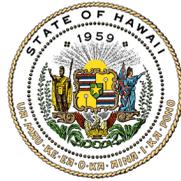


JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



State of Hawai'i
DEPARTMENT OF AGRICULTURE & BIOSECURITY
KA 'OIHANA MAHI'AI A KIA'I MEAOLA
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SHARON HURD
Chairperson
Board of Agriculture & Biosecurity

DEAN M. MATSUKAWA
Deputy to the Chairperson

**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEES ON AGRICULTURE AND ENVIRONMENT,
WATER, LAND, CULTURE AND THE ARTS
AND
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

**WEDNESDAY, FEBRUARY 18, 2026
3:00 PM
CONFERENCE ROOM 224**

**SENATE BILL NO. 2371
RELATING TO AGRIVOLTAICS**

Chairs Gabbard, Lee, and Wakai, Vice Chairs Richards, Inouye and Chang and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill No. 2371 that creates a new program in the Department of Agriculture and Biosecurity with the following features.

- Requires a landowner leasing agricultural sub-parcels on property used for agrivoltaics to prioritize lease offers for beginning farmers.
- Requires a landowner leasing agricultural sub-parcels on property used for agrivoltaics to submit an annual agrivoltaics compliance report to the Department of Agriculture and Biosecurity.
- Authorizes DAB to penalize any landowner that fails to meet agrivoltaics requirements.
- Authorizes the development of solar energy facilities on agricultural lands with productivity ratings of B, C, or D under certain conditions.
- Authorize a county planning commission to issue special permits for agrivoltaics requirements before the approval of the Land Use Commission under certain conditions.

The Department of Agriculture and Biosecurity (Department) offers comments.

The Department is concerned about the elaborate regulatory framework we are to develop and administer. We are concerned about the substantial penalty faced by landowners with solar energy facilities who are non-compliant with respect to acreage

used for compatible agricultural activities, land lease rates not to exceed the "prevailing regional agricultural lease rate", landowners to construct and maintain improvements necessary for agricultural activities, and usage of cover crops on land not in crop production. The bill does not appear to address the situation where landowners of agricultural lands with solar energy facilities are unable to attract qualified beginning farmers or commercial agricultural producers willing to start farming under and around solar panels. The Department is also concerned that the amount of effort required to stand up and administer this new program without an appropriation and ability to hire professional staff would require diversion of scarce existing resources.

The Department would like to encourage the statutorily required "compatible agricultural activity" to occur on the agricultural land under and around the solar energy facilities. State law (Section 205-4.5(a)(21)) does not require evidence of sale of the products of any "compatible agricultural activity". It is the generation of revenue by agricultural operators selling their agricultural products such as sheep, vegetables, melons, fruits, honey, and so forth that will ensure continued agricultural activity under and adjacent to solar arrays.

Landowners and solar energy facility developers/operators should be encouraged to undertake the development of agricultural infrastructure (and research and field trials by other parties) that benefit and attract agricultural operators to establish and continue agricultural activities under and around solar energy facilities. The Department was not able to include language defining what form this encouragement could take.

The Department offers the following concept for an amendment to require evidence that the "compatible agricultural activities" of farm operations on solar energy facilities result in sales of the products grown or raised.

Amendment (Ramseyer) as follows:
Section 205-4.5(a)(20)

"(21) Solar energy facilities on lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating B or C for which a special use permit is granted pursuant to section 205-6; provided that:

(A) The area [~~occupied by~~] under and adjacent to the solar energy facilities and appurtenances shall: [~~is also made available for~~]

1. Be put into compatible agricultural activities by a farm operation that derives revenue from the sale of the production from agricultural activities as evidenced by schedule f (form 1040), profit or loss from farming, and copies delivered to the relevant county planning

commission and the land use commission, and the filing of schedule f be made a condition of special permit approval, and

2. At a lease rate that is at least fifty per cent below the fair market rent for comparable properties;

(B) Proof of financial security to decommission the facility is provided to the satisfaction of the appropriate county planning commission prior to date of commencement of commercial generation; and

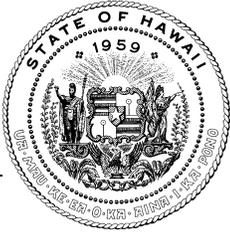
(C) Solar energy facilities shall be decommissioned at the owner's expense according to the following requirements:

(i) Removal of all equipment related to the solar energy facility within twelve months of the conclusion of operation or useful life; and

(ii) Restoration of the disturbed earth to substantially the same physical condition as existed prior to the development of the solar energy facility.

