

HB1273 HD2 SD1

Measure Title: RELATING TO RENEWABLE ENERGY.

Report Title: Agricultural Land; Permissible Use; Hydroelectric Facilities

Description: Includes hydroelectric facilities that generate up to 500 kilowatts of electricity as a permissible use on agricultural lands if the hydroelectric facilities are accessory to agricultural activities and if certain other conditions are met. Takes effect 7/1/2050. (SD1)

Companion:

Package: None

Current Referral: AGL/ENE, CPN

Introducer(s): TOKIOKA, CULLEN, HASHEM, ICHIYAMA, ITO, JORDAN, KAWAKAMI, MIZUNO, SAY, TAKAYAMA, TSUJI, YAMANE, YAMASHITA, Choy

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
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**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

April 1, 2015
9:30 A.M.
CONFERENCE ROOM 229

**HOUSE BILL NO. 1273 HD2 SD1
RELATING TO RENEWABLE ENERGY**

Chairperson Baker and Members of the Committee:

Thank you for the opportunity to testify on House Bill 1273 HD2 SD1. The purpose of this measure is to authorize development of hydroelectric facilities on agricultural lands, with a hydroelectric generating capacity of up to 500 kilowatts, hydroelectric facilities comply with the State Water Code, are accessory to agricultural activities, and do not adversely impact or impede the use of agricultural land or the availability of use of water for irrigation on all parcels that are served by the ground water sources or streams for which hydroelectric facilities are considered. The Department of Agriculture supports this measure.

Energy costs can be a limiting factor that reduces the profitability of many of our local farmers and ranchers, especially given the high costs of energy in Hawaii compared with the rest of the nation. The Department is supportive of initiatives that are ancillary to bona fide agricultural operations that allow farmers to remain financially viable and successful.

Thank you for the opportunity to present our testimony.

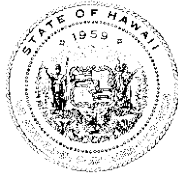


DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lieutenant Governor

LUIS P. SALAVERIA
Director

MARY ALICE EVANS
Acting Deputy Director



LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai`i

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Statement of
Daniel E. Orodener
Executive Officer
Land Use Commission
Before the
Senate Committee on Commerce and Consumer Protection
April 1, 2015
9:30 AM
State Capitol, Conference Room 229

In consideration of
HB 1273 HD2 SD1
RELATING TO RENEWABLE ENERGY

Chair Baker, Vice Chair Taniguchi, and members of the Senate Committee on Commerce and Consumer Protection:

The Land Use Commission would like to provide the following comments on HB 1273 HD2 SD1 that would make hydroelectric facilities, including the appurtenances associated with production and transmission, a permissible use under Sections 205-2 and 205-4.5, Hawai`i Revised Statutes (HRS):

In Section 1 of this bill the Legislature recognizes "...that Hawai`i's agricultural land is a fundamentally important and diminishing resource..." Currently, hydroelectric facilities being developed within the State Agricultural District would be required to go through the State Special Permit process. During this process a broad spectrum of both county and State interests must be addressed, to include but not limited to: public trust resources like water and Native Hawaiian traditional and customary practices.

Should hydroelectric facilities become a permissible use, the Special Permit process would not be required. It is unclear whether any other permit processes that might be required (such as an instream flow permit or stream alteration permit) would provide the same level of analysis, review and protection with development conditions.

We are not aware of any recent cases of hydroelectric facilities being developed within the State Agricultural District that have had any difficulties with the State Special Permit process. Therefore it is unclear what specific problem this bill is attempting to address.

Thank you for the opportunity to testify on this matter.



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

DAVID Y. IGE
GOVERNOR

LUIS P. SALAVERIA
DIRECTOR

MARY ALICE EVANS
DEPUTY DIRECTOR

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Statement of
LUIS P. SALAVERIA
Director
Department of Business, Economic Development, and Tourism
before the
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Wednesday, April 1, 2015
9:30 a.m.
State Capitol, Conference Room 229

in consideration of
HB 1273, HD2, SD1
RELATING TO RENEWABLE ENERGY.

Chair Baker, Vice Chair Taniguchi, and Members of the Committee.

The Department of Business, Economic Development, and Tourism (DBEDT) offers comments on HB 1273, SD1, which includes hydroelectric facilities as a permissible use on agricultural lands if the hydroelectric facilities are accessory to agricultural activities.

Permitting hydropower facilities in State Agricultural Districts, as long as the hydropower facilities are accessory to agricultural activities, could support Hawaii's agricultural industry by providing clean energy at a fixed cost for on-site agricultural operations.

DBEDT defers to the Land Use Commission and the other appropriate agencies regarding the provisions of this measure impacting the permitting of hydropower facilities.

Thank you for the opportunity to offer these comments on HB 1273, SD1.



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April 1, 2015

HEARING BEFORE THE
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

TESTIMONY ON HB 1273 HD 2 SD 1
RELATING TO RENEWABLE ENERGY

Room 229
9:30 AM

Aloha Chair Baker, Vice Chair Taniguchi, and Members of the Committee:

I am Christopher Manfredi, President of the Hawaii Farm Bureau Federation (HFB). Organized since 1948, the HFBF is comprised of 1,932 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

HFB supports the intent of HB 1273 HD 2 SD 1, which includes hydroelectric facilities that generate up to 500 kilowatts of electricity as a permissible use on agricultural lands if the hydroelectric facilities are accessory to agricultural activities.

Renewable energy is important to the State's energy goals. Hydroelectric facilities can serve as a feasible alternative energy source to meet such goals. That being said, viable farming and ranching activities on agricultural lands must be maintained in order to retain agricultural lands for future generations. Lands capable of supporting viable agricultural activities should be protected and kept in agriculture. Hydroelectric facilities can provide the State with alternative energy options, as long as they are secondary to agricultural activities on agricultural lands.

Thank you for this opportunity to provide testimony on this measure.

From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: amybrinker@mac.com
Subject: *Submitted testimony for HB1273 on Apr 1, 2015 09:30AM*
Date: Sunday, March 29, 2015 10:15:19 AM

HB1273

Submitted on: 3/29/2015

Testimony for CPN on Apr 1, 2015 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Brinker	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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