

Bill No. HB 590

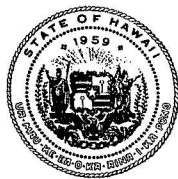
Support Y N

Date 2/20
LINDA LINGLE
GOVERNOR OF HAWAII

Time 1543

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Type 1 2 WI



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

In reply, please refer to:
File:

**JOINT HOUSE COMMITTEES ON WATER, LAND, & OCEAN RESOURCES
AND ENERGY & ENVIRONMENTAL PROTECTION**

H.B. 590, RELATING TO RENEWABLE ENERGY FACILITIES

**Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health**

**February 24, 2009
10:00 a.m.**

1 **Department's Position:** The Department of Health supports the rapid development of renewable
2 energy but due to concerns, we respectfully oppose this bill.

3 **Fiscal Implications:** None

4 **Purpose and Justification:** This bill amends HRS, Chapter 201N to reduce the processing times for
5 state and county permits for renewable energy facilities from twelve month to six months and from
6 eighteen months to twelve months for automatic permit approvals.

7 The Department of Health recognizes the importance of renewable energy facilities and its
8 crucial energy role in Hawaii. The department already gives priority status and an expedited permit
9 review process to such projects. The bill's shorter permit processing time may be insufficient especially
10 for those projects that are controversial because of high public interest, project opposition, or
11 environmental disputes. The processing times for controversial permits are often lengthy and
12 unpredictable due to the public comment period, the possible addition of a public hearing, and the time
13 needed to review and respond to the public comments and incorporate permit changes if applicable. The
14 permit record and responses must be well documented and complete to withstand any appeals and

1. contested case hearings. Allowing a permit to be automatically approved after a certain time period may
2 also result in further delays should the automatic permit be challenged either by the public, the applicant,
3 or another governmental agency.

4 The Department prefers and supports the approach taken in Section 12 of the Administration
5 Bill, S.B. 870, Relating to Hawaii's Clean Energy Initiative in Electric Generation and Delivery, which
6 retains the existing permit processing times but requires the permitting agency to report the processing
7 activity within thirty days following the twelve-month period. In addition, if no further processing and
8 action are reported by the permitting agency within five months, the permit shall be deemed approved.

9 Thank you for the opportunity to testify.

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

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
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Statement of
THEODORE E. LIU
Director
Department of Business, Economic Development, and Tourism
before the
**HOUSE COMMITTEES ON
WATER, LAND USE, & OCEAN RESOURCES
and
ENERGY & ENVIRONMENTAL PROTECTION**
Tuesday, February 24, 2009
10:00 a.m.
State Capitol, Conference Room325

Bill No. HB 590
Support Y N
Date 2/22
Time 1720
Cat AF AS AX BC
Type 1 2 WI

in consideration of

**HB 590
RELATING TO RENEWABLE ENERGY FACILITIES**

Chair Ito, Chair Morita, Vice Chair Har, Vice Chair Coffman, and Members of the
Committees.

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 590,
but we oppose the current draft of the bill. The purpose of HB 590 is to amend chapter 201N,
Hawaii Revised Statutes, by shortening the time for processing and approving or denying the
permits for a renewable energy project over 200 MW from twelve to six months after acceptance
of a complete permit application. HB 590 also provides for approval by law within twelve
months if no action is taken on permit plan applications or if the permitting agency fails to
provide a report detailing the measures it has taken to complete processing.

DBEDT supports expediting renewable energy projects and the use of renewable energy.
Installation of renewable energy technologies moves the State of Hawaii closer to our Hawaii

Clean Energy Initiative of 70 percent clean energy by 2030. However, investors from across the country have pointed to Hawaii's permitting regime as the main hindrance to investment in Hawaii. Investors, given Hawaii's poor reputation, want certainty. They do not want to skirt or avoid permitting, but they need certainty. While HB 590 in its current form does speed up the permitting process, it does nothing to provide certainty to investors.

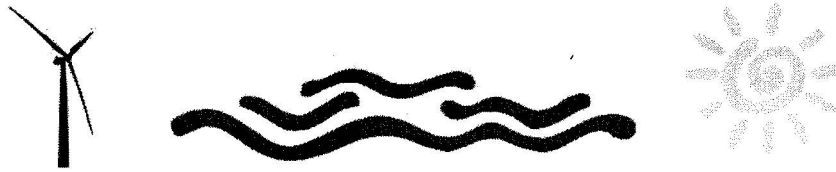
Rather than setting arbitrary deadlines that State and County permitting agencies may or may not be able to meet, DBEDT recommends amending HB 590 to revise section 201N-4(g), Hawaii Revised Statutes to read:

(g) Each appropriate state and county agency shall diligently endeavor to process and approve or deny any permit in the permit plan no later than twelve months after a completed permit plan application is approved by the coordinator. If a permit is not approved or denied within twelve months after approval of a completed permit plan application, the permitting agency, within thirty days following the end of the twelve-month period, shall provide the coordinator with a report identifying diligent measures that are being taken by the agency to complete processing and action as soon as practicable. If no further processing and action are reported by the permitting agency within five months, the permit may be deemed approved. If a permitting agency fails to provide this report and if the permit has not been approved or denied within eighteen months following the approval of a completed permit plan application by the coordinator, the permit shall be deemed approved.

