPPOSE HB1979 HD2

House Committee: JHA Judiciary & Hawaiian Affairs

BILL NUMBER: HB1979: HD1 HD2, HB 1981, HB 1982, & HB 1650

POSITION: STRONG OPPOSITION

RE: STRONG OPPOSITION RELATING TO GEOTHERMAL ENERGY EXPLORATION ON DHHL LANDS AND ENVIRONMENTAL REVIEWS
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 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 HB 1650: RELATING TO ENVIRONMENTAL ASSESSMENTS.

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

I submit this testimony in Strong Opposition to ALL 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

Truth for the People

Douglas Meller
2615 Aaliamanu Place
Honolulu, Hawaii 96813
douglasmeller@gmail.com

Testimony Opposing HB 1979, HD2 Relating to Environmental Review

Submitted to House Committee on Judiciary & Hawaiian Affairs
Thursday, March 5, 2026, 2 PM Hearing in State Capitol Room 325

Neither non-compliance nor after-the-fact compliance with Chapter 343 are an acceptable form of permit streamlining. Please hold HB 1979, HD 2, or amend this bill so that it does not emasculate or conflict with the existing reasonable workable provisions of §607-25, Hawaii Revised Statutes.

§607-25 Actions based on failure to obtain government permit or approvals; attorney's fees and costs. (a) *As used in this section, "development" includes:*

- (1) *The placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste;*
- (2) *The grading, removing, dredging, mining, pumping, or extraction of any liquid or solid materials; or*
- (3) *The construction or enlargement of any structure requiring a discretionary permit.*

(b) *As used in this section, "development" does not include:*

- (1) *The transfer of title, easements, covenants, or other rights in structures or land;*
- (2) *The repair and maintenance of existing structures;*
- (3) *The placement of a portable structure costing less than \$500; or*
- (4) *The construction of a structure which only required a building permit and for which a building permit could be granted without any discretionary agency permit or approval.*

(c) *For purposes of this section, the permits or approvals required by law shall include compliance with the requirements for permits or approvals established by chapters 6E, 46, 54, 171, 174C, 180C, 183, 183C, 184, 195, 195D, 205, 205A, 266, 342B, 342D, 342F, 342H, 342J, 342L, and 343 and ordinances or rules adopted pursuant thereto under chapter 91.*

(d) *For purposes of this section, compliance with the procedural requirements established by chapter 343 and rules pursuant to chapter 343 constitute a discretionary agency approval for development.*

(e) *In any civil action in this State where a private party sues for injunctive relief against another private party who has been or is undertaking any development without obtaining all permits or approvals required by law from government agencies:*

- (1) *The court may award reasonable attorneys' fees and costs of the suit to the prevailing party;*
- (2) *The court shall award reasonable attorneys' fees and costs of the suit to the prevailing party if the party bringing the civil action:*

- (A) Provides written notice, not less than forty days prior to the filing of the civil action, of any violation of a requirement for a permit or approval to:
- (i) The government agency responsible for issuing the permit or approval which is the subject of the civil action;
 - (ii) The party undertaking the development without the required permit or approval; and
 - (iii) Any party who has an interest in the property at the development site recorded at the bureau of conveyances; and
- (B) Posts a bond in the amount of \$2,500 to pay the attorneys' fees and costs provided for under this section if the party undertaking the development prevails;
- (3) Notwithstanding any provision to the contrary in this section, the court shall not award attorneys' fees and costs to any party if the party undertaking the development without the required permit or approval failed to obtain the permit or approval due to reliance in good faith upon a written statement, prepared prior to the suit on the development, by the government agency responsible for issuing the permit or approval which is the subject of the civil action, that the permit or approval was not required to commence the development. The party undertaking the development shall provide a copy of the written statement to the party bringing the civil action not more than thirty days after receiving the written notice of any violation of a requirement for a permit or approval; and**
- (4) Notwithstanding any provision to the contrary in this section, the court shall not award attorney's fees and costs to any party if the party undertaking the development applies for the permit or approval which is the subject of the civil action within thirty days after receiving the written notice of any violation of a requirement for a permit or approval and the party undertaking the development shall cease all work until the permit or approval is granted.**

HB-1979-HD-2

Submitted on: 3/3/2026 5:32:40 PM

Testimony for JHA on 3/5/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chris Abe	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB1979 and reducing the public's ability to challenge EIS findings from a 120 window to a mere 30 days. This is an obvious attempt to quietly subvert the possibility of public opposition by making legal challenges logistically difficult.

This underlying goal is further evidenced by banning Judges from determining if attorney fees should be awarded, which is a bizarre, inexplicable position for lawmakers to take. In a case where a plaintiff successfully argued that an environmental assessment decision was incorrect or illegal, why would the legislature want to punish plaintiffs who ended up being right and successfully helped enforce the state's own environmental review policy?

The destruction of public guardrails in the pursuit of whatever is defined as "affordable housing" is becoming reckless. "Affordable housing" has become the magic word to bypass or destroy long standing regulatory principles at state and county levels.

This is legislative overreach.

HB-1979-HD-2

Submitted on: 3/3/2026 11:08:58 PM

Testimony for JHA on 3/5/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Pua Case	Individual	Oppose	Written Testimony Only

Comments:

Position: STRONG OPPOSITION to HB1979 HD2

Aloha Chair, Vice Chair, and Members of the Judiciary and Hawaiian Affairs Committee,

My name is Pua Case, and I respectfully submit this testimony in strong opposition to HB1979 HD2.

This bill weakens environmental and judicial protections in order to fast-track “clean energy” and development projects, including geothermal, while limiting the ability of communities to challenge harmful projects in court. By shortening timelines, restricting appeals, and removing attorneys’ fees, HB1979 HD2 favors developers over people and ‘āina.