For the purposes of this paragraph, "agricultural activities" means the activities described in paragraphs (1) to (3) [~~7~~] and, "farm operation" as defined in Section 165-2;"

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



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GOVERNOR

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LT. GOVERNOR

MARK B. GLICK
CHIEF ENERGY OFFICER

Testimony of **MARK B. GLICK, Chief Energy Officer**

before the **SENATE COMMITTEES ON AGRICULTURE AND ENVIRONMENT, WATER, LAND, CULTURE AND THE ARTS, AND ENERGY AND INTERGOVERNMENTAL AFFAIRS**

Wednesday, February 18, 2026
3:00 PM
State Capitol, Conference Room 224, and Videoconference

Providing Comments on
SB 2371

RELATING TO AGRIVOLTAICS.

Chairs Gabbard, Lee, and Wakai, Vice Chairs Richards, Inouye, and Chang, and Members of the Committees, the Hawai'i State Energy Office (HSEO) offers comments and concerns on SB 2371 that (1) Requires a landowner leasing agricultural sub-parcels on property used for agrivoltaics to prioritize lease offers for beginning farmers; (2) Requires a landowner leasing agricultural sub-parcels on property used for agrivoltaics to submit an annual agrivoltaics compliance report to the department of agriculture and biosecurity; (3) Authorizes the department of agriculture and biosecurity to penalize any landowner that fails to meet agrivoltaics requirements; (4) Authorizes the development of solar energy facilities on agricultural lands with productivity ratings of B, C, or D under certain conditions; and (5) Authorizes a county planning commission or department to issue special permits for agrivoltaics requirements before the approval of the land use commission under certain conditions.

HSEO supports the balance of agricultural productivity and energy feedstock and electricity generation on public and private lands in Hawai'i. HSEO also appreciates thoughtful policies that encourage the potential synergies between energy generation and agricultural activity. The integration of agriculture and renewable energy through

agrivoltaics represents a promising pathway to support both agriculture and the State's energy goals.

At the same time, HSEO understands that the historical challenges involved in stimulating local agricultural production predates the advent of renewable energy in Hawai'i. Policies to stimulate local production and use of agricultural lands are also subject to a number of factors that go beyond land use and high land costs, including labor costs, limited infrastructure, consumer preferences, and economies of scale,

With that in mind, HSEO is concerned how the framework proposed in SB 2371 may interact with existing renewable energy development processes. The addition of new certification, reporting, and compliance requirements to an already intricate process raises concerns about jurisdictional oversight, procedural coordination across agencies, and the risk of unintended consequences affecting project timelines and outcomes—for both solar developers and potential agricultural partners. Specifically, SB 2371 introduces regulatory requirements for agrivoltaics, including annual reporting, penalties, and referrals to other agencies for permit-related matters. Though intended to strengthen agricultural outcomes, these additions complicate operational and administrative matters and could deter developers, agricultural partners, and landowners from pursuing projects that integrate productive uses.

SB 2371 amends Section 205-4.5, Hawai'i Revised Statutes (HRS) to impose detailed requirements on solar facilities on agricultural land, including mandatory minimum agricultural use percentages, infrastructure obligations, lease rate limitations, vegetative cover stipulations, and decommissioning protocols. While well-intentioned, these requirements may be overly prescriptive and risk creating financial and logistical barriers to agrivoltaics deployment on lands that might otherwise support both agriculture and energy.

The bill also requires landowners to prioritize beginning farmers for agricultural sub-parcels (page 4). While HSEO appreciates the intention of this provision, HSEO worries that this provision may limit flexibility in matching land with farmers most capable of sustaining production. Agrivoltaics relies on cooperative arrangements between energy and farming stakeholders; overly rigid leasing rules could impede productive partnerships that serve both goals.

