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February 12, 2013

Representative Cindy Evans, Chair, and Members of the Committee on Water and Land
State of Hawaii House of Representatives
State Capitol
Honolulu, Hawaii

RE: HB106 – To Repeal Act 97 SLH 2012

Dear Chair Evans and Committee Members:

This is to appeal to all members of the Committee and Water and Land to support the full repeal of Act 97 by approving HB106 HD1 without amendment.

It is understood that information may have been presented that concerns about Act 97 could be addressed by amendments that would return some geothermal permitting authority to the counties, but still eliminate the subzone requirements. **This is not true.**

This is to appeal to you to please review former sections of the law beginning with HRS 205-5.1 that created the subzones. This section of law was created in 1983 by the legislature in Act 296. In adopting this Act, the legislature found that the development and exploration of Hawaii's geothermal resources is of "statewide concern" and "must be balanced with interests in preserving Hawaii's unique social and natural environment."

The purpose of Act 296 in 1983 was to provide policies that "will assist in the location of geothermal resources development in areas of the **lowest potential environmental impact.**" This was to be done by requiring:

- That any potential geologic hazards to geothermal production or use in the proposed area are examined.
- That any environmental or social impacts or the development of geothermal resources within the proposed area be considered.
- That the compatibility of development and utilization of geothermal resources within the proposed area is considered with other allowed uses within the area and within the surrounding lands.

How do we ensure these things if the subzones section is eliminated and geothermal exploratory activity can be conducted anywhere in the state?

These are commitments made to the people in the development of geothermal by the State of Hawaii. I ask that Act 97 be repealed. As you can see, it cannot be fixed and we must go back to the commitments made in 1983 when Act 296 was adopted.

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