



**STATE OF HAWAI'I  
OFFICE OF PLANNING  
& SUSTAINABLE DEVELOPMENT**

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Statement of  
**MARY ALICE EVANS, Director**

before the  
**SENATE COMMITTEES ON AGRICULTURE AND ENVIRONMENT,  
WATER, LAND, CULTURE AND THE ARTS, and  
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

Friday, March 20, 2026, 1:00 PM  
State Capitol, Conference Room 224

in consideration of  
**HB 1979, HD 3**  
**RELATING TO ENVIRONMENTAL REVIEW**

Chairs Gabbard, Lee, and Wakai, Vice Chairs Richards, Inouye, and Chang, and Members of the Senate Committees on Agriculture and Environment, Water, Land, Culture and the Arts, and Energy and Intergovernmental Affairs:

The Office of Planning and Sustainable Development (OPSD) offers the following **comments** on HB 1979 HD 3, which amends HRS Section 343-7.

HB 1979 HD 3 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 HD3  
RELATING TO ENVIRONMENTAL REVIEW**

Senate Committee on Agriculture and Environment  
Senate Committee on Water, Land, Culture and the Arts  
Senate Committee on Energy and Intergovernmental Affairs

Hawai‘i State Capitol

Malaki 20, 2026

1:00pm

Lumi 224

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Aloha e Chairs Gabbard, Lee, and Wakai, Vice Chairs Richards, Inouye, and Chang, and Members of the Committees:

The Office of Hawaiian Affairs (OHA) provides the following **COMMENTS on HB1979 HD3**, which would shorten the period for initiating judicial proceedings involving environmental reviews for affordable housing or clean energy projects and appeals for such projects would bypass the intermediate court of appeals.

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. We further appreciate prior amendments that removed provisions that severely limited access to justice, however, **OHA maintains concerns that this measure 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.**

Many development projects incorporate affordable housing components or may qualify as clean energy projects under broad statutory definitions. Large mixed-use developments, which would fall under the definition of affordable housing proposed, 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.

**OHA is concerned about the proposed reduction of the time period to initiate judicial proceedings from 120 to 30 days, particularly where a project proceeds without the environmental review required by law.** When an environmental assessment or environmental impact statement is properly prepared and published, parties receive notice through established public processes. However, required environmental review is not conducted, the public may receive no advance notice. In such cases, community members may only become aware of the issue once construction or ground-disturbing activity begins.

Under the measure, the filing period may begin when the proposed action starts, even if no public notice has been issued. This creates a significant risk that legitimate claims will be barred before affected communities have a reasonable opportunity to identify violations and seek judicial review.

Similarly, the measure reduces the time to initiate proceedings from 120 to 30 days where agencies fail to make a formal determination on whether an environmental impact statement is required. Aggrieved parties may face the same public notice limitations in the absence of a formal determination.

**Accordingly, OHA recommends deleting the amendments at page 3, lines 10-16; and page 3, line 20 to page 4, line 2.** If the committees retains these amendments, OHA strongly recommends extending the time limitations to better balance public interests.

Mahalo for the opportunity to testify. OHA respectfully urges the committees to carefully consider our **COMMENTS on HB1979 HD3.**



SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair

Senator Herbert M. "Tim" Richards, III, Vice Chair

SENATE COMMITTEE ON WATER, LAND, CULTURE AND THE ARTS

Senator Chris Lee, Chair

Senator Lorraine R. Inouye, Vice Chair

SENATE COMMITTEE ON ENERGY AND INTERGOVERNMENTAL AFFAIRS

Senator Glenn Wakai, Chair

Senator Stanley Chang, Vice Chair

TESTIMONY IN OPPOSITION TO HOUSE BILL 1979 HD3

Friday, March 20, 2026, 1:00 p.m.

Conference Room 224 & Videoconference

State Capitol

415 South Beretania Street

Aloha Chairs Gabbard, Lee, and Wakai; Vice Chairs Richards, Inouye, and Chang, 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 HD3. 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.

Senate Committee on Agriculture and Environment  
Senate Committee on Water, Land, Culture and the Arts  
Senate Committee on Energy and Intergovernmental Affairs  
March 20, 2026  
Page 2

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 § 11-200.1-15(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



Testimony to  
THE COMMITTEE ON AGRICULTURE AND ENVIRONMENT  
THE COMMITTEE ON WATER, LAND CULTURE AND THE ARTS  
THE COMMITTEE ON ENERGY AND INTERGOVERNMENTAL AFFAIRS  
Friday, March 20, 2026  
1:00 PM  
Conference Room 224 & Videoconference

HB1979, HD3

Chair Gabbard, Chari Lee, Chair Wakai, Vice Chair Richards, Vice Chair Inouye, Vice Chair Chang and Members of the Committees,

Hawai'i Gas provides comments on HB1979, HD3 with amendments to strengthen this bill regarding the definition of “clean energy”. We take no position on “affordable housing project”.

Hawai'i's policy goals to achieve decarbonization and a 100% renewable energy future are grounded in the definition of “renewable energy” set forth in section 269-91, Hawaii Revised Statutes. It is important that the definition of “clean energy project” aligns with this framework and applies broadly to all renewable resources recognized under state law, rather than a limited subset.

As Hawai'i transitions its energy system, emerging and innovative technologies, such as renewable hydrogen integrated with solar and renewable gas must be clearly included. Additionally, these systems rely not only on generation, but they are also integrated with infrastructure, delivery systems, storage and essential inputs, such as electrolyzers, biodigesters, and catalysts.

To ensure clarity and avoid fragmentation of integral project components and inconsistent timelines arising from unintended judicial pathways of those components, which would ultimately slow down the delivery of clean energy projects, Hawai'i Gas recommends the following amendment:

“Clean energy project” means a project, facility, or installation that is ~~[primarily]~~ for the purpose of generating, ~~[or]~~ producing, or supporting renewable energy, as defined in section 269-91, Hawaii Revised Statutes, including infrastructure, improvements, and integral components and systems that are associated with, support, or are ancillary to the development, operation, or delivery of renewable energy ~~[using the following sources:~~

- ~~— (1) Wind;~~
- ~~— (2) The sun;~~
- ~~— (3) Falling water;~~
- ~~— (4) Geothermal; and~~
- ~~— (5) Ocean water, currents, and waves, including ocean thermal energy conversion].”~~



This amendment ensures the definition aligns with existing law, supports all renewable technologies, and enables deployment of complete, integrated clean energy systems.

Additionally, this also aligns with section 269-15.5, Hawaii Revised Statutes, which allows for appeals from Public Utilities Commission contested case decisions to proceed directly to the Hawai'i Supreme Court, underscoring the significant public importance and statewide impact of these matters.

Mahalo for the opportunity to testify.



Testimony Before the Senate Committees on  
Agriculture and the Environment  
Water, Land, Culture and the Arts  
Energy and Intergovernmental Affairs

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

Friday, March 20, 2026; 1:00 pm  
Conference Room #224 & Videoconference

**House Bill No. 1979, House Draft 3 - RELATING TO ENVIRONMENTAL REVIEW**

To the Honorable Chairs Mike Gabbard, Chris Lee and Glenn Wakai; Vice Chairs Herbert M. "Tim" Richards III, Lorraine R. Inouye and Stanley Chang; and Members of the Committees:

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.

## **In Support HB 1979 HD3**

Aloha Esteemed WLA and AEN Representative members,

Extremely Important Read!

Scorched Earth Prevention; Proposed Bill for an Act

### **Court injunction blocks commercial ocean permitting in Kā'anapali hundreds to lose jobs!**

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.

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. 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 tourist companies can use it for their business, leaving these businesses 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.

**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.

*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 Earth Justice and false testifiers. 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 utilized fishery science in its fight to counter the claim; instead, it tried to save other user groups from the same fate and argued only for definition and meaning in Act 343. Since then, the state has been blackmailed to prevent others from losing permits into keeping 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 amend HB 1979 and save Hawaii's Ocean permits and businesses from business conflict and misguided, misrepresented ecology.**

Thanks,

Ron Tubbs B.S.N.D. UHM

**HB-1979-HD-3**

Submitted on: 3/19/2026 2:44:38 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| Submitted By | Organization                     | Testifier Position | Testify           |
|--------------|----------------------------------|--------------------|-------------------|
| Dave Mulinix | Testifying for Greenpeace Hawaii | Oppose             | Remotely Via Zoom |

Comments:

Aloha Chair, Vice Chair, & Committee Members,

My name is Dave Mulinix, Co-Founder & Hawaii State Representative for Greenpeace Hawaii. On behalf of Greenpeace Hawaii's thousands of members and supporters statewide we stand in **STRONG OPPOSITION** to HB1979 Shortens 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. 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. Effective 7/1/3000. (HD3)

We fully appreciate the desire to fast-track affordable housing and clean energy projects; however, the proposed limitations on judicial review of such projects' compliance with the Hawai'i Environmental Protection Act will only invite uninformed project planning and government decisionmaking, and open the door to unknown or unintended and potentially permanent impacts including but not limited to public health and safety, ecological integrity, water and food security, cultural sites and resources, and constitutionally protected cultural practices.

A mere 30 day window to appeal violations of our environmental review laws, including and especially actions or approvals that evade the law altogether, is unreasonable and unrealistic. Concerned community stakeholders, cultural practitioners, and other members of the public may not even be made aware of violations that would require judicial intervention within this time frame, much less assess these violations, consult with lawyers, and raise the resources needed to uphold one of our bedrock environmental protections. As a result, affordable housing and clean energy projects may be approved and "locked in" notwithstanding threats to the health and safety of tenants and neighboring communities, water and food resources, native and endangered species, cultural practices, and other important public interests connected to our environment.

This measure may even incentivize proponents of controversial projects to "hide the ball," by seeking environmental review approvals from agency decisionmakers who are not subject to the Sunshine Law, and then delaying project execution until the 30 day window has passed.

While this bill is supposed to help streamline projects, it will actually result in more litigation and delay by forcing communities to preemptively file rushed lawsuits just to preserve their rights.

The proposed changes will 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.

In summary, this measure would only shelter violators of our bedrock environmental review laws at the expense of public transparency and participation, accountability, prudent project planning, and fully informed government decisionmaking.

Accordingly, we urge the Committees to **HOLD** HB1979 HD3.

Mahalo,

Dave Mulinix, Greenpeace Hawaii



**SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT  
SENATE COMMITTEE ON WATER, LAND, CULTURE AND THE ARTS  
SENATE COMMITTEE ON ENERGY AND INTERGOVERNMENTAL AFFAIRS**

March 20, 2026

1:00 PM

Conference Room 224

**In OPPOSITION to HB1979 HD3: RELATING TO ENVIRONMENTAL REVIEW**

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Aloha Chair Gabbard, Chair Lee, Chair Wakai, Vice Chair Richards, Vice Chair Inouye, Vice Chair Chang, and Members of the Committees,

On behalf of our more than 20,000 members and supporters, the Sierra Club of Hawai'i **OPPOSES** HB1979 HD3, which will substantially limit or foreclose local residents' ability to ensure that government decisionmakers, stakeholders, and the general public understand the long-term and potentially irreversible ramifications of proposed affordable housing and clean energy projects.

Our environmental review law has, for 40 years, played a critical role in ensuring that certain decisions potentially impacting our islands' environmental, cultural, and socioeconomic integrity are carefully and transparently assessed by government decisionmakers. **The environmental review law also helps to ensure that decisionmakers explicitly consider ways to avoid such impacts, to the extent feasible.** Notably, the environmental review process includes opportunities for decisionmakers and project planners to be informed by those with a wide range of specialized expertise, insight, and experiences, including Native Hawaiian traditional and customary practitioners, who can identify and offer mitigation recommendations for a broad spectrum of specific and at times esoteric impacts that may arise from particular projects.

This measure would severely undermine the functions and benefits of our environmental review law, and risk uninformed decisionmaking that may threaten the safety and health of affordable housing tenants, communities located near clean energy projects, as well as the ecological and cultural integrity and social fabric of our islands as a whole. **The 30-day time limit for requesting judicial review of agency decisions for noncompliance with our environmental review law is unreasonable and unrealistic for many with a genuine, bona fide desire to ensure transparency, accountability, and prudent planning in affordable housing and clean energy projects.** As a result, projects may move forward that carry unknown or unintended, avoidable, and potentially significant impacts including but not limited to unidentified environmental health hazards,<sup>1</sup> the destruction of native and endangered species

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<sup>1</sup> See, e.g., Stephanie Salmons, *State: Elevated levels of contaminants identified at 18 East Hawaii Schools*, HAWAII TRIBUTE HERALD, March 7, 2019, available at <https://www.hawaiitribune-herald.com/2019/03/07/hawaii-news/state-elevated-levels-of-contaminants-identified-at-18-east-hawaii->



habitat, or the permanent loss of cultural sites and constitutionally protected Native Hawaiian rights.

For example, individual cultural practitioners and community members with specialized insight and expertise of project sites, but with limited resources, will likely need more than a month to review and understand an environmental review approval, consult with an attorney or attorneys, and raise funds for legal fees and expert witnesses to file an appeal. For approvals that unlawfully avoid environmental review altogether, including decisions made by agency staff not subject to the Sunshine Law, such individuals may not even know that there is a decision to challenge until the 30-day time limit has passed. **Notably, agencies or applicants pursuing controversial projects may even be incentivized to delay breaking ground on a project until a month or longer after an approval, especially one made without the Sunshine Law or public notice, simply to evade timely public awareness and by extension, a potential legal challenge.**

In summary, the 30-day statute of limitations for environmental review challenges under this measure unreasonably and dangerously undermines a foundation of prudent environmental planning, public transparency, and informed decisionmaking that has helped to protect our long-term interests for nearly half a century – and potentially rewards those who may actively seek to evade our environmental review law.

For these reasons, the Sierra Club of Hawai'i respectfully but strongly urges the Committees to **HOLD** HB1979 HD3. Mahalo for the opportunity to testify.