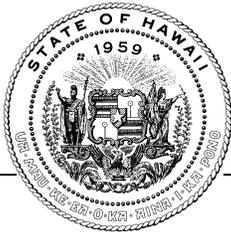
Additionally, the introduction of a new agency role in reviewing and overseeing these arrangements adds another layer of process and uncertainty. Without clearly defined timelines, standards, and coordination mechanisms, this additional review step could create delays and unpredictability that affect project financing, permitting, and implementation. Greater clarity regarding agency responsibilities and procedural integration could help avoid unintended barriers to otherwise viable agrivoltaic development.

Finally, the inclusion of productivity rating class C and D lands within new requirements amending Section 205-4.5(a)(21), HRS, (page 15, line 4) appears inconsistent with the existing statutory framework under Section 205-4.5(a), HRS, and Section 205-2(6)(b), HRS. Section 205-2(6)(b), HRS, expressly limits solar energy facilities placed on lands with overall productivity ratings of class B or C to no more than ten percent of the parcel's acreage, or twenty acres, whichever is less, absent a special use permit pursuant to Section 205-6, HRS. Notably, Section 205-2(6)(b), HRS, does not impose the same acreage limitation on class D lands. By extending these new agrivoltaic requirements to include class D lands without reconciling the existing acreage limitations and permitting structure, the bill creates ambiguity as to how the provisions are intended to interact. In particular, it is unclear whether the bill is implicitly modifying the acreage caps currently applicable to class B and C lands, and it is unclear whether class D lands, previously not subject to the same statutory cap, are now intended to be treated equivalently. Absent clarifying language, these amendments introduce statutory conflict. For consistency within Chapter 205, HRS, the measure should clearly articulate how these new provisions align with, or modify, the existing land classification and solar siting framework.

In conclusion, it is questionable whether the bill's agricultural output documentation and enforcement mechanisms will lead to the apparent aim of the bill to ensure meaningful production. The overly narrow definitions or compliance burdens could discourage innovative or emerging agri-food systems that do not fit traditional metrics — such as specialty crops, pollinator habitats, or regenerative practices integrated with solar infrastructure. HSEO recommends careful reconsideration or

recalibration of these requirements to ensure a practical and efficient process that achieves its goals while not impeding projects, which are already subject to extensive and exhaustive review.

Thank you for the opportunity to testify.



**STATE OF HAWAI'I
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
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MARY ALICE EVANS
DIRECTOR

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Statement of
MARY ALICE EVANS, Director

before the
**SENATE COMMITTEES ON
AGRICULTURE AND ENVIRONMENT,
WATER, LAND, CULTURE AND THE ARTS,
AND
ENERGY AND INTERGOVERNMENTAL AFFAIRS**

Wednesday, February 18, 2026, 3:00 PM
State Capitol, Conference Room 224

in consideration of
**SB 2371
RELATING TO AGRIVOLTAICS.**

Chairs Gabbard, Lee, and Wakai, Vice Chairs Richards, Inouye, and Chang, and Members of the Committees:

The Office of Planning and Sustainable Development (OPSD) **supports the intent** and **offers amendments** on SB 2371. OPSD strongly supports agrivoltaics as an innovative solution to reduce land use conflicts by allowing renewable energy generation and agricultural production to coexist on the same lands. Agrivoltaics can strengthen local food security, expand clean energy capacity, and promote long-term stewardship of Hawai'i's limited agricultural lands in alignment with the State's sustainability and climate goals.

OPSD respectfully defers to the Department of Agriculture and Biosecurity on Section 2 of the measure, which defines agrivoltaics within HRS Chapter 141, as that department has primary expertise in agricultural standards and operations.

OPSD supports expanding agrivoltaics and solar energy facilities onto D lands through a special use permit and recognizes that the bill seeks to create safeguards for both energy producers and farmers. However, OPSD has concerns regarding page 16, subsection (ii), lines 18–21, which states that the lease rate shall not exceed the prevailing regional agricultural lease rate. This provision could unintentionally result in lease rates that are *higher* than the existing requirement of 50% below fair market value, thereby weakening incentives for beginning and commercial farmers. OPSD is also concerned with the definition of "prevailing regional agricultural lease rate" on page 18, as comparable property values in Hawai'i are typically determined by qualified appraisers—not solely by landowners—raising concerns about accuracy, objectivity, and transparency in lease rate determinations.

