

Comments on Agenda item K 2

Request for Approval to hold Statewide Public Hearings to Amend and Compile  
Title 13, Chapter 5, Hawai'i Administrative Rules regarding the Conservation District  
<https://dlnr.hawaii.gov/occl/files/2022/10/HAR-13-5-2022-proposed-amendments.pdf>  
[blnr.testimony@hawaii.gov](mailto:blnr.testimony@hawaii.gov)

for Board of Land and Natural Resources meeting 9:15 AM Friday, October 14, 2022  
from Cory Harden, Hilo

p. 5-3 PDF p. 4

§13-5-1 Purpose. The purpose of this chapter is to regulate land[-]use in the conservation district for the purpose of conserving, protecting, and preserving the important natural and cultural resources of the State through appropriate management and use to promote their long-term sustainability and the public health[,] and safety [~~and welfare~~]

*Keep "welfare"--go beyond the bare minimum of health and safety! "Welfare" could also include cultural and social impacts.*

p. 5-9 PDF p. 10 "Renewable energy"

*Leave out "geothermal" --the environmental and safety impacts are too great. Geothermal requires non-renewable energy for repeated drilling, ongoing maintenance, and heat exchange using pentane. Geothermal is centralized generation needing long lines to send electricity to customers, but then line losses drain significant amounts of power. Geothermal plants must be sited in high hazard lava zones, putting them at high risk of eruption damage, with loss of power to numerous customers. Puna Geothermal Venture was knocked offline for two years by the 2018 eruption, and at last report was still not up to pre-eruption generation levels.*

p. 5-11 PDF p. 12

"Unmanaged hazardous condition" means an imminently dangerous situation lasting in excess of one year ...

*Make it "one month"—one year is a long time!*

p. 5-12 PDF p. 13

~~"Wilderness area..."~~

*Keep this provision, or include it elsewhere in these rules, or in other regulations.*

p. 5-33 PDF p. 34

~~(B-3) Clearing land for fire pre-suppression and prevention, under a fire buffer plan approved by the department.]~~

*Fire buffer actions should be covered in these rules or in other regulations.*

p. 5-43 PDF p. 44 13-5-24 Identified land uses in the resource subzone...

R-6 MINING AND EXTRACTION [(D-1)] BRD-1 Mining and extraction of any material or natural resource[under a] other than of geothermal resources, the exploration and development of which will be processed as a renewable energy project under section 13-3- 22 (P-12).

*See comments for p. 10.*

p. 5-45 PDF p. 46

§13-5-26 Identified land uses in the special subzone....

(a) Previously authorized land uses on a master plan or environmental document on file with the department require the approval of construction plans.

*Is the Mauna Kea Comprehensive Management Plan considered a “master plan or environmental document”?*

pp. 5-47 to 5-51 PDF pp. 48 to 52

(d) In evaluating the merits of a proposed land use, the department or board shall apply the following criteria...(1) to (9)

*Criteria should include prohibitions on hazards, toxins, noise, and projects unacceptable to the vast majority of the public.*

p. 5-47 PDF p. 48

~~(6) The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon...~~

*This should be included in these rules or in other regulations.*

p. 5-49 PDF p. 50

(C) The land use will not alter near shore wave or current patterns over the anticipated design lifespan...

*Specify area of effects—seawalls can cause ocean impacts to shorelines far away.*

p. 5-50 PDF p. 51

(A) The land use will not permanently interfere with public use of a public trail, access to public recreation areas, and beaches.

*Define time frame for “permanently”.*

p. 5-51 PDF p. 52

Traditional and Cultural Practices and Resources

*Information about practices and resources, impacts, and mitigation should be publicized as much as allowed by the culture.*

*Board approval should be required for mitigation measures.*

p. 5-57 PDF p. 58

...any emergency that is a threat to public health[,] and safety, ~~[and welfare]...~~

*Keep “welfare”.*

p. 5-63 PDF p. 64

~~§13-5-41.1 Fire buffer zone.~~

*Fire buffer actions should be covered in these rules or in other regulations.*