To: The Senate Committee on Agriculture and Environment (AEN),  
The Senate Committee on Water, Land, Culture and the Arts (WLA)  
and  
The Senate Committee on Energy and Intergovernmental Affairs (EIG)  
From: Sherry Pollack, 350Hawaii.org  
Date: Friday, March 20, 2026, 1pm

### **In strong opposition to HB1979 HD3**

Aloha Chair Gabbard, Chair Lee, Chair Wakai, Vice Chair Richards, Vice Chair Inouye,  
Vice Chair Chang, and Members of the Committees,

I am Co-Founder of the Hawai'i chapter of 350.org, the largest international organization dedicated to fighting climate change. 350Hawaii.org **strongly opposes HB1979 HD3**. HB1979 HD3 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 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.

While there may have been good intentions behind this measure, and we appreciate the amendments which have attempted to address some of the concerns raised in the previous hearings, HB1979 HD3 still contains harmful provisions which may still result in unintended negative impacts to the protection of our natural resources. The truth is, a good project isn't really "good" if it is executed in a way that is bad. **Think Kahuku wind turbines**. When projects are not done well, including not providing an opportunity for robust community engagement, even if the intentions are "good," it ultimately does more harm in the end and hinders future efforts.

HB1979 HD3 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, discouraging legitimate legal challenges.

With regards to affordable housing, scapegoating environmental reviews only serves to promote a false narrative which will not fix a multifaceted problem that includes issues like stagnant wages, excessive permitting delays, and more. In fact, currently there are several affordable housing projects in Hawai'i that **have completed environmental reviews** but remain unbuilt or delayed, [or empty](#), due to permitting, financing, or infrastructure hurdles.

Bottom line, blaming environmental reviews avoids seeking real solutions to the housing and energy crisis. Most importantly, 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 Hawai'i 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 could potentially result in serious irreversible consequences, including threatening the health of our residents and jeopardizing the environmental resources we all depend on. **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-3**

Submitted on: 3/19/2026 9:25:53 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| Submitted By         | Organization                          | Testifier Position | Testify                |
|----------------------|---------------------------------------|--------------------|------------------------|
| Nakoolani Warrington | Testifying for Kupuna for the Moopuna | Oppose             | Written Testimony Only |

Comments:

**STRONG OPPOSITION to HB 1979 HD3**

We, Kūpuna for the Mo‘opuna, a hui of Hawaiian Homes Commission Act kūpuna beneficiary farmers from Pana‘ewa, Hawai‘i, **testify in STRONG OPPOSITION to HB 1979 HD3.**

**HB 1979 HD3 is NOT of the People, by the People, or for the People.**

This bill is of, by, and for unchecked hurried mixed-use developments, shortchanging the People’s legal review of violations of our basic environmental review laws.

HB 1979 HD3 would require **any judicial appeal** asserting noncompliance with the Hawai‘i Environmental Protection Act **to be filed within a mere 30 days** leading to unknown permanent impacts to public health and safety, sensitive or critical native species habitat, cultural sites, and constitutionally protected Native Hawaiian traditional and customary practices. The People may only become aware of the issue once construction or groundbreaking activity has begun. Hewa!

**The People say ‘A‘OLE to HB 1979 HD3.**



**TESTIMONY TO  
THE COMMITTEE ON AGRICULTURE AND ENVIRONMENT  
THE COMMITTEE ON WATER, LAND CULTURE AND THE ARTS  
THE COMMITTEE ON ENERGY AND INTERGOVERNMENTAL AFFAIRS**

Friday, March 20, 2026

1:00 PM

Conference Room 224 & Videoconference

**HB1979, HD3**

Chair Gabbard, Chair Lee, Chair Wakai, Vice Chair Richards, Vice Chair Inouye, Vice Chair Chang and Members of the Committees,

Hawaii Clean Power Alliance (HCPA) provides **comments on HB1979 HD3**, which shortens 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. 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.

While well intentioned, the bill may create unintended consequences. The bill explicitly treats actions involving certain projects differently from all other actions subject to HRS Chapter 343. this creates a two-tiered environmental review system, where identical environmental impacts are treated differently based solely on the label attached to the project. This undermines the principle that environmental review is impact-based, not project-type-based, and invites claims of unequal treatment and procedural unfairness.

We understand the intent of the bill is to provide clean energy projects an expedited process if challenged, however, we respectfully note that, as currently structured, the bill may not necessarily hasten the development and delivery of "clean energy." By elevating disputes to higher courts, the process may become more costly and time-consuming. Lower courts are often able to more quickly determine whether claims have merit, providing early resolution. In contrast, extended timelines with no clear endpoint create significant uncertainty for developers.

This uncertainty carries real consequences. Clean energy projects are typically subject to strict commercial operation deadlines, and delays can result in substantial financial exposure, including millions of dollars in liquidated damages if projects are not delivered by their guaranteed commercial operation date. Faced with this level of risk and no predictable timeline for resolution, developers may be forced to terminate projects prematurely.

Additionally, challenges from land use and construction do not represent the primary bottlenecks or risks for energy projects, and automatic Supreme Court Transfer may potentially overburden the courts.

However, if the committees decide to move this bill forward, we respectfully request that consideration be given to define "Clean Energy" as the same definition of "Renewable Energy" as defined in HRS§ 269.91. It is important to harmonize these definitions to support the state's renewable energy and decarbonization goals.

We respectfully also recommend amendments to ensure that clean energy projects are treated as integrated systems, including all infrastructure and components necessary for their development and operation. This will help avoid unintended procedural outcomes of different components, which could create two different timelines for the project. It would ensure consistent and timely review of these integrated systems.

Thank you for the opportunity to provide these comments.

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March 19, 2026

Senator Mike Gabbard, Chair  
Senator Herbert M. "Tim" Richards, III, Vice Chair  
Committee on Agriculture and Environment  
Senator Chris Lee, Chair  
Senator Lorraine R. Inouye, Vice Chair  
Committee on Water, Land, Culture, and the Arts  
The Senate  
33<sup>rd</sup> Legislature, State of Hawai`i

via: <http://www.capitol.hawaii.gov>

Dear Committees leadership and members,

Re: **OPPOSITION TO HB1979, HD1 RELATING TO ENVIRONMENTAL REVIEW**

DATE: Friday March 20, 2026  
TIME: 1:00 pm  
PLACE: Conference Room 224& Videoconference  
State Capitol  
415 South Beretania Street

The proposed amendments seek to shorten the length of time a putative plaintiff has to file for relief in court based on what stage of review the project is in. Without saying so, the proponents of this bill want to shorten from 120 to 30 days the length of time for bringing an action against a project that has been deemed exempt from ch. 343. See Section 2 of the bill re: § 343-7.

No change in statute is necessary to meet the not new “urgent” need for affordable housing and clean energy projects. Consider please the Administrative rules of the Office of Environmental Quality Council:

**HAR § 11-200.1-15 General types of actions eligible for exemption.** (emphasis added)

(a) Some actions, because they will individually and cumulatively probably have minimal or no significant effects, can be declared exempt from the preparation of an EA.

...

(c) The following general types of actions are eligible for exemption: . . .

(1) Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing;

(2) Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced;

**(3) Construction and location of single, new, small facilities or structures and the alteration and modification of the facilities or structures** and installation of new, small equipment or facilities and the alteration and modification of the equipment or facilities, including, but not limited to:

**(A) Single-family residences less than 3,500 square feet**, as measured by the controlling law under which the proposed action is being considered, if not in conjunction with the building of two or more such units;

**(B) Multi-unit structures designed for not more than four dwelling units** if not in conjunction with the building of two or more such structures;

...

**(D) Water, sewage, electrical, gas, telephone, and other essential public utility services** and extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and, acquisition of utility easements;

...

**(6) Demolition of structures**, except those structures that are listed on the national register or Hawaii Register of Historic Places;

**(7) Zoning variances except shoreline setback variances;**

...

**(9) Acquisition of land and existing structures, including single or multi-unit dwelling units, for the provision of affordable housing**, involving no material change of use beyond previously existing uses, and for which the legislature has appropriated or otherwise authorized funding; and

**(10) New construction of affordable housing**, where affordable housing is defined by the controlling law applicable for the state or county proposing agency or approving agency, that meets the following:

**(A) Has the use of state or county lands or funds or is within Waikiki as the sole triggers for compliance with chapter 343, HRS;**

**(B) As proposed conforms with the existing state urban land use classification;**

**(C) As proposed is consistent with the existing county zoning classification that allows housing; and**

**(D) As proposed does not require variances for shoreline setbacks or siting in an environmentally sensitive area, as stated in section 11-200 .1-13 (b) (11).**

HRS § 343-7 comes into play with the appearance of a question of notice. Just how does a putative plaintiff find out about a project exemption determination?

**HAR § 11-200.1-17 Exemption notices.** (emphasis added).

...

(b) To declare an exemption prior to implementing an action, an agency shall undertake an analysis to determine whether the action merits exemption pursuant to section 11- 200.1-15 and is consistent with one or several of the general types listed in section 11-200.1-15 or the agency's exemption list produced in accordance with section 11-200.1-16[.] . . . This analysis and consultation shall be documented in an exemption notice.

**(c) Each agency shall electronically provide its exemption notices for review upon request by the public or an agency, and shall submit a list of exemption notices that the agency has created to the office for publication in the [OEQC] bulletin on the eighth day of each month pursuant to subchapter 4.**

While publication in the OEQC might be legal notice, actual putative plaintiff notice typically is served after the development is underway because environment impacts have been actually experienced/witnessed. 30 days from the date of publication of the exemption notice clearly is an insufficient amount of time for members of the general public to find out about the exemption in the first instance, let alone mount a legal challenge to it. That is why the statute affords the public 120 days to do so.

Next, the “clean energy project” exception sought by the proponents of this bill also must be rejected. The definition proposed in the bill is inadequate. While it defines “energy project” maybe sufficiently as “a project, facility, or installation that is primarily for the purpose of generating or producing energy,” it provides no definition of “clean.” Instead, the bill defines clean as “wind; sun; falling water; geothermal; and ocean water.” (emphasis added). Geothermal, clean? Said who? When? There are no legislative findings that any of these sources of energy have been determined, deemed, or otherwise are “clean.”

The bill also proposes to strip the Supreme Court of the State of Hawai`i of its authority to determine whether a case merits transfer pursuant to HRS § 602-58. That too must be rejected as an unwarranted intrusion on judicial discretion. Furthermore, appellate rules provide for the timely disposition of transfer motions. HRAP Rule 40.2 (“The supreme court may grant or deny a discretionary application for transfer no later than the thirtieth day after the filing of the response to the application or, if no response is filed, within 30 days after the time the response could have been filed.”).

Finally, the bill does not propose a sunset provision. It therefore appears to contemplate a perpetual affordable housing and clean energy project state of emergency in the State of Hawai`i.

Thank you for your consideration of my testimony. Aloha.

/s/ Georgette A. Yaindl  
GEORGETTE ANNE YAINDL

**TESTIMONY TO  
THE COMMITTEE ON AGRICULTURE AND ENVIRONMENT  
THE COMMITTEE ON WATER, LAND CULTURE AND THE ARTS  
THE COMMITTEE ON ENERGY AND INTERGOVERNMENTAL AFFAIRS**

Friday, March 20, 2026

Conference Room 224 & Videoconference

**HB1979 HD3**

Chair Gabbard, Chair Lee, Chair Wakai, Vice Chair Richards, Vice Chair Inouye, Vice Chair Chang and Members of the Committees:

Thank you for the opportunity to comment on House Bill 1979 HD3.

Founded in 2000, Ameresco, Inc. (NYSE:AMRC) is a leading energy infrastructure solutions provider dedicated to helping customers reduce costs, enhance resilience, and decarbonize to net zero in the global energy transition. Our comprehensive portfolio includes implementing smart energy efficiency solutions, upgrading aging infrastructure, and developing, constructing, and operating distributed energy resources. As a trusted full-service partner, Ameresco shows the way by reducing energy use and delivering energy infrastructure solutions to Federal, state and local governments, utilities, data centers, educational and healthcare institutions, housing authorities, and commercial and industrial customers.

In Hawaii, Ameresco is actively developing a wide range of energy projects including energy efficiency, solar plus storage, firm dispatchable renewable generation utilizing biofuels, and more. As such, we appreciate the Committee's continued attention to promoting clean energy development in Hawaii and welcome the opportunity to offer a targeted technical comment on this legislation.

Ameresco's comments are limited to one discrete issue: the definition of "clean energy project" as set forth in HB1979 HD3. As currently drafted, the bill defines a "clean energy project" to mean:

*a project, facility, or installation that is primarily for the purpose of generating or producing energy using the following sources: (1) wind; (2) the sun; (3) falling water; (4) geothermal; and (5) ocean water, currents, and waves, including ocean thermal conversion.*

As written, the definition excludes other energy sources that the State of Hawaii has already recognized as renewable energy under existing statute such as biofuels, biogas, and hydrogen – technologies that would improve grid stability, while supporting increased solar adoption.

Hawaii Revised Statutes §269-91 already provides a comprehensive, well-established definition of “renewable energy” for purposes of the State’s Renewable Portfolio Standard. The definition reflects the State’s broad clean energy policy goals and is already in active use across Hawaii’s regulatory and permitting landscape.

Should the Committee decide to proceed with this legislation, Ameresco respectfully recommends that the Legislature align the definition of “clean energy project” in HB1979 HD3 with the existing definition of “renewable energy” under HRS §269-91, rather than creating a new, narrower definition.

This approach would offer several important benefits. First, it would ensure internal consistency across Hawaii statutes by using a single, unified definition of renewable energy rather than introducing a parallel and potentially conflicting definition through new legislation. Second, it would prevent the unintended exclusion of clean energy technologies that contribute meaningfully to Hawaii’s energy security, grid reliability, and decarbonization goals. Third, it would reduce ambiguity for project developers, regulators, and courts by anchoring the bill’s scope to an established statutory term. Finally, should the Legislature choose to amend the definition of “renewable energy” under HRS §269-91 in the future, any such updates would automatically carry through to this bill, keeping HB1979 HD3 current without requiring separate legislative action.

