

LINDA LINGLE
Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512

SANDRA LEE KUNIMOTO
Chairperson, Board of Agriculture

DUANE K. OKAMOTO
Deputy to the Chairperson

**TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEES ON AGRICULTURE
AND
WATER, LAND, AND OCEAN RESOURCES
FRIDAY, FEBRUARY 13, 2009
9:00 a.m.
Room 325**

**HOUSE BILL NO. 245
RELATING TO LAND USE**

Chairpersons Tsuji and Ito and Members of the Committees:

Thank you for the opportunity to testify on House Bill No. 245 which seeks to amend Chapter 201N, HRS (renewable energy facility siting process) by determining that the siting, construction and operation of renewable energy facilities and related infrastructure and uses is compatible with the purposes, standards, and permissible uses of land within the Agricultural and Conservation Districts, the Special Management Area, and the county general plans and zoning ordinances. This determination of compatibility does not exempt renewable energy facilities from the permit and approval processes of Chapters 205, 205A, and 343. The Department of Agriculture opposes this measure as it is vague and may adversely affect agricultural lands, Important Agricultural Lands (IAL) and existing and potential agricultural activities and uses.

This measure in effect, as written, proposes to give renewable energy facilities equal standing with agricultural production on agricultural lands. This appears to suggest that State and county permitting and approval processes applying to renewable energy facilities should be treated the same as agricultural-production related permits and approval processes. We disagree with this suggestion. The primary use of

agricultural lands is agricultural production. Not all renewable energy facilities are compatible with agricultural production. This bill does not take this into consideration and as written, could lead to an unintended, harmful impact on agriculture.

We note that this bill could be improved by specifically identifying examples of renewable energy facilities that are compatible in the Agricultural District similar to how Section 205-2(d)(4), (5), and (6) defines wind-generated energy, bio-fuels production, and solar energy facilities as permissible uses in the Agricultural District and Section 205-4.5(14), (15), and (16) defines wind energy facilities, biofuel processing facilities, and agricultural-energy facilities as permissible uses.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
MARK K. ANDERSON
DEPUTY DIRECTOR

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804
Web site: www.hawaii.gov/dbedt

Telephone: (808) 586-2355
Fax: (808) 586-2377

Statement of
THEODORE E. LIU
Director

Department of Business, Economic Development, and Tourism
before the

**HOUSE COMMITTEES ON AGRICULTURE AND
WATER, LAND, AND OCEAN RESOURCES**

Friday, February 13, 2009

9:00 AM

State Capitol, Conference Room 325

in consideration of

HB245
RELATING TO RENEWABLE ENERGY FACILITIES.

Chairs Tsuji and Ito, Vice Chairs Wooley and Har, and Members of the House
Committees on Agriculture and Water, Land, and Ocean Resources.

The Department of Business, Economic Development, and Tourism (DBEDT) supports development of renewable energy facilities and technology in Hawai'i and the intent of HB 245, but we oppose the current draft of the bill. The purpose of HB 245 is to declare that renewable energy facilities, including all normal and necessary infrastructure, appurtenances, and accessory uses, shall be deemed consistent and compatible with (1) The purposes, standards, and permissible uses on lands within the state conservation and agricultural districts; and (2) The objectives, policies, and guidelines of the special management area under chapter 205A, Hawaii Revised Statutes, and applicable county general plans and zoning.

The bill as written is vague regarding the type and range of technologies and facilities that might be permitted. Each technology has different facility and infrastructure needs and impacts.

HB0245_BED_02-13-09_AGR-WLO

Declaring that all renewable energy projects are compatible with the conservation and agricultural districts does not take into account these various impacts. For instance, a wind farm has a very different impact from a waste-to-energy facility, and each of these and their impacts need to be considered individually for the purpose of permitting and environmental considerations.