To preserve strong incentives for farmers while achieving the bill's agrivoltaics objectives, **OPSD offers the following amendments** to page 16, section 3 of the bill within HRS § 205-4.5:

SB 2371 RELATING TO AGRIVOLTAICS- SUPPORT
State Office of Planning and Sustainable Development
February 18, 2026

(21) Solar energy facilities and agrivoltaics on lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating [~~B or C~~ B, C, or D for which a special use permit is granted pursuant to section 205-6; provided that:

(A) The [~~area occupied by~~] the solar energy facilities [~~is also made available for compatible agricultural activities at a lease rate that is at least fifty per cent below the fair market rent for comparable properties;~~] occupy an area of at least ten acres and have a nameplate capacity of at least five megawatts; provided further that:

- (i) Not less than thirty per cent of the area occupied by solar energy facilities shall at all times be used for compatible agricultural activities; provided further that
- ~~(ii) The area made available for compatible agricultural activities shall be offered at a lease rate that shall not exceed the prevailing regional agricultural lease rate;~~
 - (a) The area made available for compatible agricultural activities shall be offered at a lease rate that is at least 50 per cent below the fair market rent for comparable properties;

OPSD believes this proposed language preserves the bill's requirement that the 30% agricultural area be leased at the current 50% below fair market value, while maintaining affordability for farmers by ensuring that the lease appraisal is based solely on the agricultural portion of the site, consistent with the bill's intent.

OPSD also offers the following amendment on page 18 of the bill to provide clarity within HRS § 205-4.5 and ensure alignment with Hawai'i's local food production goals:

- (D) For the purposes of this paragraph[, "agricultural activities"]:
- (i) "Agricultural activities" means the activities described in paragraphs (1) to (3) that meet the state's local food production goals; and
 - ~~(ii) "Prevailing regional agricultural lease rate" means the lease rate for comparable properties within the region as documented by the landowner;~~
 - (ii) "Agrivoltaics" means the intentional integration of agricultural activities and solar energy generation on the same site to support agricultural operations.

OPSD appreciates the opportunity to advance agrivoltaics in a way that supports farmers, strengthens local food production, and expands clean energy generation statewide.

Mahalo for the opportunity to testify on SB 2371.

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
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Testimony of the Public Utilities Commission

To the
Senate Committees on
Agriculture & Environment,
Water, Land, Culture & the Arts,
and
Energy & Intergovernmental Affairs

February 18, 2026
3:00 p.m.

Chairs Gabbard, Lee, and Wakai, Vice Chairs Richards, Inouye, and Chang, and
Members of the Committees:

Measure: S.B. No. 2371
Title: RELATING TO AGRIVOLTAICS.

Position:

The Public Utilities Commission ("Commission") offers the following comments for
consideration.

Comments:

The Commission appreciates the intent of this measure to further develop a regulatory
framework for agrivoltaics which can expand agricultural opportunities while assisting the
State to achieve its renewable energy goals. Given the need to rapidly build out renewable
energy infrastructure to meet the State's energy and climate goals, as well as recognizing
land constraints and competing interests for land use across the State's islands, the
Commission supports the integration of agriculture and renewable energy production to
the extent it is mutually beneficial.

The Commission is responsible for reviewing and approving power purchase agreements
("PPAs") between electric utilities and independent power producers ("IPPs"), some of
which include agrivoltaic projects. One example includes AES Lawai Solar, a solar-plus-
storage project providing energy to Kauai Island Utility Cooperative, which became

commercially operational in 2019 and uses a flock of sheep to control vegetation growth onsite.¹

In reviewing PPAs between electric utilities and IPPs, the Commission's role is to ensure that utility customers pay just and reasonable rates for generated electricity. While the Commission does not directly issue or administer permits for renewable energy projects, the status and sufficiency of required permits are relevant considerations in the Commission's evaluation of PPAs. Accordingly, the Commission welcomes collaboration with the Department of Agriculture and Biosecurity and the counties in considering potential permit modifications and in developing rules to carry out the purposes of this section.

Thank you for the opportunity to testify on this measure.

¹ See Docket No. 2017-0018 (<https://hpuc.my.site.com/cdms/s/puc-case/a2G8z0000007fTIEAI/pc22098?tabset-431dc=3>) for the AES Lawai Solar application, including the Commission's approval.