Additionally, we suggest that other energy infrastructure and integral components such as battery storage that supports the delivery of renewable energy projects also be addressed. Otherwise, an integrated project may be subject to divergent timelines that will lead to development risks.

Ameresco is committed to advancing Hawaii’s clean energy future and looks forward to continued partnership with the Legislature toward that shared goal. We respectfully urge the Committee to consider this targeted definitional amendment, which would strengthen the bill’s internal consistency and ensure that the full spectrum of Hawaii’s recognized renewable energy resources is treated equitably.

Thank you for the opportunity to testify.

Respectfully,

*Mark Fowler*

Mark Fowler  
Senior Director, Government Relations  
Ameresco

**SARA STEINER**  
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March 17, 2026

COMMITTEES ON AGRICULTURE AND ENVIRONMENT, WATER, LAND, CULTURE &  
ARTS, ENERGY & INTERGOVERNMENTAL AFFAIRS

RE: OPPOSE HD 1979 HD 3  
*Relating to KILLING ENVIRONMENTAL REVIEW specifically for geothermal  
projects and other fast-track projects such as “affordable” housing or  
“renewable energy”*

Aloha AEN/WLA/EIG:

I just can't believe you folks are even considering this outright removal of due process for poor residents in areas targeted for geothermal development, somehow considered “renewable” even though it is not, as we have seen in Puna, no less than 22 wells in 35 years and they still can't even meet their electrical quota with HELCO. In fact, I have heard that PGV has been burning oil in their 3 large diesel generators to sell to HELCO just to meet their contract. Maybe you in the Leg should investigate before you condemn us like this!!!

Have you not noticed that the residents surrounding Puna Geothermal Venture have had to resort to filing over 3 dozen lawsuits in as many years SPECIFICALLY BECAUSE WE HAVE NO HEALTH OR ENVIRONMENTAL PROTECTIONS FOR THE HAZARDOUS INDUSTRY.

So, it is the year 2026, and we have the technology to monitor and protect the environment – but the State of Hawaii Legislature thinks that isn't necessary for geothermal plants wanting to drill miles underground to fracture the ground for heat and water to power highly variable unproven geothermal power.

Hello, Sorry, but STRENGTHENING ENVIRONMENTAL LAWS AND RULES is exactly what we need now more than ever, not to loosen protections for vulnerable populations in targeted development areas.

How RUDE that the Hawaii Legislature thinks attorneys shouldn't be paid for bringing and winning pro bono contingency lawsuits against polluters? WOW, you should be ashamed to pass this bill! Because then you are enabling polluters, that is exactly what you are doing.

NO PASS HB 1979 HD3!! Don't waste any more time removing environmental protections for the worst polluters!!! I've attached my latest Reply Brief about rulemaking before permits!!

*/s/ Sara Steiner*

Sara Steiner  
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[pahoatoday@gmail.com](mailto:pahoatoday@gmail.com)  
*Self-represented Appellant*

**Electronically Filed**  
**THIRD CIRCUIT**  
**3CCV-25-0000467**  
**11-MAR-2026**  
**04:25 PM**  
**Dkt. 34 RB**

ENVIRONMENTAL COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

SARA STEINER,

Petitioner/Appellant

v.

STATE OF HAWAII DEPARTMENT OF  
HEALTH CLEAN WATER BRANCH  
UNDERGROUND INJECTION CONTROL,  
Respondent/Appellee

CIVIL NO: 3CCV-25-0000467  
**(Agency Appeal)**

NOTICE OF APPEAL FROM DENIAL OF  
RULEMAKING PETITION TO STATE OF  
HAWAII DEPARTMENT OF HEALTH  
CLEAN WATER BRANCH  
UNDERGROUND INJECTION CONTROL  
SIGNED BY DIRECTOR OF HEALTH  
KENNETH S. FINK ON 10/14/2025;  
EXHIBITS "1-2"; CERTIFICATE OF  
SERVICE

**REPLY BRIEF OF THE APPELLANT**

**JEFS electronic service provided for all parties on day of filing.**



## REPLY BRIEF OF THE APPELLANT

I believe the State of Hawaii is not acting in good faith pursuant to HAPA. The State's Answering Brief, page 8 Introduction opens with **“The Legislature granted the public the opportunity to share their ideas for administrative rules with agencies under chapter 91... HAPA gives the public a way to propose wording of administrative rules directly through a petition for rulemaking...”(emphasis added)**. In this instant matter, I am a “member of the public” and I “shared my ideas for administrative rules” via chapter 91!

The State seems confused if I am appealing the denial of my petition or the denial of the reconsideration [AB 8]. I'm positive I said I am appealing both denials because I am contending the Health Department's Rulemaking laws (HRS§ 91-3, 91-6) and the Health Department's rulemaking rules HAR §11-1-51 are UNCONSTITUTIONAL because they do not provide due process to this Petitioner whose proposed rules actually did meet the exact spirit and letter of HAR § 11-1-51, including the designation of affected statutes and wording of proposed definitions and proposed rules laid out at (b)(4).

The State of Hawaii fails to mention that their rulemaking rules come with a mandatory “public hearing” and plenty opportunity for the public and other agencies to submit their own comments or versions of the rules pursuant to HAR § 11-1-53. *Perhaps the rulemaking rules relating to appeals and reconsiderations were never finished, because there is a HAR § 11-1-54 and 55, which were left blank for future rules.* I believe because of the mandatory hearing called for in HAR 11-1-53, that “HAPA” or HRS § 91-14 can apply to agency rulemaking appeals and I am pretty sure that is how the other Hawaii rulemaking caselaw I cited survived standing arguments and made it to the higher courts.

The State throws it out that I “should just file another Petition, and I can do so at any

time” [AB 8]. Why would I waste time filing another petition when they can’t be bothered to send me an email and say, “hey Sara, your rules are kind of wordy” (or whatever their real problem is) and give me a way to rectify it... Instead of communicating with me, they just dismissed it with no cause shown and I have a right to be shown the cause my petition was dismissed SO I CAN RECTIFY IT!

The Fact is that State of Hawaii filed a 22-page Answering Brief that does not discuss how my proposed rules did not meet the spirit and letter of the unambiguous wording of that rule. Instead, the State claims on page 9 of their AB that Director Fink “denied the petition as it failed to meet the requirement of [HAR] §11-1-51(b)(4) which provides that “[t]he petition shall include (4) The text of the proposed rule...” The State says instead of the proposed rules I included a “lengthy discussion regarding seismic monitoring and geothermal energy” and then go on to say, “Director Fink’s letter informed Appellant that based on her failure to include text of the proposed rules, her Petition was dismissed pursuant to HAR §11-1-51(d)”.

Your Honor, *that is not true the State made that up!* The Order clearly states “The Petition’s **description of what the DOH should prepare** does not meet the letter nor the spirit of the unambiguous wording of that rule” (**emphasis added**). I am contending the text of my proposed rules, clearly labeled “TEXT OF THE PROPOSED RULE” on pages 9 – 13 of Petition [ROA pg 11-15] exactly met the legal definitions of spirit and intent of the rule and I also met the Black’s definition of proposed rules in my Opening Brief. Here, again, my petition complied with every requirement of. HAR § 11-1-51(b): The Petition was filed in Writing per section (b) [ROA -] and included my name, address and phone number pursuant to (b)(1) [ROA -]. I signed the Petition according to Section (b)(2) and I gave statements of reasons in support of the proposed rule (b)(3) *and* I attached Text of my Proposed Rules according to (b)(4) as well as

giving a Statement of reasons in support of the proposed rule (b)(5) and Other relevant information at (b)(6).

Regarding Jurisdictional Standards and Judicial Review of Administrative Decisions; I am not an attorney, so while I may be confused on jurisdiction issues, it appears the State is just as confused as me in their arguments. Therefore, I trust the Environmental Court will give deference to the environment as they rule on this case. To the best of my ability, I cited Hawaii rulemaking cases such as Costa v Sunn and Rowley because they were rulemaking cases discussing contents of proposed rules and how the State FAILED to follow their own rules and the cases were remanded to do a better job. Yes, I sincerely believe arbitrary denials without proof are able to be appealed according to HRS § 91-14.

The State is Correct; there is No Deference owed the Agency. This Petitioner has met the heavy burden of proof that the Director's Order was unjust and unreasonable and therefore, invalid [AB 11]. **The clearly erroneous test is for the EC to determine whether my proposed rules met the spirit and letter of HAR § 11-1-51(d)(4). I certainly did meet that proof, and the Court should be feeling that a firm and definite conviction that a mistake has been made.**

Regarding the Environmental Court giving deference to the State of Hawaii Department of Health Clean Water Branch acting in their "sphere of expertise" [AB 11] I am contending the State has NO GREAT EXPERTISE IN GEOTHERMAL MONITORING, REGULATION OR ADMINISTRATION and therefore should not be afforded blank deference. I see the DOH's Underground Injection Control rules are archaic from when they set up the initial program; dated 1984 and updated one time in 1992 (i.e: HAR § 11-23-9 and 12. Application procedures for UIC permits). I know currently the State is lagging far behind their counterparts in the mainland, that

is why I tried to get the State involved to make rules now so we can get some new technology involved in monitoring the State Land they are liable to the residents of Hawaii to maintain.

The State's AB page 12 states if this case is remanded "to consider the Reconsideration" which would "then be denied again because I didn't provide my "text of the proposed rule"", where my rules were absolutely titled and contained in the Petition at ROA 11-15. **This is another outright LIE and there should be sanctions for LYING!!!** My Appeal asks for the Petition to be remanded back to the Health Department to begin making rules, not to waste any more time ping-ponging the Reconsideration issue, besides finding the fact it is another abuse of discretion and UNCONSTITUTIONAL lack of due process!

On page 14, the State says "DOH has discretion to decide whether to consider Appellant's Petition, and HAR § 11-1-51(4)(d) requires ""the text of the proposed rule or amendment." The State then claims Appellant's Petition did not include the text of the proposed rule or amendment, ROA at SS00009-000018." ***Your Honor they LIE AGAIN!!!*** The State perjures themselves three times with outright LIE to the Honorable Environmental Court and saying I did not attach a copy of my proposed rules when they were there the entire time. I did include the text of my proposed rules, and I am getting frustrated and disgusted responding to the Answering Brief, and I ask for sanctions: the Environmental Court should ORDER the State to ANSWER the allegations in my Appeal!!! Have the Health Department explain to Petitioner and this Honorable Court in Plain English how exactly my rules were attached to the Petition and then explain exactly how they don't meet the letter and spirit of the law. Justice deserves no less!!!

The State AB page 15 says the dismissal of the Petition did not adjudicate any specific rights, make any findings of fact or conclusions of law so therefore it doesn't fall under

“contested case”. Well, that Order Denying my Petition adjudicated my right to have rules made to protect residents and environment from geothermal impacts, it said “NO WAY SARA”. So, whether Order that is a “finding of fact” or a “conclusion of law” or just an “explanation of why you ruled the way you did,” the issue in front of the Court is: What is the spirit and letter of HAR § 11-1-51(d)(4) and did Petitioner’s “proposed rules” meet the spirit and letter of the rule?

Does the Environmental Court have jurisdiction to review the Petition and Order to determine whether my right to have rulemaking terminated for proof? I say YES, they do and it is according to HRS § 91-14 as in Judge Nakamoto’s briefing order [Dkt 22 NTCE 5.DEC.2025].

The State claims *Aulii v Lewin* does not apply to this case [AB 18] and there is no “permit” at issue here. Actually, as discussed in my Petition, the rulemaking is very timely as the Hawaii State Legislature is currently contemplating no less than 16 Geothermal Bills this 2026 session, including “permitting” any number of exploration activities relating to geothermal while requesting to expressly bypass environmental assessments in most of them (*attached as Exhibit “1” and available at: <https://search.capitol.hawaii.gov/?q=geothermal&type=measures>*)

I know and am informing this Honorable Environmental Court that the State of Hawaii Clean Water Branch Underground Injection Control program issues permits to PGV, who was just busted in 2025 for using their newest well, KS-21, *without obtaining a State of Hawaii UIC permit*. If I made a UIPA request today, I probably would find an application for another injection well for PGV either exists already or is being prepared to be filed at any time. So yes, there is or will soon be a permit, but why would I bother demanding a “contested case” when I have already filed to make rules about where to locate and how to monitor negative effects at the source for all geothermal plants, including the one we already have that is not monitored, rulemaking is what *Aulii* calls for not contested cases!!!

Also in this case, which is precedent, the State seems to have a problem with me using the term “interested person” and they don’t know why I am using it because the October 14 dismissal does not refer to “interested person” [AB 19]. I used the term because it shows to this Honorable Court that anyone interested in the issue, including myself, a member of the general public not working for the state agency (a person the Legislature created the rulemaking rules for) could file a rulemaking petition by following the rules and I got the term “interested person” from HRS § 91-6 and also HAR § 11-1-51. Again, the State’s opening remark in their Answering Brief was to confirm that the Hawaii Legislature envisioned regular folks becoming involved in important issues that concern them and offer the opportunity to make rules, so yes, they are going to get any number of personal opinions from the number of persons submitting them. The State’s job is to distill all the comments down to meaningful rules.

I also never asserted any request for emergency rulemaking in my Opening Brief. I showed the Court that there is an emergency rulemaking option, unfortunately, the State doesn’t think it’s an emergency. They sit on their okoles over there in Oahu hundreds of miles away – me over here in Puna on an active volcano that is being pressurized by millions of gallons a day of highly acidic effluents with added chemicals injected under pressure approved by the State of Hawaii “Clean Water” Branch 24/7/365 – yet nobody is monitoring the underground fractures – except supposedly PGV themselves as proprietary information . How does the State protect the State resource? Currently, they let PGV “self-regulate” and operate without meaningful permits or rules or laws and that is going to change!!! We have the technology to source monitor and provide the details to the public real-time and the rules just need to be made!