DBEDT feels that this amendment to HB 590 preserves the authority and discretion of State and County permitting agencies that are tasked with safeguarding the public trust, while at

the same time providing some certainty to investors that their permitting applications will be processed in a timely manner.

Thank you for the opportunity to offer these comments.



LIFE OF THE LAND

76 North King Street, Suite 203
Honolulu, Hawai'i 96817

Phone: 533-3454; E: henry.lifeoftheland@gmail.com

Bill No. HB590
Support Y N
Date 2/23
Time 759
Cat AF AS AX B C
Type 1 2 WI

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Hermina M. Morita, Chair
Rep. Denny Coffman, Vice Chair

COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

Rep. Ken Ito, Chair
Rep. Sharon E. Har, Vice Chair

Tuesday, February 24, 2009
10:00 a.m.
Conference Room 325

HB 590 RELATING TO RENEWABLE ENERGY FACILITIES.

Aloha Chairs Morita and Ito, and Members of the Committees

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.

HB 590 would allow the Director of DBEDT to accept a proposed project as "complete" and then fast-track (ram) the project through state and county agencies, before adequately evaluation may be completed.

Hawaii has abundant natural resources. We could be energy self-sufficient by 2020. The State Legislature suggested a goal of 20% renewable electricity by 2020, but gave the PUC an out, they could meet it through 10% efficiency and 10% renewable. By the State's definition, we are 16% renewable today. Thus the State currently exceeds the Legislative goal.

The solution is for Legislature to mandate an aggressive, transparent & open process for achieving much higher renewable energy penetration levels. The solution is openness, not ram and jam in back rooms. We are in a recession, the solution is not to require agencies to meet certain drop dead deadlines, to short-staff them, to have

the deadlines come and go, and to establish energy winners and losers by default.

Just as planned development makes more sense than Houston's no zoning code, planned energy solutions is the way to go. The PUC is adopting Feed-In Tariffs (FiTs) to require the HECO Companies to accept specific types of renewable energy at specific prices as a way to transform our energy future. The FiT process should be open and transparent.

Proper Permitting is essential

Democracy requires thoughtful processes which involve community input and community interventions.

Complex proposals to use public trust resources need adequate review

Hawai'i's environment, coastal resources, scenic vistas, native Hawaiian rights, health, welfare, and safety concerns, and compliance with existing rules and laws need to be protected

In a state that values its communities, environment, and citizens rights, automatic approval is simply poor policy.

Permits should be granted on their merits, not by mistake.

No community should suffer because government failed to perform.

Automatic approvals are completely antithetical to smart, sustainable planning.

Mahalo,

Henry Curtis

**DOWLING
COMPANY, INC**

Bill No. HB590

Support Y N

Date 2/23

Time 852

Cat AF AS AX BC

Type 1 2 WI

February 24, 2009

Hearing on HB590, Relating to Renewable Energy Facilities
Before the House Committees on Energy and Environmental Protection
and Water, Land, and Ocean Resources
on Tuesday, February 24, 2009 at 10:00 a.m. in Conference Room 325

Dear Chairs Morita and Ito and members of the Committee:

My name is Jennifer Stites and I am the Green Development Manager for Dowling Company, Inc. ("DCI"). DCI is a Maui-based real estate development company that is committed to sustainable development. As the land owner of 1800 acres in Makena, including the Maui Prince Hotel and Makena North and South Golf Courses, we have set the very ambitious goal of developing a net-zero energy community. Through energy reduction and renewable energy production on-site, we hope to develop a model sustainable community for Hawaii.

Therefore, we support HB590 because it will shorten the time within which a state or county agency may process and approve or deny any permit plan applicable for a renewable energy facility. **We would also propose that the bill be amended by adding LEED projects along with renewable energy facilities.** LEED projects are designed to be environmentally friendly. Specifically in the areas of: sustainable site; water; energy and atmosphere; indoor environmental quality; and materials and resources.

Thank you for the opportunity to testify in support of HB590.

SUNPOWER

Room # 325 10:00 AM February 24, 2009

House Committees on Energy and Environmental Protection and Water, Land and Ocean Resources

HB390 RELATING TO RENEWABLE ENERGY FACILITIES

Chairs Morita and Ito, Vice-Chairs Coffman and Har, and Committee Members:

Introduction: My name is Riley Saito Senior Manager, Hawaii Projects for the SunPower Systems Corporation. Thank you in advance for accepting these few comments in support of **HB390**.

SunPower Systems Corporation ("SunPower") has been a member of the Hawaii Energy Policy Forum since it convened in 2003 and a member of the HCEI Energy Generation group over the past year. SunPower is in the business of designing, manufacturing, and delivering the highest efficiency solar electric technology worldwide. One of our latest projects was the 1.2 megawatt La Ola solar farm on Lanai with Castle & Cooke Hawaii.