Geothermal development in Hawai‘i has already caused documented harm to Kanaka Maoli communities, including illness, displacement, and desecration of sacred lands. The involvement of the Department of Hawaiian Home Lands in geothermal projects is especially troubling and contradicts its trust responsibility to protect beneficiaries and restore land.

Exploratory geothermal drilling is not harmless. It permanently disturbs the body of the ‘āina and threatens culturally significant regions such as Humu‘ula. For Kanaka Maoli, land is a living relative, not a resource to be tested.

Consultation does not equal consent. Advancing geothermal while weakening court access is not justice or partnership.

I urge you to OPPOSE HB1979 HD2. Our ‘āina is not a commodity, our sacred sites are not expendable, and our people are not collateral damage.

Mahalo for the opportunity to submit this testimony.

I submit this testimony as a kanaka maoli, communiity member and protector and pillar of Mauna a Wākea.

Respectfully,

Pua Case

HB-1979-HD-2

Submitted on: 3/4/2026 3:01:22 AM

Testimony for JHA on 3/5/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Petricci	Individual	Oppose	Written Testimony Only

Comments:

Robert Petricci

In strong opposition to HB1979 HB2

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Judiciary and Hawaiian Affairs Committee,

My name is Robert Petricci, I am submitting this testimony in strong opposition to HB1979 HD2.

This bill unduly weakens environmental and judicial protections increasing risk to the community and environment in order to fast-track “clean energy” and development projects for special interest, including geothermal, while limiting the ability of communities to challenge harmful projects in court. By shortening timelines, restricting appeals, and removing attorneys’ fees, HB1979 HD2 favors developers over people health, wellbeing, quality of life and degrades the environment.

Geothermal development in Hawai‘i has already caused well documented harm to the environment and communities around the PGV and HGP-A state experimental plant in Pohoiki. True Geothermal's failed exploration in Wao Kele O Puna forest , brought in many invasive species that decimated the largest intact lowland rainforest in the state. . Those impacts include illness, displacement, and desecration of sacred lands. As evidenced by the decades long litigation, consistent protest over the the last 40+ years, and documented by submitted testimonies from those directly impacted by HGP-A, True Geothermal, and PGV at the many public hearings over the last 4 decades. The involvement of the Department of Hawaiian Home Lands in geothermal projects is especially troubling and contradicts its trust responsibility to protect beneficiaries and restore land.

Exploratory geothermal drilling is far from harmless. It threatens culturally significant regions such as Humu‘ula, as documented in the award winning half hour film Pepe's Appeal. If you have not seen it please watch it before voting, <https://www.youtube.com/watch?v=DvZwriPLHtc>. For many Kanaka Maoli, land is a living relative, not a resource to be tested as documented in Pepe's Appeal.

Consultation does is not consent. Advancing geothermal while weakening court access is not justice or partnership, and damages trust between government and those they are elected to represent.

I urge you to watch Pele's Appeal and OPPOSE HB1979 HD2.

Mahalo for the opportunity to submit this testimony.

Robert Petricci

HB-1979-HD-2

Submitted on: 3/4/2026 9:02:05 AM

Testimony for JHA on 3/5/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bianca Isaki	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha,

Please do not support HB1979. Shortening the time for legal action against many kinds of projects to 30 days will make it nearly impossible for people to exercise their rights. Where agencies make these decisions you often can't even find out except through sunshine law requests and even then the agency has 2 weeks (10 business days) to disclose public information - where the agency acts in a timely manner, which often doesn't happen.

This bill will encourage more secrecy and deprive decision makers and the public from proper environmental review.

Yours,

Bianca Isaki, Kane'ohe

HB-1979-HD-2

Submitted on: 3/4/2026 9:13:54 AM

Testimony for JHA on 3/5/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
C Conda	Individual	Oppose	Written Testimony Only

Comments:

Aloha my name is Cindy Conda. I am a resident in what's left of Kapoho. I oppose this bill because we have to be able to hold an industry individual or government to accountability . Mahalo

HB-1979-HD-2

Submitted on: 3/4/2026 11:10:56 AM

Testimony for JHA on 3/5/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dephlia Rackley	Individual	Oppose	Written Testimony Only

Comments:

Position: STRONG OPPOSITION to HB1979 HD2

Aloha Chair, Vice Chair, and Members of the Judiciary and Hawaiian Affairs Committee,

My name is Dephlia Rackley and I respectfully submit this testimony in strong opposition to HB1979 HD2.

This bill weakens environmental and judicial protections in order to fast-track “clean energy” and development projects, including geothermal, while limiting the ability of communities to challenge harmful projects in court. By shortening timelines, restricting appeals, and removing attorneys’ fees, HB1979 HD2 favors developers over people and ‘āina.

Geothermal development in Hawai‘i has already caused documented harm to Kanaka Maoli communities, including illness, displacement, and desecration of sacred lands. The involvement of the Department of Hawaiian Home Lands in geothermal projects is especially troubling and contradicts its trust responsibility to protect beneficiaries and restore land.

Exploratory geothermal drilling is not harmless. It permanently disturbs the body of the ‘āina and threatens culturally significant regions such as Humu‘ula. For Kanaka Maoli, land is a living relative, not a resource to be tested.

Consultation does not equal consent. Advancing geothermal while weakening court access is not justice or partnership.

I urge you to OPPOSE HB1979 HD2. Our ‘āina is not a commodity, our sacred sites are not expendable, and our people are not collateral damage.

Mahalo for the opportunity to submit this testimony.

Respectfully,
Dea Rackley