Of course, the DOH does not address the merits of my petition which are made expressly to promote safety in geothermal operations [AB 20]. This rulemaking Petition is timely and

necessary as the Kilauea Volcano is very active and the Maunaloa Volcano is showing unrest as well<sup>1</sup> exactly in the Southwest Rift Zone one of the Hawaiian Home Lands areas the State is pushing for geothermal. *Case v Ching* says the State needs to monitor the use of “State Land” at Pohakuloa even if it is used by the Federal Military, the State is the one with the duty to monitor.

Puna Geothermal Venture uses State land (geothermal resource it pays royalties for) and we know PGV causes earthquakes and subsidence and also is located in a residential zone and has subjected the residents to untold gassings and emergencies. They are “untold” because there is NO MONITORING so there is NO PROOF that PGV impacts the humans and environment, so it is time for rulemaking NOW, not after the Legislature passes acts that try and limit environmental review and fast track drilling in sensitive areas and commit untold millions of dollars of taxpayer money to remove the risks involved for the wealthy toxic polluting industry.

I did not file a Petition to decide the rights for the “individual” Sara Steiner, I filed that Petition because there are Constitutional Rights for Residents of the Entire Island of Hawaii, including Hawaiians on Hawaiian Homelands, to breathe clean air and be free from intentional pollution and intentional earthquake and subsidence harm such as that caused by geothermal operations all over the world.

Again, both 91-3 and 11-1-51 allow for “interested persons” to submit proposed rules. We must start somewhere and excuse me that my proposed rules absolutely reflect the last 35 years of negative experiences and newly discovered evidence after the 2018 eruption of negative underground impacts from Puna Geothermal Venture BECAUSE THEY ARE PROBLEMS THAT NEED RULES MADE BEFORE PERMITTING ANYMORE GEOTHERMAL.

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<sup>1</sup> <https://www.bigislandvideonews.com/2026/02/28/volcano-watch-scientists-detect-changes-in-maunaloa-inflation-pattern/>

Whether the comments are testimony taken are under oath and subject to cross examination (contested case) or public comments and documents in a rulemaking public hearing, they are conducted pursuant to HAPA and I still have a right to appeal blatantly WRONG Orders!

It isn't like I am lying about the need for rules, and I clearly attached my proposed rules to be subject to vetting by the plethora of government agencies with their fingers in the geothermal permitting mess. I am trying to simplify things and protect the residents and environment from toxic polluters as well as "facilitate the "conduct of [DOH] business, and I am not talking about business as usual, I am talking about meaningful rules to protect life and water and aina, not enabling any more for-profiters looking to suck off the Hawaii taxpayer tits!

WOW, Your Honor, on page 18, the State FINALLY ADMITS I filed proposed "definitions" but they claim the examples are "my own views and opinions". Your Honor, I clearly attached supporting exhibits authored by scientists and geothermal industry that show negative impacts of geothermal in Hawaii. That isn't just "my wishes or my own views or opinions". I have shown geothermal plants present a "clear and present DANGER" that the State of Hawaii needs to make rules for before permitting any more of them. If my proposed rules have a bent on my wishes, well I had to start somewhere!! I am not an attorney. Hello, that is what the rulemaking procedure is for - to hold public hearing and notify the public about the proposed rules to they can input their views as well as the agencies!

Baker v Young is a case over statutory interpretation of plain language. Here there is no ambiguity in the Rulemaking Rule or my "proposed rules:" submitted with the Petition. The ambiguity exists in the Denial Letter which does not discuss the errors in my proposed rules so they can be corrected.

The State says *Aulii v Lewin* does not apply to this case, that there is no permit at issue [AB 18]. I clearly stated in my Petition that the rulemaking was to begin immediately because the State is in the process of funding geothermal exploration and we need rules for siting and seismic and subsidence monitoring of the existing geothermal plant. I am certain *Aulii* is perfectly on topic, because as we speak, I bet PGV either has an application before the State of Hawaii Clean Water Branch for its next injection well or if they don't have one yet, they will soon as their electric production has dropped since they were having trouble with their newest UIC well, KS-21.

I found out PGV operated that well for over 2 years *without a DOH UIC permit* until the State even noticed in February 2025. I don't know why it took over 2 years for the State to figure out about the well usage as PGV supposedly files monthly reports with the State. I guess nobody at CWB looks at those, but once they did, they told PGV to shut down the well immediately. Instead of shutting it down, PGV operated it for another 2 ½ months, until April 2025 before shutting it down. Did PGV get any sanctions? UIPA wants me to pay \$60 to find out and I am low-income and can't afford it.

Anyway, since the State brought up the fact that we need a permit, I can assure you we have one now or will have a State of Hawaii Department of Health Clean Water Branch Underground Injection Control permit for PGV's next injection well, and then according to the State, we can demand a contested case. But why would we do that, here is where *Aulii* is perfect and that is why I demanded the rulemaking instead of piecemeal contested case which could contain demands for seismic and subsidence monitoring for PGV but will mean nothing for the other geothermal plants to come.

Industry-wide safety rules need to be made now, not after permits are granted. The Siting requirements are necessary to prevent future disasters to other communities as the community surrounding PGV has experienced for decades with no meaningful emergency notification, responses, or monitoring of hazards so there is no record of harm.

For the reasons stated above, this case needs to be remanded back to the Health Department as Petitioner clearly shown this Environmental Court that she attached the Text of the Proposed Rules to her Petition which clearly met letter and spirit of HAR § 11-1-51(b)(4).

DATED: Pahoia, Hawaii, March 11, 2026.

*/s/ Sara Steiner*  
Sara Steiner, *self-represented*  
Petitioner/Appellant



## Measures

Search Query: "geothermal"

Found 16 results in Measures

- DC21** 2026  
**Title:** From the Department of Land and Natural Resources, dated November 14, 2025, transmitting the **Geothermal** Royalties Dispositions and Status of **Geothermal** and Cable System Development Fiscal Year 2025 report pursuant to Sections 182-18 and 196D-11, HRS.  
**Report Title:** Rpt; **Geothermal** Royalties Dispositions and Status of **Geothermal** and Cable System Development Fiscal Year 2025 Report; DLNR  
  
**Current Status:** Filed.  
(2026-01-21)  
  
[https://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=DC&billnumber=21&year=2026](https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=DC&billnumber=21&year=2026)
- HB1020 HD1 SD2** 2026  
**Title:** RELATING TO A PROGRAM TO CHARACTERIZE CARBON SEQUESTRATION POTENTIAL AND UNDERGROUND WATER RESOURCES STATEWIDE.  
**Description:** Establishes a Carbon Sequestration, Underground Water, and **Geothermal** Exploration Resource Characterization Program via slim hole bores and requires a related statewide environmental assessment. Requires a report to the Legislature. Establishes positions. Appropriates funds. Effective 7/1/3000. (SD2)  
**Report Title:** Department of Business, Economic Development, and Tourism; Carbon Sequestration; Water Resources; **Geothermal** Exploration; Report; Positions; Appropriations  
  
**Introduced by:** NAKAMURA (Introduced by request of another party)  
**Companion:** SB1339  
**Current Referral:** EIG/AEN, WAM  
  
**Current Status:** Conference Committee Meeting will reconvene on Friday, 04-25-25 at 5:55PM in Conference Room 325.  
(2025-04-25)  
  
[https://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=HB&billnumber=1020&year=2026](https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=1020&year=2026)



**Title:** RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

**Description:** Appropriates funds to the Department of Hawaiian Home Lands for water well development for geophysical investigation, exploration, and identification of **geothermal** resources on Hawaiian home lands. Effective 7/1/3000. (HD2)

**Report Title:** DHHL; Hawaiian Home Lands; **Geothermal** Resources; Appropriation

**Introduced by:** HOLT, EVSLIN, KAHALOA, KUSCH, LAMOSAO, LEE, M., LOWEN, MARTEN, MATAYOSHI, MIYAKE, SOUZA, TARNAS, Kila

**Current Referral:** HWN/EIG, WAM

**Current Status:** Referred to HWN/EIG, WAM.  
(2025-03-04)

([https://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=HB&billnumber=1307&year=2026](https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=1307&year=2026))

4. **HB1403**

2026

**Title:** RELATING TO **GEOTHERMAL** ENERGY EXPLORATION.

**Description:** Appropriates funds to the Department of Business, Economic Development, and Tourism for the exploration and identification of **geothermal** resources on Hawaii island.

**Report Title:** DBEDT; **Geothermal** Energy; Hawaii Island; Exploration; Identification; Appropriation

**Introduced by:** LOWEN (Introduced by request of another party).

**Current Referral:** EEP, ECD, FIN

**Current Status:** Referred to EEP, ECD, FIN, referral sheet 4  
(2025-01-27)

([https://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=HB&billnumber=1403&year=2026](https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=1403&year=2026))

5. **HB1981 HD1**

2026

**Title:** RELATING TO A PROGRAM TO CHARACTERIZE CARBON SEQUESTRATION POTENTIAL AND **GEOTHERMAL** AND UNDERGROUND WATER RESOURCES STATEWIDE.

**Description:** 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. Effective 7/1/3000. (HD1)

**Report Title:** Hawaii State Energy Office; Carbon Sequestration; Water Resources; **Geothermal** Exploration; Appropriations

**Introduced by:** LOWEN, EVSLIN, ILAGAN, KAPELA, KEOHOKAPU-LEE LOY, KUSCH, MARTEN, MATAYOSHI, OLDS, TARNAS, TEMPLO, WOODSON

**Current Referral:** EEP, FIN

**Current Status:** Passed Second Reading as amended in HD 1 and referred to the committee(s) on FIN with none voting aye with reservations; Representative(s) Pierick voting no (1) and Representative(s) Cochran, Lee, M., Poepoe excused (3).  
(2026-02-17)

([https://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=HB&billnumber=1981&year=2026](https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=1981&year=2026))

## 6. **HB1982 HD2**

2026

**Title:** RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

**Description:** Appropriates funds to the Department of Hawaiian Home Lands for certain **geothermal** resource exploration and development activities and the hiring of consultants. Requires the Department of Hawaiian Home Lands to engage in consultation with beneficiaries of Hawaiian home lands regarding activities funded and to comply with the environmental impact statements law. Effective 7/1/3000. (HD2).

**Report Title:** DHHL; Hawaiian Home Lands; **Geothermal** Resources; Beneficiary Consultation; Environmental Impact Statements; Appropriation

**Introduced by:** LOWEN, EVSLIN, HOLT, ILAGAN, KEOHOKAPU-LEE LOY, KUSCH, LA CHICA, LEE, M., MARTEN, MATAYOSHI, MIYAKE, MORIKAWA, OLDS, QUINLAN, TAKAYAMA, TAKENOUCI, TAM, TARNAS, TEMPLO, WOODSON, Kila

**Current Referral:** EEP, JHA, FIN

**Current Status:** Report adopted; referred to the committee(s) on FIN as amended in HD 2 with Representative(s) Alcos, Amato, Gedeon, Matsumoto, Perruso, Reyes Oda, Shimizu voting aye with reservations; Representative(s) Cochran, Garcia, Muraoka, Pierick, Poepoe voting no (5) and none excused (0).  
(2026-02-18)

([https://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=HB&billnumber=1982&year=2026](https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=1982&year=2026))

## 7. **HB1983**

2026

**Title:** RELATING TO NATURAL RESOURCES.

**Description:** Authorizes geological subsurface characterization activities conducted by a public research institution under certain conditions. Clarifies that boreholes or test holes drilled for the purposes of geological subsurface characterization are distinct from water well exploration and **geothermal** or mineral exploration. Requires the Department of Business, Economic Development, and Tourism, to designate the Hawaii Groundwater and **Geothermal** Resources Center of the University of Hawaii, or a successor entity, as the repository for data collected from any geological subsurface characterization activity. Requires the Department of Hawaiian Home Lands to designate a repository or be the repository for any scientific data collected from any geological subsurface characterization activity on lands it holds in trust. Requires the Department of Land and Natural Resources to amend its exemption list to specify that certain geological subsurface characterization activities shall be exempt from the environmental review process or shall only require an exemption notice. Requires the University of Hawaii to amend its exemption list to specify that certain geological subsurface characterization activities shall be exempt from the environmental review process or shall only require an exemption notice. Requires the Department of Health to amend its rules related to hazardous waste and hazardous waste management for consistency with federal regulations to specify that certain waste products generated by geological subsurface characterization activity are exempt from hazardous waste management requirements. Requires that the first site where a borehole or test hole is drilled shall be on lands owned by DHHL. Establishes the Hawaii Groundwater and **Geothermal** Resources Center within the School of Ocean and Earth Science and Technology of UH Manoa. Appropriates funds.

**Report Title:** DBEDT; DLNR; DOH; DHHL; UH; SOEST; HGGRC; Geological Subsurface Characterization; Natural Resources; Groundwater; **Geothermal** Resources; Hazardous Waste; Exemptions; Administrative Rules; Appropriations

**Introduced by:** LOWEN

**Companion:** SB2901

**Current Referral:** EEP, JHA, FIN

**Current Status:** The committee(s) on EEP recommend(s) that the measure be deferred.  
(2026-02-11)

([https://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=HB&billnumber=1983&year=2026](https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=1983&year=2026))

8. **HB2262**

2026

**Title:** RELATING TO A PROGRAM TO CHARACTERIZE THE POTENTIAL OF UNDERGROUND ENERGY RESOURCES STATEWIDE.

**Description:** Establishes the Underground Energy Resource Characterization Program to identify the location and characteristics of underground energy resources through the use of slim-hole bores and requires a related environmental assessment or environmental impact statement. Requires a report to the legislature. Appropriates funds.

