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Aloha,

My name is Henry Curtis and I am the Executive Director of Life of the Land, Hawai'i's own energy, environmental and community action group advocating for the people and `aina for almost four decades. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

The first meeting for the Biofuel Master Plan was held on August 22, 2006. Attendance was limited to those selected by the Governor.

The second meeting for the Biofuel Master Plan was held on May 21, 2008 from 8:30-4:30 am. This meeting was called the Kickoff meeting. Presentations were made by people representing state and county agencies, regulators, biofuel advocates, Hawaii Agricultural Research Center, the U.S. Department of Energy, and the Universal Oil Products Company. Several speakers noted they were not saying anything new, and one speaker said his material came from the 1970s. At the end of the proceedings public comments was taken but no written record of the public comments exists. The 194-page proceedings contains mostly of pictures of slides (48 MB). Speeches accompanying the slides are not available. From pages 191-194 is a copy of a form on how the public can make comments.

The third meeting for the Biofuel Master Plan was held at a biannual Hawaii Agriculture Conference held on September 5, 2008. Many of the same speakers from the second meeting spoke. The proceedings contains the slides but not the

speeches (19 pages, 18 MB). The audio is available at www.hnei.hawaii.edu/bmpp/activities2008_0905_audio.asp

Focus meetings had been planned for December 2008. If they were held they were private. The plan had an anticipated release date of July 2009. The Draft Plan was released on September 23, 2009.

The fourth meeting was held on April 2, 2009. Again, copies of slides are available.

The Draft Report was released on September 22, 2009. Comments are due on October 2, 2009. The public has 9 days to read, analyze and comment on the 849 page document. Then the authors have 13 days (9 business days) to read the comments, determine if sections of the report need clarification or rewriting, get the draft approved, and submit the final.

According to one DBEDT official, after the final has been finished, but before it is submitted to the Legislature, the public may continue to offer comments. "Our report is due 20 days before session, so the public has 3 more months for feedback. We haven't closed the process at all, and will continue to take input at the email address above until we wrap it up to meet our required deadline." If comments are received, then the box -- received feedback -- can be checked off.

What are the highlights of the Draft Plan?

DRAFT Hawaii Bioenergy Master Plan (Master Plan Volume I)

On Water: "Survey the existing records to determine all diversion locations that are either active or were active in the past. Evaluate the status of the existing diversions. Assess the needs to rehabilitate these diversions. Quantify the potential delivery capacity of the existing systems." (Page 45) The focus seems to be on maximizing the use of water for biofuels and not considering the big picture: food, fuel, instream flow standards, and protection of wildlife. What about Constitutional mandates.

On Permitting: "Improvements in Hawaii's permitting regime should involve new workflow processes within State and County permitting agencies as well as efficient interagency cooperation. ... Certain projects should qualify for preferential permitting treatment based on general procedural qualifiers or on **case-by-case decisions**. ... The permitting process should be accomplished within a certain time period. All agencies should endeavor to finish their permitting work within that time frame. ... Possible online self-certification processes could be made available by agencies for certain permits, which do not need individual and lengthy discretionary permitting review." (Page 48) This section seems to both argue in favor of automatic approval and giving the regulators the option to determine project by project whether the project should be exempt from permitting requirements. This section totally opens the door for political influence. Where is the concern about the public trust?

Draft Hawaii Bioenergy Master Plan: Permitting (Master Plan Volume II Part 5)

"Stakeholders in Hawaii's bioenergy industry, however, have identified Hawaii's permitting regime as a main obstacle to capital investment in the sector and successful implementation of promising bioenergy projects in the state. To meet its clean energy goals, Hawaii cannot afford the perception that investment and green energy initiatives are hindered by a lack of support from State and County permitting agencies. To mitigate this problem, state leadership has called for swift improvements in permitting processes with passage of legislative measures affecting State and County permitting agencies." (Page 5) In an era of furloughs, layoffs and empty positions, and in a state where invasive species has cost the state millions of dollars per year, why should we ram through any projects with little or no thought about the consequences?

"While the business community recognizes the great opportunities for investment in renewable energy projects in the state, **they should be able to concentrate** on entrepreneurial skills to overcome possible business challenges **rather than spending financial and human resources** as well as much time to acquire the necessary permits to satisfy many regulatory requirements." (Page 7) Do businesses really focus only on one thing. Isn't part of business developing team work, creating a desired product, and working within communities.

"The main risks to an energy project are the unpredictability of the permitting process and its outcome." (Page 9) This is a quote right out of the wise use movement ... if only there were no regulations everything we be great. The banking industry has proven that.

"Finally, it must be recognized that bioenergy projects may be critical infrastructure installations that require due protection against act of terrorism." (Page 14) Life of the Land does not understand this statement. What is the difference between protection and due protection? Who would determine if a tree that might be used for cellulosic ethanol is a critical infrastructure installation? Should corn fields that may be converted to ethanol have armed guards? Cameras? Unmanned drones? NSA agents guarding the stalks? Are alga ponds more of a target than electrical substations, bridges, police stations and government facilities? What terrorists have ever targeted non-food flora?

"An enforceable maximum time for permitting should provide investors some certainty that their permitting applications will be processed in a timely manner." (Page 96) Should automatic approval trump protection of public trust resources, the public interest, the threat of invasives, and even competition from other investors who want to use the same resource?

Henry Curtis
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