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February 18, 2026

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
SENATE COMMITTEE ON WATER, LAND, CULTURE AND THE ARTS
SENATE COMMITTEE ON ENERGY AND INTERGOVERNMENTAL AFFAIRS

TESTIMONY ON SB 2371
RELATING TO AGRIVOLTAICS

Conference Room 224 & Videoconference
3:00 PM

Aloha Chairs Gabbard, Lee, and Wakai, Vice-Chairs Richards, Inouye, and Chang, and Members of the Committees:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports the intent of SB 2371, which requires a landowner leasing agricultural sub-parcels on property used for agrivoltaics to prioritize lease offers to beginning farmers; requires landowners to submit annual agrivoltaics compliance reports to the Department of Agriculture and Biosecurity; authorizes the Department to enforce agrivoltaics requirements and impose penalties for noncompliance; establishes conditions for the development of solar energy facilities on agricultural lands with productivity ratings of B, C, or D; and authorizes county planning commissions, under certain conditions, to issue special permits for agrivoltaics projects prior to approval by the Land Use Commission.

HFB has consistently supported agrivoltaics as a policy approach that allows renewable energy development to coexist with meaningful agricultural production. Agricultural lands are a finite and critical resource, and when solar facilities are sited within the Agricultural District, those lands should continue to contribute to Hawai'i's food production and agricultural economy.

We appreciate the measure's effort to establish clearer standards, accountability, and reporting requirements to ensure that agricultural activity under solar facilities is substantive and commercially viable. Strengthening expectations that agricultural

production occur alongside energy generation aligns with the Legislature's long-standing goal of preserving and protecting agricultural lands for agricultural use.

At the same time, successful agrivoltaics projects require flexibility and practical implementation. Agricultural production is influenced by weather, drought, pest pressures, soil conditions, and market forces. Clear definitions of what constitutes "active commercial agricultural production," reasonable compliance timelines, and opportunities to cure deficiencies will be important to ensure that projects remain viable and that enforcement mechanisms are predictable and proportional.

HFB also encourages continued coordination between the Department of Agriculture and Biosecurity, counties, landowners, and producers to avoid duplicative oversight and to ensure that agrivoltaic requirements complement existing agricultural and land use policies.

A balanced approach that supports renewable energy, protects agricultural lands, and promotes real agricultural production will help ensure that agrivoltaics contribute meaningfully to Hawai'i's food security and energy goals.

Thank you for the opportunity to provide testimony in support of the intent of this measure



February 16, 2026

To: Chairs Mike Gabbard, Chris Lee, and Glenn Wakai; Vice Chairs Tim Richards III, Lorraine Inouye, and Stanley Chang; and the Senate Committees on Agriculture and Environment; Water, Land, Culture, and the Arts; and Energy and Intergovernmental Affairs

Subject: **SB2371**, Relating to Agrivoltaics

Aloha,

I am writing in **support of SB2371** which establishes standards and regulations for the use of agricultural land for agrivoltaics. Hawai'i faces challenges in both food and energy systems and agrivoltaics offers an opportunity to manage land for both green energy and sustainable agriculture. It is of utmost importance to establish governing frameworks around the use of agricultural land for dual purposes with solar energy. Measures must be taken to protect Hawai'i's prime agricultural land from use in other areas, and to ensure beginning farmers have access to agricultural lands. Authorized oversight of agrivoltaics can help strengthen both energy and agricultural sectors.

I urge this committee to pass SB2371 to prioritize agrivoltaics lease offers to beginning farmers, to require a landowner leasing agricultural sub-parcels on property used for agrivoltaics to submit an annual agrivoltaics compliance report to the Department of Agriculture and Biosecurity, and to authorize DAB to penalize any landowner that fails to meet agrivoltaics requirements. Passing **SB2371** authorizes the development of solar energy facilities on agricultural lands with productivity ratings of B, C, or D under certain conditions, and authorizes a county planning commission to issue special permits for agrivoltaics requirements before the approval of the Land Use Commission under certain conditions.

Mahalo,
Sydney Haas & the Food+ Policy Team
#fixourfoodsystem

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2026, the cohort of interns are undergraduate and graduate students and young professionals working in the food system. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.

SB-2371

Submitted on: 2/12/2026 11:11:33 PM

Testimony for AEN on 2/18/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Oppose	Written Testimony Only

Comments:

Oppose SB2371

Dana Keawe