**Report Title:** Hawaii State Energy Office; Water Resources; **Geothermal** Exploration; University of Hawaii; Appropriation

**Introduced by:** NAKAMURA (Introduced by request of another party).

**Companion:** SB3081

**Current Referral:** EEP, WAL, FIN

**Current Status:** Referred to EEP, WAL, FIN, referral sheet 5  
(2026-01-30)

([https://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=HB&billnumber=2262&year=2026](https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=2262&year=2026))

9. **SB1269 SD1 HD2**

2026

**Title:** RELATING TO **GEOTHERMAL** RESOURCES.

**Description:** Appropriates funds to the Department of Business, Economic Development, and Tourism for continued exploration and identification of **geothermal** resources and commercial viability for utility-scale **geothermal** production in counties with a population of less than 300,000, with certain limitations. Effective 7/1/3000. (HD2).

**Report Title:** DBEDT; **Geothermal** Resources; Appropriation

**Introduced by:** INOUYE

**Current Referral:** EEP/ECD, CPC, FIN

**Current Status:** Received notice of Senate conferees (Sen. Com. No. 851).  
(2025-04-21)

([https://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=SB&billnumber=1269&year=2026](https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=1269&year=2026))

10. **SB1339 SD1**

2026

**Title:** RELATING TO A PROGRAM TO CHARACTERIZE CARBON SEQUESTRATION POTENTIAL AND UNDERGROUND WATER RESOURCES STATEWIDE.

**Description:** Establishes a statewide underground water and carbon sequestration resource characterization program via slim hole bores and a related statewide environmental assessment. Effective 5/13/2040. (SD1)

**Report Title:** Hawaii State Energy Office; Carbon Sequestration; Water Resources; **Geothermal** Exploration; Appropriations

**Introduced by:** KOUCHI (Introduced by request of another party).

**Companion:** HB1020

**Current Referral:** EIG/AEN, WAM

**Current Status:** Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM.  
(2025-02-11)

([https://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=SB&billnumber=1339&year=2026](https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=1339&year=2026))

11.

## **SB151 SD1**

2026

**Title:** RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

**Description:** Establishes a permitted interaction group within the Department of Hawaiian Home Lands. Appropriates funds to the Department of Hawaiian Home Lands to continue geophysical data collection, investigation, exploration, and identification of **geothermal** resources on Hawaiian home lands. Authorizes DHHL to hire consultants. Effective 7/31/2050. (SD1).

**Report Title:** DHHL; **Geothermal** Resources; Permitted Interaction Group; Appropriations

**Introduced by:** KEOHOKALOLE, CHANG, HASHIMOTO, KANUHA, Moriwaki

**Current Referral:** HWN/EIG, WAM

**Current Status:** Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM.  
(2025-02-11)

([https://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=SB&billnumber=151&year=2026](https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=151&year=2026))

12.

## **SB2636**

2026

**Title:** RELATING TO **GEOTHERMAL** ENERGY.

**Description:** Short form bill.

**Report Title:** Short Form; **Geothermal** Energy.

**Introduced by:** KANUHA

**Current Referral:** HWN

**Current Status:** Referred to HWN.  
(2026-01-28)

([https://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=SB&billnumber=2636&year=2026](https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=2636&year=2026))

13.

**SB2901**

2026

**Title:** RELATING TO NATURAL RESOURCES.

**Description:** Authorizes geological subsurface characterization activities conducted by a public research institution under certain conditions. Clarifies that boreholes or test holes drilled for the purposes of geological subsurface characterization are distinct from water well exploration and **geothermal** or mineral exploration. Requires the Department of Business, Economic Development, and Tourism, to designate the Hawaii Groundwater and **Geothermal** Resources Center of the University of Hawaii, or a successor entity, as the repository for data collected from any geological subsurface characterization activity. Requires the Department of Hawaiian Home Lands to designate a repository or be the repository for any scientific data collected from any geological subsurface characterization activity on lands it holds in trust. Requires the Department of Land and Natural Resources to amend its exemption list to specify that certain geological subsurface characterization activities shall be exempt from the environmental review process or shall only require an exemption notice. Requires the University of Hawaii to amend its exemption list to specify that certain geological subsurface characterization activities shall be exempt from the environmental review process or shall only require an exemption notice. Requires the Department of Health to amend its rules related to hazardous waste and hazardous waste management for consistency with federal regulations to specify that certain waste products generated by geological subsurface characterization activity are exempt from hazardous waste management requirements. Requires that the first site where a borehole or test hole is drilled shall be on lands owned by DHHL. Establishes the Hawaii Groundwater and **Geothermal** Resources Center within the School of Ocean and Earth Science and Technology of UH Manoa. Appropriates funds.

**Report Title:** DBED; DLNR; DOH; DHHL; UH; SOEST; HGGRC; Geological Subsurface Characterization; Natural Resources; Groundwater; **Geothermal** Resources; Hazardous Waste; Exemptions; Administrative Rules; Appropriations

**Introduced by:** WAKAI, CHANG, RHOADS, RICHARDS, Moriwaki

**Companion:** HB1983

**Current Referral:** EDT/HWN/WLA/EDU, WAM/JDC

**Current Status:** Referred to EDT/HWN/WLA/EDU, WAM/JDC.  
(2026-01-30)

[https://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=SB&billnumber=2901&year=2026](https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=2901&year=2026)

14.

**SB3081 SD1**

2026

**Title:** RELATING TO A PROGRAM TO CHARACTERIZE THE POTENTIAL OF UNDERGROUND ENERGY RESOURCES STATEWIDE.

**Description:** Establishes the Underground Energy Resource Characterization Program to identify the location and characteristics of underground energy resources through the use of slim-hole bores and requires a related environmental assessment or environmental impact statement. Requires reports to the legislature. Appropriates funds. Effective 4/19/2042. (SD1)

**Report Title:** Hawaii State Energy Office; Water Resources; **Geothermal** Exploration; University of Hawaii; Reports; Appropriation

**Introduced by:** KOUCHI (Introduced by request of another party).

**Companion:** HB2262

**Current Referral:** EEP, WAL, FIN

**Current Status:** Referred to EEP, WAL, FIN, referral sheet 16  
(2026-03-10)

[https://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=SB&billnumber=3081&year=2026](https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=3081&year=2026)

15.

**SB3223**

2026

Title: RELATING TO NATURAL RESOURCES.

Description: Authorizes geological subsurface characterization activities conducted by a public research institution under certain conditions. Clarifies that boreholes or test holes drilled for the purposes of geological subsurface characterization are distinct from water well exploration and **geothermal** or mineral exploration. Requires the Department of Business, Economic Development, and Tourism, to designate the Hawaii Groundwater and **Geothermal** Resources Center of the University of Hawaii, or a successor entity, as the repository for data collected from any geological subsurface characterization activity. Requires the Department of Land and Natural Resources to amend its exemption list to specify that certain geological subsurface characterization activities shall be exempt from the environmental review process or shall only require an exemption notice. Requires the University of Hawaii to amend its exemption list to specify that certain geological subsurface characterization activities shall be exempt from the environmental review process or shall only require an exemption notice. Requires the Department of Health to amend its rules related to hazardous waste and hazardous waste management for consistency with federal regulations to specify that certain waste products generated by geological subsurface characterization activity are exempt from hazardous waste management requirements.

Report Title: DBEDT; DLNR; DOH; UH; Hawaii Groundwater and **Geothermal** Resources Center; Geological Subsurface Characterization; Natural Resources; Groundwater; **Geothermal** Resources; Hazardous Waste; Exemptions; Administrative Rules

Introduced by: RICHARDS

Current Referral: EDT/WLA/EDU, WAM/JDC

**Current Status:** Referred to EDT/WLA/EDU, WAM/JDC.  
(2026-02-02)

[https://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=SB&billnumber=3223&year=2026](https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=3223&year=2026)

16.

**SB993**

2026

Title: RELATING TO **GEOTHERMAL** ENERGY EXPLORATION.

Description: Requires the Hawaii State Energy Office to conduct a statewide environmental assessment for, and subsequently administer, a **Geothermal** Resources Characterization Program under the direction of the Hawaii Groundwater and **Geothermal** Resources Center at the University of Hawaii. Appropriates funds.

Report Title: HSEO; UH; **Geothermal** Energy; Environmental Assessment; **Geothermal** Resources Characterization Program;

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

**Testimony Opposing HB 1979, HD3 Relating to Environmental Review**

Submitted to Senate Committee on Agriculture and Environment, Senate Committee on Water, Land, Culture and the Arts, and Senate Committee on Energy and Intergovernmental Affairs

Friday, March 20, 2026, 1 PM Hearing in State Capitol Room 224

Neither non-compliance nor after-the-fact compliance with Chapter 343 are an acceptable form of permit streamlining.

Please hold HB 1979, HD3, or amend this bill so that it does not set deadlines which emasculate the existing reasonable workable provisions of §607-25(e)(2)(A), 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-3**

Submitted on: 3/19/2026 3:54:57 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| Keili McEvilly      | Individual          | Oppose                    | Written Testimony Only |

Comments:

Aloha Chair Gabbard, Chair Lee, Chair Wakai, Vice Chair Richards, Vice Chair Inouye, Vice Chair Chang, and Members of the Committees,

My name is Ke‘ili McEvilly from Kaneohe, and I STRONGLY OPPOSE HB1979 HD3.

I fully appreciate the desire to fast-track affordable housing and clean energy projects; however, the proposed limitations on judicial review of such projects’ compliance with the Hawai‘i Environmental Protection Act will only invite uninformed project planning and government decisionmaking, and open the door to unknown or unintended and potentially permanent impacts including but not limited to public health and safety, ecological integrity, water and food security, cultural sites and resources, and constitutionally protected cultural practices.

A mere 30 day window to appeal violations of our environmental review laws, including and especially actions or approvals that evade the law altogether, is unreasonable and unrealistic. Concerned community stakeholders, cultural practitioners, and other members of the public may not even be made aware of violations that would require judicial intervention within this time frame, much less assess these violations, consult with lawyers, and raise the resources needed to uphold one of our bedrock environmental protections. As a result, affordable housing and clean energy projects may be approved and “locked in” notwithstanding threats to the health and safety of tenants and neighboring communities, water and food resources, native and endangered species, cultural practices, and other important public interests connected to our environment.

This measure may even incentivize proponents of controversial projects to “hide the ball,” by seeking environmental review approvals from agency decisionmakers who are not subject to the Sunshine Law, and then delaying project execution until the 30 day window has passed.

In summary, this measure would only shelter violators of our bedrock environmental review laws at the expense of public transparency and participation, accountability, prudent project planning, and fully informed government decisionmaking.

Accordingly, I urge the Committees to HOLD HB1979 HD3. Mahalo nui for the opportunity to testify.

Sincerely,

Ke'ili

**HB-1979-HD-3**

Submitted on: 3/19/2026 6:21:20 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| Submitted By            | Organization | Testifier Position | Testify                |
|-------------------------|--------------|--------------------|------------------------|
| Dr. Osa Maiyanne Adaján | Individual   | Oppose             | Written Testimony Only |

Comments:

Aloha Chair Gabbard, Chair Lee, Chair Wakai, Vice Chair Richards, Vice Chair Inouye, Vice Chair Chang, and Members of the Committees,

My name is Dr. Osa Maiyanne Adaján and I **STRONGLY OPPOSE** HB1979 HD3.

I fully appreciate the desire to fast-track affordable housing and clean energy projects; however, the proposed limitations on judicial review of such projects' compliance with the Hawai'i Environmental Protection Act will only invite uninformed project planning and government decisionmaking, and open the door to unknown or unintended and potentially permanent impacts including but not limited to public health and safety, ecological integrity, water and food security, cultural sites and resources, and constitutionally protected cultural practices.

A mere 30-day window to appeal violations of our environmental review laws, including and especially actions or approvals that evade the law altogether, is unreasonable and unrealistic. Concerned community stakeholders, cultural practitioners, and other members of the public may not even be made aware of violations that would require judicial intervention within this time frame, much less assess these violations, consult with lawyers, and raise the resources needed to uphold one of our bedrock environmental protections. As a result, affordable housing and clean energy projects may be approved and "locked in" notwithstanding threats to the health and safety of tenants and neighboring communities, water and food resources, native and endangered species, cultural practices, and other important public interests connected to our environment.

This measure may even incentivize proponents of controversial projects to "hide the ball," by seeking environmental review approvals from agency decisionmakers who are not subject to the Sunshine Law, and then delaying project execution until the 30-day window has passed.

In summary, this measure would only shelter violators of our bedrock environmental review laws at the expense of public transparency and participation, accountability, prudent project planning, and fully informed government decisionmaking.

Accordingly, I urge the Committees to **HOLD** HB1979 HD3. Mahalo nui for the opportunity to testify.

Sincerely,

Dr. Osa Maiyanne Adaján

1L Law Student, William S. Richardson School of Law

**HB-1979-HD-3**

Submitted on: 3/19/2026 6:58:46 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify                |
|--------------|--------------|--------------------|------------------------|
| Diane Ware   | Individual   | Oppose             | Written Testimony Only |

Comments:

Dear Legislators,

I strongly oppose HB1979 for the following reasons:

HB1979 HD3 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.

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.

I urge you to protect our environment and cultural resources as development increases and monied individuals and developers see Hawai'i as a cas cow.

Malama 'aina and Kai,

Diane Ware Volcano 96785

**HB-1979-HD-3**

Submitted on: 3/18/2026 9:02:38 PM

Testimony for AEN on 3/20/2026 1:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Dana Keawe          | Individual          | Oppose                    | Written Testimony<br>Only |

Comments:

Strongly Oppose HB1979 HD3

Dana Keawe

Truth for the People

**HB-1979-HD-3**

Submitted on: 3/19/2026 7:28:21 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| Jim Albertini       | Individual          | Oppose                    | Written Testimony Only |

Comments:

Aloha Legislators,

Given the growing extremes of climate disaster that have been very visible in Hawaii these past few weeks, we need to provide more (NOT LESS) opportunity for climate and full environmental review in all we do.. This Bill 1979 provides less. This is a bad bill.

Mahalo for your serious consideration.

Jim Albertini, president of Malu 'Aina

**HB-1979-HD-3**

Submitted on: 3/19/2026 7:46:44 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Lisa Bishop         | Individual          | Oppose                    | Written Testimony<br>Only |

Comments:

Aloha Chairs and Committee Members,

Please defer this bill.