We realize that much of the land in Hawaii is classified as either conservation or agricultural. As a result, renewable energy facilities are likely to be sited on large, remote tracts of land within these districts or within the special management area designated pursuant to chapter 205A, Hawaii Revised Statutes. Placing a renewable energy facility in an agricultural or conservation district may change the nature and intensity of uses of the lands due to the potential size of the facilities, necessary infrastructure, and accessory facilities and improvements needed to operate the facility.

In closing, we recommend that HB 245 be amended to list which specific renewable energy facilities are compatible with the conservation and agricultural districts, similar to the specific renewable energy facilities that are permitted on agricultural lands in chapter 205-4.5, Hawaii Revised Statutes. These permitted facilities on agricultural lands include wind energy facilities, biofuels processing facilities, and agricultural-energy facilities. Furthermore, these facilities are permitted only if they “do not adversely impact agricultural land and other agricultural uses in the vicinity.” By carefully considering what specific types of projects may be compatible and allowing those specific types to receive a designation of "compatible", we can better meet Hawaii’s energy needs as well as protecting important lands.

Thank you for the opportunity to offer these comments.

HB0245_BED_02-13-09_AGR-WLO

Testimony by Castle & Cooke Hawaii
February 12, 2009

Before the COMMITTEES ON
WATER, LAND, & OCEAN RESOURCES

And

AGRICULTURE

February 13, 2008
9:00 am
Room 325

SUPPORT FOR HB 245 RELATING TO RENEWABLE ENERGY FACILITIES.

Chair Ito, Vice Chair Har and Members of the Water, Land, & Ocean Resources Committee; and Chair Tsuji, Vice Chair Wooley and Members of the Agriculture Committee

I am Harry Saunders, President of Castle & Cooke Hawaii, expressing our support for HB 245, which clarifies and affirms that renewable energy facilities are permissible and compatible uses within the conservation and agriculture districts and within the special management area. We believe this clarification will further renewable energy projects that will help Hawaii reduce its dependence on fossil fuels.

The Legislature has been clear on Hawaii's compelling state policy and interest in achieving our renewable energy mandates and goals, and achieving energy independence for the public welfare. Renewable energy facilities that can make the greatest impacts are likely to be sited on large, remote tracts of land that could be within the state conservation or agriculture districts or within the special management area.

This bill:

- Clarifies what could be interpreted as conflicting laws and policy that renewable energy projects may not be appropriate or compatible uses within the state agriculture and conservation districts and the special management area; and

- Otherwise does not affect or exempt renewable energy projects from EIS requirements or any necessary permits.

Achieving Hawaii's renewable energy goals of energy independence and self-sufficiency, and avoiding the importing and burning of fossil fuels will ultimately (a) benefit, further and achieve the conservation, protection and preservation of important natural resources of the State of Hawaii and will promote their long-term sustainability and (b) in addition, will benefit the economy and health, safety and welfare of the residents of Hawaii.

On behalf of Castle & Cooke, I respectfully request your support for HB 245 to permit renewable energy facilities on conservation and agriculture lands.

Mahalo and thank you for your consideration of our testimony. If you have any questions, please feel free to contact us:

Harry Saunders, President
Castle & Cooke Hawaii
aktsukamoto@castlecooke.com
548-4811

Richard Mirikitani, Senior Vice President and Counsel
Castle & Cooke Hawaii
rmirikitani@castlecooke.com
548-4890

Carleton Ching, Vice President - Community and Government Relations
Castle & Cooke Hawaii,
cching@castlecooke.com
548-3776



Committees on Water, Land & Ocean Resources and Agriculture
Friday, February 13, 2009 at 9:00 a.m.
Conference Room 325
State Capitol

Subject: **House Bill No. H.B. 245 Relating to Renewable Energy Facilities**

Chairs Ito and Tsuji, Vice Chairs Har and Wooley and members of the committee:

My name is Jim Tollefson, President of the Chamber of Commerce of Hawaii. The Chamber of Commerce of Hawaii works on behalf of its members and the entire business community to:

- Improve the state's economic climate
- Help businesses thrive

The Chamber of Commerce of Hawaii is in strong support of H.B. 245 is intended to assist in locating, developing, constructing, and operating renewable energy facilities that are deemed to be compatible with the agricultural and conservation land use districts and special management areas.

