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

**BEFORE THE HOUSE COMMITTEE ON
ENERGY & ENVIRONMENTAL PROTECTION
TUESDAY, JANUARY 29, 2008
8:30 a.m.
Room 312**

**HOUSE BILL 2554
RELATING TO RENEWABLE ENERGY**

Chair Morita, Vice-Chair Carroll and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 2554 that seeks to amend Chapter 196 (energy resources) permit small wind energy systems with specific features in all State land use districts on properties of no less than one-half acre. The Department of Agriculture supports the intent of this measure, however, the bill establishes small wind energy systems as permitted uses within the Rural and Conservation District where this use is not currently a permitted use. The establishment of this new permitted use within the Rural and Conservation District should be done by amendment to Chapter 205. We also recommend one amendment to ensure small wind energy systems are compatible with agricultural uses on the parcel where they are to be built and adjacent parcels.

Sections 205-2 and 205-4.5 already identify wind generated energy production as permissible uses on Agricultural District land with the caveat that "... the wind energy facilities and appurtenances are compatible with agriculture uses and cause minimal adverse impact on agricultural land." We recommend inserting similar language into this measure to ensure that these small wind energy systems do not negatively impact

agricultural uses, activities, and access on the properties and adjacent agricultural lands on which the systems are to be built.

On page 4, after line 3, add the following new subsection:

“(d) Small wind energy systems shall be compatible with agricultural uses and activities, and access on and to the properties and adjacent agricultural lands on which the systems are permitted.”

Further, we note a provision on page 3, line 18 to page 4, line 4 that land owners seeking to build qualified small wind energy systems cannot be prevented from doing so by any restrictions found in leases, instruments, contracts, and other binding agreements. There may be an issue with this if **existing** leases, instruments, contracts, and other binding agreements are to be made void with respect to building qualified small wind energy systems. If this is an issue, then the bill should be amended to limit its effects to future leases, instruments, contracts, and other binding agreements.