SunPower supports any legislature that will assist in expediting the permitting progress for photovoltaic systems and assist in bringing more solar energy to Hawaii. Thus, SunPower supports HB390.

Mahalo for the opportunity to submit testimony in support.

Mahalo,

Riley Saito

Bill No. HB⁵390
Support Y N
Date 2/23
Time 911
Cat AF AS AX BC
Type 1 2 WI

EEPtestimony

From: Lance Holter [holter@maui.net]
Sent: Monday, February 23, 2009 9:37 AM
To: EEPtestimony
Subject: HB 590 not in support

Bill No. 590

Support Y N

Date 2/23/09

Time 946

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Type 1 2 WI

Please distribute 25 copies

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Hermina M. Morita, Chair

Rep. Denny Coffman, Vice Chair

COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

Rep. Ken Ito, Chair

Rep. Sharon E. Har, Vice Chair

Tuesday, February 24, 2009

10:00 a.m.

Conference Room 325

Dear Committee members,
Please hold HBH590 Relating to Renewable Energy Facilities
We are not in support of HB590 , as automatic project approvals do not lead to sustainable planning.

Lance Holter,
Chairman Hawaii Sierra Club- Maui Group
PO Box 790656
Paia, HI 96779
Tele 579-9442

Castle & Cooke
Hawai'i

Harry A. Saunders
President

February 23, 2009

Bill No. 590

Support Y N

Date 2/23/09

Time 948

Cat AF AS AX B C

Type 1 2 WI

The Honorable Hermina M. Morita, Chair
and Members of the Energy and Environmental
Protection Committee
The Honorable Ken Ito, Chair
and Members of the Water, Land and
Ocean Resources Committee
Hawai'i House of Representatives
Hawai'i State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Chair Morita, Chair Ito and Members of the Committees:

Subject: ***HB 590 Relating to Renewable Energy Facilities***
Hearing 10:00 a.m., February 24, 2009
Capital Conference Room 325

We support HB 590 as it shortens the time frame to process permit plan application for a renewable energy facility under Act 207, HRS 201N. This bill provides further expedited permit processing as it reduces the time for processing and approving or denying permits from twelve to six months after acceptance of a complete application; and if a permitting agency fails to respond or report or if the permit has not been approved or denied within twelve months following the approval of a completed permit plan application by the coordinator, the permit shall be deemed approved.

HB 590 would provide further predictability and certainty to insure that all required permits will be prioritized and processed in keeping with the State's renewable energy objective of reducing our reliance of fossil fuels. We feel these assurances are warranted to insure that the State can meet its 2030 renewable energy mandates as we move forward to reduce our reliance on fossil fuels.

HB 590 also addresses an ambiguity in the original language of Act 207. The committee reports relating to Act 207 indicate its intent that the 18-month second deadline for permits is an absolute one, after which permits are deemed approved. Changing the word "and" instead to "or" in section 201N-4(g) more clearly effects that intent.

The Honorable Hermina M. Morita and
The Honorable Ken Ito
February 23, 2009
Page Two

We are committed to addressing Hawai'i's over-dependence on fossil fuels and are moving forward with our wind farm project on Lāna'i. We are in the Environmental Impact Statement process and will eventually be submitting an application under Act 207 (2008) for consolidated permit processing. Our ambitious goal is to achieve 100% renewable energy on Lāna'i by using its bountiful natural resources and transforming Lāna'i into a showcase for renewable energy.

On behalf of Castle & Cooke, I respectfully request your support for HB 590. 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 Hawai'i
aksukamoto@castlecooke.com
Phone: 548-4884

Richard Mirikitani, Senior Vice President and Counsel
Castle & Cooke Hawai'i
rmirikitani@castlecooke.com
Phone: 548-4890

Carleton Ching, Vice President – Community and Government Relations
Castle & Cooke Hawai'i
cching@castlecooke.com
Phone: 548-3776

Sincerely,

CASTLE & COOKE HAWAI'I



Harry A. Saunders
President

Castle & Cooke
Hawai'i

Harry A. Saunders
President

February 23, 2009

The Honorable Hermina M. Morita, Chair
and Members of the Energy and Environmental
Protection Committee
The Honorable Ken Ito, Chair
and Members of the Water, Land and
Ocean Resources Committee
Hawai'i House of Representatives
Hawai'i State Capitol
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Bill No. 590

Support Y N

Date 2/23/09

Time 948

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Type 1 2 WI

The Honorable Hermina M. Morita and
The Honorable Ken Ito
February 23, 2009
Page Two

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aktsukamoto@castlecooke.com
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Richard Mirikitani, Senior Vice President and Counsel
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Carleton Ching, Vice President – Community and Government Relations
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Sincerely,

CASTLE & COOKE HAWAI'I



Harry A. Saunders
President