We can transition to clean energy and provide affordable housing in a responsible way that is sustainable, ensuring ecological protection is not sidelined. Yet this bill ignores our Environmental Court System and abandons those hard won compromises so important to Hawaii Nei.

Please defer HB1979.

Mahalo

**HB-1979-HD-3**

Submitted on: 3/19/2026 8:40:35 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| Submitted By  | Organization | Testifier Position | Testify                   |
|---------------|--------------|--------------------|---------------------------|
| Kim Jorgensen | Individual   | Oppose             | Written Testimony<br>Only |

Comments:

**No offense, but this is a REALLY BAD BILL.**

**Haste makes waste, and hurrying an environmental assessment makes haste become dangerous to the environment.**

**HB-1979-HD-3**

Submitted on: 3/19/2026 8:49:02 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| Submitted By    | Organization | Testifier Position | Testify                   |
|-----------------|--------------|--------------------|---------------------------|
| Denise Boisvert | Individual   | Oppose             | Written Testimony<br>Only |

Comments:

**While the intentions of this bill might be seen as trying to do the right thing; if passed, it will prove to be a dangerous mistake for the environment.**

**HB-1979-HD-3**

Submitted on: 3/19/2026 9:13:33 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| Submitted By      | Organization | Testifier Position | Testify                |
|-------------------|--------------|--------------------|------------------------|
| Robert Culbertson | Individual   | Oppose             | Written Testimony Only |

Comments:

Aloha Reresentatives!

This bill does not streamline justice — it restricts it.

HB1979 HD3 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.

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.**

**Mahalo!**

R A Culbertson

Honokaa

**HB-1979-HD-3**

Submitted on: 3/19/2026 8:44:01 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| Submitted By    | Organization | Testifier Position | Testify                |
|-----------------|--------------|--------------------|------------------------|
| Frederick Smith | Individual   | Oppose             | Written Testimony Only |

Comments:

Aloha Chair Gabbard, Chair Lee, Chair Wakai, Vice Chair Richards, Vice Chair Inouye, Vice Chair Chang, and Members of the Committees,

My name is Frederick Smith. I live in the Kealakekua ahupua‘a, and I am a graduate student in marine science and policy at the University of Hawai‘i at Hilo. I **strongly oppose HB1979 HD3.**

I understand the interest in moving affordable housing and clean energy projects forward more quickly. However, this bill would make it much harder for the public to challenge violations of Hawai‘i’s environmental review laws by requiring judicial appeals to be filed within only 30 days.

That is simply too short. In many cases, community members, cultural practitioners, and others affected may not even know that an agency action or approval occurred during that time, especially if the decision was not made through a public board process or if the environmental review was incomplete or skipped altogether. And even if people do become aware of a problem, 30 days is often not enough time to review the record, consult an attorney, and prepare a legal challenge.

The result is that flawed or missing environmental review could go unchallenged, creating avoidable risks to public health and safety, native species habitat, cultural sites, water resources, and Native Hawaiian traditional and customary practices.

For these reasons, I respectfully urge the Committees to **HOLD HB1979 HD3.**

Mahalo for the opportunity to testify.

Frederick Smith

**HB-1979-HD-3**

Submitted on: 3/19/2026 10:16:00 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify                |
|--------------|--------------|--------------------|------------------------|
| Lory Ono     | Individual   | Oppose             | Written Testimony Only |

Comments:

Aloha Chair Gabbard, Chair Lee, Chair Wakai, Vice Chair Richards, Vice Chair Inouye, Vice Chair Chang, and Members of the Committees,

My name is Lory Ono, and I **STRONGLY OPPOSE HB1979 HD3**

I fully appreciate the desire to fast-track affordable housing and clean energy projects; however, the proposed limitations on judicial review of such projects' compliance with the Hawai'i Environmental Protection Act will only invite uninformed project planning and government decisionmaking, and open the door to unknown or unintended and potentially permanent impacts including but not limited to public health and safety, ecological integrity, water and food security, cultural sites and resources, and constitutionally protected cultural practices.

A mere 30 day window to appeal violations of our environmental review laws, including and especially actions or approvals that evade the law altogether, is unreasonable and unrealistic. Concerned community stakeholders, cultural practitioners, and other members of the public may not even be made aware of violations that would require judicial intervention within this time frame, much less assess these violations, consult with lawyers, and raise the resources needed to uphold one of our bedrock environmental protections. As a result, affordable housing and clean energy projects may be approved and "locked in" notwithstanding threats to the health and safety of tenants and neighboring communities, water and food resources, native and endangered species, cultural practices, and other important public interests connected to our environment.

This measure may even incentivize proponents of controversial projects to "hide the ball," by seeking environmental review approvals from agency decisionmakers who are not subject to the Sunshine Law, and then delaying project execution until the 30 day window has passed.

In summary, this measure would only shelter violators of our bedrock environmental review laws at the expense of public transparency and participation, accountability, prudent project planning, and fully informed government decisionmaking.

Accordingly, I respectfully but strongly urge the Committees to **HOLD** this measure.

Mahalo nui for the opportunity to testify.

Sincerely,  
Lory Ono

**HB-1979-HD-3**

Submitted on: 3/19/2026 10:31:50 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| Submitted By       | Organization | Testifier Position | Testify                |
|--------------------|--------------|--------------------|------------------------|
| Kealii Pang, Ph.D. | Individual   | Oppose             | Written Testimony Only |

Comments:

Aloha Chair Gabbard, Chair Lee, Chair Wakai, Vice Chair Richards, Vice Chair Inouye, Vice Chair Chang, and Members of the Committees,

My name is Keali‘i Pang, Ph.D. I am a resident of Kaimukī, a lifetime member of the Hawaiian Civic Club, and have served as an environmentalist in Hawai‘i for the last 35 years. I am also a retired federal biologist and currently serve as a State Commissioner. I **STRONGLY OPPOSE** HB1979 HD3.

I fully appreciate the urgency of affordable housing and clean energy. These are not abstract policy goals — they are real needs affecting real families across our islands, and I have dedicated much of my professional life to supporting balanced, sustainable development. But this measure does not advance those goals. It undermines the very foundation of informed decision-making that makes development safe, durable, and just.

The Hawai‘i Environmental Protection Act exists because development without adequate review produces harms that communities — and especially Native Hawaiian communities — are left to live with for generations. A 30-day window to challenge violations of our environmental review laws is not a reasonable accommodation; it is a near-total foreclosure of public accountability. Concerned community members, cultural practitioners, and neighboring residents may not even learn of a violation within that timeframe, let alone assess it, secure legal counsel, and mobilize the resources needed to act. The result is that projects can be locked in — and impacts locked in with them — before anyone has a meaningful opportunity to intervene.

As a retired federal biologist, I am also deeply concerned about the unintended consequences this measure could invite. Shortening the window for judicial review does not make projects better — it makes them less scrutinized. It may actually incentivize project proponents to obscure or delay disclosure of environmental review actions until the 30-day clock has run, effectively using the statute as a shield rather than a guide.

Affordable housing and clean energy deserve to be built well, with full knowledge of their impacts on public health, water and food security, native species, cultural sites, and constitutionally protected practices. This measure would shelter violators of our bedrock environmental law at the expense of transparency, accountability, and the communities who depend on that law most.

I respectfully but strongly urge the Committees to **HOLD** HB1979 HD3.

Mahalo nui for the opportunity to testify.

Me ka 'oia'i'o,

Keali'i Pang, Ph.D.

Kaimukī, O'ahu

**HB-1979-HD-3**

Submitted on: 3/19/2026 10:37:02 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| Submitted By                     | Organization | Testifier Position | Testify                   |
|----------------------------------|--------------|--------------------|---------------------------|
| Kaleiheana-a-Pohaku<br>Stormcrow | Individual   | Oppose             | Written Testimony<br>Only |

Comments:

Aloha Chair Gabbard, Chair Lee, Chair Wakai, Vice Chair Richards, Vice Chair Inouye, Vice Chair Chang, and Members of the Committees,

My name is Kaleiheana Stormcrow and I **STRONGLY OPPOSE HB1979 HD3**

I fully appreciate the desire to fast-track affordable housing and clean energy projects; however, the proposed limitations on judicial review of such projects' compliance with the Hawai'i Environmental Protection Act will only invite uninformed project planning and government decisionmaking, and open the door to unknown or unintended and potentially permanent impacts including but not limited to public health and safety, ecological integrity, water and food security, cultural sites and resources, and constitutionally protected cultural practices.

A mere 30 day window to appeal violations of our environmental review laws, including and especially actions or approvals that evade the law altogether, is unreasonable and unrealistic. Concerned community stakeholders, cultural practitioners, and other members of the public may not even be made aware of violations that would require judicial intervention within this time frame, much less assess these violations, consult with lawyers, and raise the resources needed to uphold one of our bedrock environmental protections. As a result, affordable housing and clean energy projects may be approved and "locked in" notwithstanding threats to the health and safety of tenants and neighboring communities, water and food resources, native and endangered species, cultural practices, and other important public interests connected to our environment.

This measure may even incentivize proponents of controversial projects to "hide the ball," by seeking environmental review approvals from agency decisionmakers who are not subject to the Sunshine Law, and then delaying project execution until the 30 day window has passed.

In summary, this measure would only shelter violators of our bedrock environmental review laws at the expense of public transparency and participation, accountability, prudent project planning, and fully informed government decisionmaking.

Accordingly, I respectfully but strongly urge the Committees to **HOLD** this measure.

Mahalo nui for the opportunity to testify.

Sincerely,  
Kaleiheana Stormcrow

**HB-1979-HD-3**

Submitted on: 3/19/2026 10:39:33 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| Victoria Anderson   | Individual          | Oppose                    | Written Testimony Only |

Comments:

**Please do not pass this harmful bill:**

HB1979 HD3 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.

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.

Mahalo,

Victoria Anderson

**HB-1979-HD-3**

Submitted on: 3/19/2026 10:40:41 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| TOM DIGRAZIA        | Individual          | Oppose                    | Written Testimony<br>Only |

Comments:

Srongly oppose!!

**HB-1979-HD-3**

Submitted on: 3/19/2026 10:55:33 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify                |
|--------------|--------------|--------------------|------------------------|
| Bo Breda     | Individual   | Oppose             | Written Testimony Only |

Comments:

Aloha Chair Gabbard, Chair Lee, Chair Wakai, Vice Chair Richards, Vice Chair Inouye, Vice Chair Chang, and Members of the Committees,

My name is Bo Breda and I **STRONGLY OPPOSE HB1979 HD3**

I fully appreciate the desire to fast-track affordable housing and clean energy projects; however, the proposed limitations on judicial review of such projects' compliance with the Hawai'i Environmental Protection Act will only invite uninformed project planning and government decisionmaking, and open the door to unknown or unintended and potentially permanent impacts including but not limited to public health and safety, ecological integrity, water and food security, cultural sites and resources, and constitutionally protected cultural practices.

A mere 30 day window to appeal violations of our environmental review laws, including and especially actions or approvals that evade the law altogether, is unreasonable and unrealistic. Concerned community stakeholders, cultural practitioners, and other members of the public may not even be made aware of violations that would require judicial intervention within this time frame, much less assess these violations, consult with lawyers, and raise the resources needed to uphold one of our bedrock environmental protections. As a result, affordable housing and clean energy projects may be approved and "locked in" notwithstanding threats to the health and safety of tenants and neighboring communities, water and food resources, native and endangered species, cultural practices, and other important public interests connected to our environment.

This measure may even incentivize proponents of controversial projects to "hide the ball," by seeking environmental review approvals from agency decisionmakers who are not subject to the Sunshine Law, and then delaying project execution until the 30 day window has passed.

In summary, this measure would only shelter violators of our bedrock environmental review laws at the expense of public transparency and participation, accountability, prudent project planning, and fully informed government decisionmaking.

Accordingly, I respectfully but strongly urge the Committees to **HOLD** this measure.

Mahalo nui for the opportunity to testify.

Sincerely,  
Bo Breda

**HB-1979-HD-3**

Submitted on: 3/19/2026 10:56:46 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify                |
|--------------|--------------|--------------------|------------------------|
| Peter Wilson | Individual   | Oppose             | Written Testimony Only |

Comments:

Aloha Chair Gabbard, Chair Lee, Chair Wakai, Vice Chair Richards, Vice Chair Inouye, Vice Chair Chang, and Members of the Committees,

My name is Peter Wilson and I **STRONGLY OPPOSE HB1979 HD3**

I fully appreciate the desire to fast-track affordable housing and clean energy projects; however, the proposed limitations on judicial review of such projects' compliance with the Hawai'i Environmental Protection Act will only invite uninformed project planning and government decisionmaking, and open the door to unknown or unintended and potentially permanent impacts including but not limited to public health and safety, ecological integrity, water and food security, cultural sites and resources, and constitutionally protected cultural practices.

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This measure may even incentivize proponents of controversial projects to "hide the ball," by seeking environmental review approvals from agency decisionmakers who are not subject to the Sunshine Law, and then delaying project execution until the 30 day window has passed.

In summary, this measure would only shelter violators of our bedrock environmental review laws at the expense of public transparency and participation, accountability, prudent project planning, and fully informed government decisionmaking.

Accordingly, I respectfully but strongly urge the Committees to **HOLD** this measure.

Mahalo nui for the opportunity to testify.

Sincerely,  
Peter Wilson

**HB-1979-HD-3**

Submitted on: 3/19/2026 10:58:18 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify                |
|--------------|--------------|--------------------|------------------------|
| Nanea Lo     | Individual   | Oppose             | Written Testimony Only |

Comments:

Hello Chair Gabbard, Chair Lee, Chair Wakai, Vice Chair Richards, Vice Chair Inouye, Vice Chair Chang, and Members of the Committees,

My name is Nanea Lo and I **STRONGLY OPPOSE HB1979 HD3**

I fully appreciate the desire to fast-track affordable housing and clean energy projects; however, the proposed limitations on judicial review of such projects' compliance with the Hawai'i Environmental Protection Act will only invite uninformed project planning and government decisionmaking, and open the door to unknown or unintended and potentially permanent impacts including but not limited to public health and safety, ecological integrity, water and food security, cultural sites and resources, and constitutionally protected cultural practices.