Legislation is needed to assist in the development of renewable energy facilities because the land use entitlement system in Hawaii has evolved to the point where it is unable to respond on in a timely fashion on specific land uses that government deems to be beneficial. The legislation points out the need to rethink the land use entitlement process and remove some of the unnecessary and duplicative processes that have evolved over time. Streamlining the land use permitting should not be limited to only renewable energy facilities.

The HDC strongly supports H.B. 245.

Thank you for the opportunity to share our views with you.



February 13, 2009

Representative Ken Ito, Chair
Committee on Water, Land & Ocean Resources
Representative Cliff Tsuji, Chair
Committee on Agriculture
Conference Room 325
State Capitol
415 South Beretania Street

Representatives Ito and Tsuji:

Subject: **House Bill No. H.B. 245 Relating to Renewable Energy Facilities**

My name is Dean Uchida, Vice President of the Hawaii Developers' Council (HDC). We represent over 200 members and associates in development-related industries. The mission of Hawaii Developers' Council (HDC) is to educate developers and the public regarding land, construction and development issues through public forums, seminars and publications.

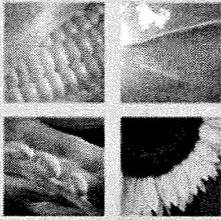
It is also the goal of HDC to promote high ethics and community responsibility in real estate development and related trades and professions.

The HDC is in strong support of H.B. 245 is intended to assist in locating, developing, constructing, and operating renewable energy facilities that are deemed to be compatible with the agricultural and conservation land use districts and special management areas.

Legislation is needed to assist in the development of renewable energy facilities because the land use entitlement system in Hawaii has evolved to the point where it is unable to respond on in a timely fashion on specific land uses that government deems to be beneficial. The legislation points out the need to rethink the land use entitlement process and remove some of the unnecessary and duplicative processes that have evolved over time. Streamlining the land use permitting should not be limited to only renewable energy facilities.

The HDC strongly supports H.B. 245.

Thank you for the opportunity to share our views with you.



**HCIA 2008-2009
Board of Directors**

President
Adolph Heim

Vice President
Fred Perlak

Treasurer
John Anderson

Secretary
Allka Napier

Directors At Large

Mike Austin
Ray Foster
David Gilliland
Cindy Goldstein
Laurie Goodwin
Kirby Kester
Paul Koehler
Leslie Poland
Martha Smith
Mark Stoutemyer
Jill Suga

Past President
Sarah Shtan

Executive Director
Alicia Maluafiti

Hawaii Crop Improvement Association

Growing the Future of Worldwide Agriculture in Hawaii

Testimony By: Alicia Maluafiti
HB 245, Renewable Energy Facilities
House AGR/WLO Committees
Friday, Feb. 13, 2009
Room 325, 9:00 am

Position: Strong Support

Chairs Tsuji and Ito, and Members of the House AGR/WLO Committees:

My name is Alicia Maluafiti, Executive Director of the Hawaii Crop Improvement Association. The Hawaii Crop Improvement Association (HCIA) is a nonprofit trade association representing the agricultural seed industry in Hawaii. Now the state's largest agricultural commodity, the seed industry contributes to the economic health and diversity of the islands by providing high quality jobs in rural communities, keeping important agricultural lands in agricultural use, and serving as responsible stewards of Hawaii's natural resources.

This measure acknowledges and supports the need for Hawaii to become less dependent on fossil fuels. It makes clear that renewable energy facilities are a sanctioned and compatible use of state conservation, agricultural districts and special management areas.

We ask for your support of this measure. Thank you for the opportunity to testify.

91-1012 Kahi'uka Street
Ewa Beach, HI 96706
Tel: (808) 224-3648
director@hciaonline.com
www.hciaonline.com