A mere 30 day window to appeal violations of our environmental review laws, including and especially actions or approvals that evade the law altogether, is unreasonable and unrealistic. Concerned community stakeholders, cultural practitioners, and other members of the public may not even be made aware of violations that would require judicial intervention within this time frame, much less assess these violations, consult with lawyers, and raise the resources needed to uphold one of our bedrock environmental protections. As a result, affordable housing and clean energy projects may be approved and "locked in" notwithstanding threats to the health and safety of tenants and neighboring communities, water and food resources, native and endangered species, cultural practices, and other important public interests connected to our environment.

This measure may even incentivize proponents of controversial projects to "hide the ball," by seeking environmental review approvals from agency decisionmakers who are not subject to the Sunshine Law, and then delaying project execution until the 30 day window has passed.

In summary, this measure would only shelter violators of our bedrock environmental review laws at the expense of public transparency and participation, accountability, prudent project planning, and fully informed government decisionmaking.

Accordingly, I respectfully but strongly urge the Committees to **HOLD** this measure.

Me ke aloha 'āina,

Nanea Lo, 96826

Sierra Club of Hawai'i Member

Hawai'i Workers Center Board Member

Clean Elections Hawai'i Member

Honolulu Tenants Union Member

350 Hawai'i Member

Carbon Cashback Hawai'i Member

Hawai'i Tax Fairness Coalition Member

**HB-1979-HD-3**

Submitted on: 3/19/2026 11:23:16 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify                |
|--------------|--------------|--------------------|------------------------|
| Keri Zacher  | Individual   | Oppose             | Written Testimony Only |

Comments:

Aloha Chair Gabbard, Chair Lee, Chair Wakai, Vice Chair Richards, Vice Chair Inouye, Vice Chair Chang, and Members of the Committees,

My name is Keri Zacher and I **STRONGLY OPPOSE HB1979 HD3**

I fully appreciate the desire to fast-track affordable housing and clean energy projects; however, the proposed limitations on judicial review of such projects' compliance with the Hawai'i Environmental Protection Act will only invite uninformed project planning and government decisionmaking, and open the door to unknown or unintended and potentially permanent impacts including but not limited to public health and safety, ecological integrity, water and food security, cultural sites and resources, and constitutionally protected cultural practices.

A mere 30 day window to appeal violations of our environmental review laws, including and especially actions or approvals that evade the law altogether, is unreasonable and unrealistic. Concerned community stakeholders, cultural practitioners, and other members of the public may not even be made aware of violations that would require judicial intervention within this time frame, much less assess these violations, consult with lawyers, and raise the resources needed to uphold one of our bedrock environmental protections. As a result, affordable housing and clean energy projects may be approved and "locked in" notwithstanding threats to the health and safety of tenants and neighboring communities, water and food resources, native and endangered species, cultural practices, and other important public interests connected to our environment.

This measure may even incentivize proponents of controversial projects to "hide the ball," by seeking environmental review approvals from agency decisionmakers who are not subject to the Sunshine Law, and then delaying project execution until the 30 day window has passed.

In summary, this measure would only shelter violators of our bedrock environmental review laws at the expense of public transparency and participation, accountability, prudent project planning, and fully informed government decisionmaking.

Accordingly, I respectfully but strongly urge the Committees to **HOLD** this measure.

Mahalo nui for the opportunity to testify.

Sincerely, Keri Zacher



**HB-1979-HD-3**

Submitted on: 3/19/2026 11:27:23 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| Jessica Kuzmier     | Individual          | Oppose                    | Written Testimony Only |

Comments:

Aloha, I am writing in opposition to HB1979 HD3. I do not believe shortening the appeals process to 30 days is a good policy. I believe it will create the worst of both worlds, in that those who wish to file a grievance will not have enough time to gather ample evidence and on the other hand, I have trouble believing it will create a more streamlined process for industry as there still could be holds on the project due to concerns from the community. It may just create a great deal of spontaneous opposition that has been rushed through in order to meet the new deadline, and still hold up the project. Please revisit the language that stipulates this reduction in time to 30 days review. Mahalo for your consideration.

**HB-1979-HD-3**

Submitted on: 3/19/2026 12:52:37 PM

Testimony for AEN on 3/20/2026 1:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| Cheryl Ho           | Individual          | Oppose                    | Written Testimony Only |

Comments:

Chair Gabbard, Vice Chair Richards; Chair Lee, Vice Chair Inouye; Chair Wakai, Vice Chair Chang, and Members of the AEN/WLA/EIG Committees:

I strongly **oppose HB1979**, even though it *purports to benefit the timely construction of much-needed affordable housing and clean energy projects.*

*By drastically reducing the public comment period for an environmental review from 120 to 30 days, we would be shortchanging the opportunity to carefully consider the cultural and environmental impacts of construction on the people who live on the sites now, and in the future. This community needs time to reflect on the potential effects on these lands.*

**Please vote against HB1979!**

Mahalo,

Cheryl Ho, Nu'uaniu

**HB-1979-HD-3**

Submitted on: 3/19/2026 12:01:47 PM

Testimony for AEN on 3/20/2026 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify                |
|--------------|--------------|--------------------|------------------------|
| Anne Lorenzo | Individual   | Oppose             | Written Testimony Only |

Comments:

Aloha Chair Gabbard, Chair Lee, Chair Wakai, Vice Chair Richards, Vice Chair Inouye, Vice Chair Chang, and Members of the Committees,

My name is Anne M. Lorenzo and I **STRONGLY OPPOSE HB1979 HD3**

I fully appreciate the desire to fast-track affordable housing and clean energy projects; however, the proposed limitations on judicial review of such projects' compliance with the Hawai'i Environmental Protection Act will only invite uninformed project planning and government decisionmaking, and open the door to unknown or unintended and potentially permanent impacts including but not limited to public health and safety, ecological integrity, water and food security, cultural sites and resources, and constitutionally protected cultural practices.

A mere 30 day window to appeal violations of our environmental review laws, including and especially actions or approvals that evade the law altogether, is unreasonable and unrealistic. Concerned community stakeholders, cultural practitioners, and other members of the public may not even be made aware of violations that would require judicial intervention within this time frame, much less assess these violations, consult with lawyers, and raise the resources needed to uphold one of our bedrock environmental protections. As a result, affordable housing and clean energy projects may be approved and "locked in" notwithstanding threats to the health and safety of tenants and neighboring communities, water and food resources, native and endangered species, cultural practices, and other important public interests connected to our environment.

This measure may even incentivize proponents of controversial projects to "hide the ball," by seeking environmental review approvals from agency decisionmakers who are not subject to the Sunshine Law, and then delaying project execution until the 30 day window has passed.

In summary, this measure would only shelter violators of our bedrock environmental review laws at the expense of public transparency and participation, accountability, prudent project planning, and fully informed government decisionmaking.

Accordingly, I respectfully but strongly urge the Committees to **HOLD** this measure.

Mahalo nui for the opportunity to testify.

Sincerely,  
Anne M. Lorenzo

**HB-1979-HD-3**

Submitted on: 3/19/2026 11:54:50 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| Nana-Honua Manuel   | Individual          | Oppose                    | Written Testimony Only |

Comments:

Please do not pass this bill. Why affordable housing & clean energy development are in the same bill to bypass environmental reviews is confusing except from the developer standpoint. Most of what Hawaii is calling "clean & renewable" energy is not clean or renewable. Please uphold your oath to our state constitution & the important environmental protection & reviews it requires.

**HB-1979-HD-3**

Submitted on: 3/19/2026 1:26:11 PM

Testimony for AEN on 3/20/2026 1:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| Malia Marquez       | Individual          | Oppose                    | Written Testimony Only |

Comments:

Aloha Chair Gabbard, Chair Lee, Chair Wakai, Vice Chair Richards, Vice Chair Inouye, Vice Chair Chang, and Members of the Committees,

My name is Malia Marquez and I STRONGLY OPPOSE HB1979 HD3.

I fully appreciate the desire to fast-track affordable housing and clean energy projects; however, the proposed limitations on judicial review of such projects' compliance with the Hawai'i Environmental Protection Act will only invite uninformed project planning and government decisionmaking, and open the door to unknown or unintended and potentially permanent impacts including but not limited to public health and safety, ecological integrity, water and food security, cultural sites and resources, and constitutionally protected cultural practices.

A mere 30 day window to appeal violations of our environmental review laws, including and especially actions or approvals that evade the law altogether, is unreasonable and unrealistic. Concerned community stakeholders, cultural practitioners, and other members of the public may not even be made aware of violations that would require judicial intervention within this time frame, much less assess these violations, consult with lawyers, and raise the resources needed to uphold one of our bedrock environmental protections. As a result, affordable housing and clean energy projects may be approved and "locked in" notwithstanding threats to the health and safety of tenants and neighboring communities, water and food resources, native and endangered species, cultural practices, and other important public interests connected to our environment.

This measure may even incentivize proponents of controversial projects to "hide the ball," by seeking environmental review approvals from agency decisionmakers who are not subject to the Sunshine Law, and then delaying project execution until the 30 day window has passed.

In summary, this measure would only shelter violators of our bedrock environmental review laws at the expense of public transparency and participation, accountability, prudent project planning, and fully informed government decisionmaking.

Accordingly, I urge the Committees to HOLD HB1979 HD3. Mahalo nui for the opportunity to testify.

Me ka ha'aha'a,

Malia Marquez

**HB-1979-HD-3**

Submitted on: 3/19/2026 6:38:40 PM

Testimony for AEN on 3/20/2026 1:00:00 PM

| Submitted By         | Organization | Testifier Position | Testify                |
|----------------------|--------------|--------------------|------------------------|
| John & Rita Shockley | Individual   | Oppose             | Written Testimony Only |

Comments:

Aloha!

The Free Access Coalition strongly OPPOSES HB1979. If the government doesn't follow judicious guidelines, we unravel the prudent rule of law.

[HB1979 HD3](#) is a **DANGEROUS** bill that could effectively foreclose legal review of violations of our bedrock environmental review laws. It would require any judicial appeals asserting noncompliance with the Hawai'i Environmental Protection Act to be filed within a mere 30 days of an agency action or approval relating to affordable housing and clean energy projects. Cultural practitioners, environmentalists, and members of the public with limited resources are unlikely to be able to review decisions, consult with attorneys, and raise funds for legal fees and expert witnesses within such a limited time frame; for actions or approvals that are made by agency staff not subject to the Sunshine Law, members of the public may not even have the opportunity to know that a violation has occurred until well after a month has passed (particularly if no environmental review was conducted at all). As a result, uninformed decisionmaking arising from faulty or nonexistent environmental review could lead to unknown or unintended, avoidable, and permanent impacts to public health and safety, sensitive or critical native species habitat, cultural sites, and constitutionally protected Native Hawaiian traditional and customary practices.

Mahalo for your time.

**HB-1979-HD-3**

Submitted on: 3/20/2026 3:56:01 AM

Testimony for AEN on 3/20/2026 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify                |
|--------------|--------------|--------------------|------------------------|
| Jodi Rodar   | Individual   | Oppose             | Written Testimony Only |

Comments:

Aloha Chair Gabbard, Chair Lee, Chair Wakai, Vice Chair Richards, Vice Chair Inouye, Vice Chair Chang, and Members of the Committees,

I am writing to express my strong opposition to HB 1979 HD3.

I fully appreciate the desire to fast-track affordable housing and clean energy projects; however, the proposed limitations on judicial review of such projects' compliance with the Hawai'i Environmental Protection Act will only invite uninformed project planning and government decisionmaking, and open the door to unknown or unintended and potentially permanent impacts including but not limited to public health and safety, ecological integrity, water and food security, cultural sites and resources, and constitutionally protected cultural practices.

A mere 30 day window to appeal violations of our environmental review laws, including and especially actions or approvals that evade the law altogether, is unreasonable and unrealistic. Concerned community stakeholders, cultural practitioners, and other members of the public may not even be made aware of violations that would require judicial intervention within this time frame, much less assess these violations, consult with lawyers, and raise the resources needed to uphold one of our bedrock environmental protections. As a result, affordable housing and clean energy projects may be approved and "locked in" notwithstanding threats to the health and safety of tenants and neighboring communities, water and food resources, native and endangered species, cultural practices, and other important public interests connected to our environment.

This measure may even incentivize proponents of controversial projects to "hide the ball," by seeking environmental review approvals from agency decisionmakers who are not subject to the Sunshine Law, and then delaying project execution until the 30 day window has passed.

In summary, this measure would only shelter violators of our bedrock environmental review laws at the expense of public transparency and participation, accountability, prudent project planning, and fully informed government decisionmaking.

Accordingly, I respectfully but strongly urge the Committees to **HOLD** this measure.

Mahalo nui for the opportunity to testify.

Sincerely,

Jodi Rodar

**HB-1979-HD-3**

Submitted on: 3/19/2026 11:54:55 PM

Testimony for AEN on 3/20/2026 1:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| Robert Petricci     | Individual          | Oppose                    | Written Testimony Only |

Comments:

In opposition to HB1979

Agriculture and Environment

Aloha Chair Mike Gabbard, Vice Chair Tim Richards, and committee members

My name is Robert Petricci, I have lived next to the only 2 geothermal power Plants in Pohoiki Hawaii on the Big Island since before the now infamous HGP-A experimental geothermal power plant went on line in the summer of 1981.

I have attended every public hearing on geothermal development since I first became sick from the constant releases that followed the start up of HGP-A. Dr Don Thomas was the contact person who responded and oversaw what we were told was monitoring and compliance. His community monitoring system consisted of homemade 9" long 3" diameter PVC pipe with a cap on top, open on the bottom, and a sticky tab hanging inside from the top. He taped those pipes to telephone poles around Leilani Estates, I lived less than a mile downwind of the HPP-A stacks of both the "rock muffler" and the "John Zink" abatement system that was supposed to burn off the H2S. The power plant was not manned at night and operated from 1981 until it was shut down by emergency decree from the governor after a very serious release over the Labor Day weekend that sent me to the emergency room. Dr Thomas used those homemade monitors to say there were no health impacts from the constant rotten egg smell the H2S being released into our community. He insisted that the levels were well within safe levels. You can check with any independant air monitoring expert like Chris Biltoff who will tell you that the homemade system was useless in determining actual exposure levels in our community. VCpipes with a cap on top, open on the bottom, and a sticky tab hanging inside from the top. He taped those pipes to telephone poles around Leilani Estates, I lived less than a mile downwind of the HPP-A stacks of both the "rock muffler" and the "John Zink" abatement system that was supposed to burn off the H2S. The power plant was not manned at night and operated from 1981 until it was shut down by emergency decree from the governor after a very serious release over the Labor Day weekend that sent me to the emergency room. Dr Thomas used those homemade monitors to say there were no health impacts from the constant rotten egg smell the H2S being released into our community. He insisted that the levels were well within safe levels. You can check with any independant air monitoring expert like Chris Biltoff who will tell you that the homemade system

was useless in determining actual exposure levels in our community. I testified at the Hawaii County Planning Commission at PGV's first permit hearing along with maybe 100 other community members in 1989. The testimony was overwhelmingly against granting the permit without any setbacks or buffer zones. The hearing went well into the night, The planning Commission with Duane Kanuha chairing it granted the permit anyway with 51 conditions. Pgv was a disaster from the community impact standpoint. Before ever coming online they had 2 well blowouts. 1 at KS-8, and 1 at KS-7. They called the KS-7 blowout a "kick"/ The well blowout at KS-8 last 31 hours above ground and far longer underground. The well head was coming out of the ground according to the states investigation done by Goddard and Gaoodard. PGV put an I beam accross the well head and park 2 D9 bulldozers on it to keep the well head from being blow out of the ground. This was the first of many emergency community evacuations caused by PGV. The list is several pages long if you would like to see it. In 2014 during Tropical Storm Issel PGV did not shut down, instead choosing to put the whole community at risk. When the storm predictably knocked the power lines down there was another emergency release. PGV lost power and their back up generator failed. A serious leak occurred when a valve failed at high levels of deadly H2S gas was released into the trapped community. There was no escape, the roads were all blocked by down trees. There was no emergency response; the fire department and Civil Defense could not get in because the roads were blocked. A dozen residents were knocked unconscious by the H2S and over a hundred were injured. The sampling stations lost power and had no back up system so there were no readings. That was just one of many emergency evacuations, Pgv paid damages on more than one occasion and regulation has been through litigation by the community. An example being Aluli V Lewin where the DOH was sued for failing to follow the law. The Hawaii Supreme Court ruled in plaintiff's favor and ordered DOH to follow the law and promulgate an H2S standard as required. Doh simply approved the H@S hourly standard PGV wanted for a gas more deadly than Hydrogen Cyanide. I am telling you this because now this bill seeks to restrict or eliminate public participation in environmental review, and remove attorney fees when plaintiffs prevail in litigation. Geothermal power has the most emergency evacuations of any power source in Hawaii history. It has been protested by thousands of affected community residents over 4 generations. Dr Lewin as then Deputy Director of DOH on the front page of the Tribune Herald newspaper called us rabidly anti geothermal. We certainly were not born that way over generations, we were made that way by the impacts on us and our families from the toxic, noisy power plants put into existing residential communities without any setbacks or buffer zones. Geothermal is the most protested, the most litigated, and has the worst environmental record of accidents and releases of any power source in the state's history. How anyone could seriously believe that environmental review should be lessened or eliminated is hard to understand. The state constitution guarantees us the right to a healthy, safe environment. If anything given geothermals history the environmental review process should be stricter, not eliminated or neutered.

Thank you for your consideration of the facts presented

Robert Petricci in strong opposition to HB1979

**HB-1979-HD-3**

Submitted on: 3/19/2026 10:03:40 PM

Testimony for AEN on 3/20/2026 1:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| Katherine Fryer     | Individual          | Oppose                    | Written Testimony Only |

Comments:

I oppose HB1979 HD3, which would reduce the public comment period for an environmental review from 120 to 30 days for affordable housing and clean energy development. Though I appreciate the intention to prioritize these critically important projects, they should not be rushed without due consideration of environmental impacts.

This bill favors well-funded developers by drastically reducing the opportunity for the public to voice their concerns. A 30 day window is insufficient to prepare and file judicial appeals against projects that violate the Hawai'i Environmental Protection Act. Cultural practitioners, environmentalists, and impacted community members are unlikely to be able to review decisions, consult with attorneys, and raise funds for legal fees and expert witnesses within such a limited time frame. For actions or approvals that are made by agency staff not subject to the Sunshine Law, members of the public may not even know that a violation has occurred until well after a month has passed (particularly if no environmental review was conducted at all). Developers might even choose to avoid public scrutiny by obtaining environmental review approvals from decisionmakers who are not subject to the Sunshine Law, and then delaying project construction until the 30 day window has passed.

Unforeseen, long-lasting harm will likely be done to our environment and to public health and safety if this measure is passed. Low income housing and a transition to clean energy will benefit us far better if we also protect the environment that sustains us all.

**HB-1979-HD-3**

Submitted on: 3/19/2026 5:04:14 PM

Testimony for AEN on 3/20/2026 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify                |
|--------------|--------------|--------------------|------------------------|
| Earl Kim     | Individual   | Oppose             | Written Testimony Only |

Comments:

Aloha Chair Gabbard, Chair Lee, Chair Wakai, Vice Chair Richards, Vice Chair Inouye, Vice Chair Chang, and Members of the Committees,

My name is Earl J. Kim\_ and I **STRONGLY OPPOSE HB1979 HD3**

I fully appreciate the desire to fast-track affordable housing and clean energy projects; however, the proposed limitations on judicial review of such projects' compliance with the Hawai'i Environmental Protection Act will only invite uninformed project planning and government decisionmaking, and open the door to unknown or unintended and potentially permanent impacts including but not limited to public health and safety, ecological integrity, water and food security, cultural sites and resources, and constitutionally protected cultural practices.

A mere 30 day window to appeal violations of our environmental review laws, including and especially actions or approvals that evade the law altogether, is unreasonable and unrealistic. Concerned community stakeholders, cultural practitioners, and other members of the public may not even be made aware of violations that would require judicial intervention within this time frame, much less assess these violations, consult with lawyers, and raise the resources needed to uphold one of our bedrock environmental protections. As a result, affordable housing and clean energy projects may be approved and "locked in" notwithstanding threats to the health and safety of tenants and neighboring communities, water and food resources, native and endangered species, cultural practices, and other important public interests connected to our environment.

This measure may even incentivize proponents of controversial projects to "hide the ball," by seeking environmental review approvals from agency decisionmakers who are not subject to the Sunshine Law, and then delaying project execution until the 30 day window has passed.

In summary, this measure would only shelter violators of our bedrock environmental review laws at the expense of public transparency and participation, accountability, prudent project planning, and fully informed government decisionmaking.

Accordingly, I respectfully but strongly urge the Committees to **HOLD** this measure.

Mahalo nui for the opportunity to testify.

Sincerely,  
Earl J. Kim

**HB-1979-HD-3**

Submitted on: 3/19/2026 1:49:53 PM

Testimony for AEN on 3/20/2026 1:00:00 PM

| Submitted By        | Organization | Testifier Position | Testify                |
|---------------------|--------------|--------------------|------------------------|
| janice palma-glenie | Individual   | Oppose             | Written Testimony Only |

Comments:

aloha,

Again, is this a red or blue state? do we stand for individual rights and freedom or the freedoms of corporations and power of government OVER rather than FOR the People, their natural and cultural resouces and overall well-being? Is protecting the rights to clean air, water, balanced natural environment and host culture such a drag on legislative souls that they can't muster a huge "NO!" to a bill like this that seems authored by MAGA?

i've spent over 45 years working within and using State law to help protect cherished places from plunder. I've helped stop so-called "affordable" housing projects that would have put an even greater burden on Hawai`i Island's extremely limited affordable housing. i've helped protect sacred and beloved shorelines (i.e.,'O'oma) from the construction of high-rises, marinas, and other trappings of "civilization" that would have done nothing but harm Hawai`i's regular people and their already limited natural and cultural resources.

This bill would undermine our State constituion and all that the people of Hawai'i (including me) have fought for for generations after the initial rape and pillage of Big Sugar, etc etc.

it's clearly a ploy to subjugate democracy when a law would allow only 30 days for Judicial appeals of noncompliance with the Hawai'i Environmental Protection Act related to an agency action or approval relating to affordable housing and clean energy projects. Can you imagine something good and well-thought-out happening in 30 days in our state (and, to be fair, in a democracy tht depends upon the input of its citizenry)? By requiring this limit, the bill would preclude action by those not well-heeled enough to hire lawyers and take time off of work, take care of ohana, etc. while corporate and other special interest gougers of our natural resources would be waiting in the wings for their plunger. hell, we may not even know a violation has occured under this onerous law!

As you well know, the protective laws we have in place (and need more of) are there because of the otherwise negative impacts that would occur (and already do every day even without this new law) to public health and safety, sensitive or critical native species habitat, cultural sites, and constitutionally protected Native Hawaiian traditional and customary practices.

Do what's pono: Use your integrity and power to kill HB1979 HD3 NOW.

mahalo and sincerely,

janice palma-glennie

kailua-kona

**HB-1979-HD-3**

Submitted on: 3/19/2026 1:58:26 PM

Testimony for AEN on 3/20/2026 1:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Glenn Choy          | Individual          | Oppose                    | Written Testimony<br>Only |

Comments:

I strongly oppose this bill. Thank you.

**HB-1979-HD-3**

Submitted on: 3/19/2026 2:05:45 PM

Testimony for AEN on 3/20/2026 1:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| irene kloepfer      | Individual          | Support                   | Written Testimony<br>Only |

Comments:

Aloha. Please pass this much needed bill. Mahalo. Irene

**HB-1979-HD-3**

Submitted on: 3/19/2026 2:59:25 PM

Testimony for AEN on 3/20/2026 1:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| pamela burrell      | Individual          | Oppose                    | Written Testimony<br>Only |

Comments:

Aloha House Members,

I oppose HB1979.

**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.**

**Please. This is a dangerous. Not enough time for review of community as far as impacts on traffic, water useage, solid waste etc.**

**Oppose HB1979**

**Mahalo,**

**Pamela Burrell, Kalihiwai, Kaua'i**

**HB-1979-HD-3**

Submitted on: 3/19/2026 4:58:50 PM

Testimony for AEN on 3/20/2026 1:00:00 PM

| Submitted By     | Organization | Testifier Position | Testify                |
|------------------|--------------|--------------------|------------------------|
| Shay Chan Hodges | Individual   | Oppose             | Written Testimony Only |

Comments:

**I STRONGLY OPPOSE HB1979 HD3**

I fully appreciate the desire to fast-track affordable housing and clean energy projects; however, the proposed limitations on judicial review of such projects' compliance with the Hawai'i Environmental Protection Act will only invite uninformed project planning and government decisionmaking, and open the door to unknown or unintended and potentially permanent impacts including but not limited to public health and safety, ecological integrity, water and food security, cultural sites and resources, and constitutionally protected cultural practices.

A mere 30 day window to appeal violations of our environmental review laws, including and especially actions or approvals that evade the law altogether, is unreasonable and unrealistic. Concerned community stakeholders, cultural practitioners, and other members of the public may not even be made aware of violations that would require judicial intervention within this time frame, much less assess these violations, consult with lawyers, and raise the resources needed to uphold one of our bedrock environmental protections. As a result, affordable housing and clean energy projects may be approved and "locked in" notwithstanding threats to the health and safety of tenants and neighboring communities, water and food resources, native and endangered species, cultural practices, and other important public interests connected to our environment.

This measure may even incentivize proponents of controversial projects to "hide the ball," by seeking environmental review approvals from agency decisionmakers who are not subject to the Sunshine Law, and then delaying project execution until the 30 day window has passed.

In summary, this measure would only shelter violators of our bedrock environmental review laws at the expense of public transparency and participation, accountability, prudent project planning, and fully informed government decisionmaking.

Accordingly, I respectfully but strongly urge the Committees to **HOLD** this measure.

Mahalo nui for the opportunity to testify.

--Shay Chan Hodges, Maui, Hawaii

**HB-1979-HD-3**

Submitted on: 3/19/2026 5:00:00 PM

Testimony for AEN on 3/20/2026 1:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Patti Choy          | Individual          | Oppose                    | Written Testimony<br>Only |

Comments:

Aloha Chair Gabbard, Chair Lee, Chair Wakai, Vice Chair Richards, Vice Chair Inouye, Vice Chair Chang, and Members of the Committees,

**I STRONGLY OPPOSE HB1979 HD3.**

This measure will only benefit a few and is not in the best interest of our communities. If this bill goes forward it will have permanent consequences for generations to come and I will not understand how you, in good conscience, can be a supporter of this measure.

I strongly urge the Committees to **HOLD** this measure.

Thank you.

**HB-1979-HD-3**

Submitted on: 3/19/2026 5:04:02 PM

Testimony for AEN on 3/20/2026 1:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Guy Kudo            | Individual          | Oppose                    | Written Testimony<br>Only |

Comments:

TO: Chair Gabbard, Chair Lee, Chair Wakai, Vice Chair Richards, Vice Chair Inouye, Vice Chair Chang, and Members of the Committees,

My name is Guy Kudo and I **STRONGLY OPPOSE HB1979 HD3.**

If this measure is passed, our environment and way of life will be changed in a horrible manner. You cannot allow this bill to take hold.

I respectfully but strongly urge the Committees to **HOLD** this measure.

Thank you.