
A BILL FOR AN ACT

RELATING TO RENEWABLE ENERGY FACILITY SITING PROCESS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that many of Hawaii's
2 most desirable renewable energy resources, such as wind, may be
3 found on one island, while the majority of Hawaii's population
4 and load center is located on another island. While the
5 legislature acknowledges the benefits of a statewide systems
6 approach to transition to a clean energy future, this transition
7 may occur in a manner that harvests renewable energy from one
8 island to benefit the residents of another island. Therefore,
9 serious consideration must be given to the social, economic, and
10 environmental justice issues that may impact the island hosting
11 the renewable energy facility.

12 The legislature also finds that while the public hearing
13 process seeks to receive and respond to community input, rarely
14 does real and substantive negotiation occur in a public setting.
15 Therefore, to create a viable forum, and to ensure that the
16 affected host island shares in the benefits of a substantial
17 project, many communities throughout the country and the world
18 are using community benefits agreements to outline specific



1 commitments that are legally enforceable, in exchange for the
2 permitting of development projects, including renewable energy
3 projects.

4 The purpose of this Act is to require the energy resources
5 coordinator to:

- 6 (1) Convene an applicant and stakeholder groups from the
7 affected host island where a proposed renewable energy
8 facility will export the majority of the electricity
9 generated from the facility offshore, for the purpose
10 of negotiating a binding community benefits agreement
11 prior to a project's final approval; and
- 12 (2) Include representatives from the island where a
13 renewable energy facility is proposed to be developed
14 when determining the terms and conditions of the
15 permit plan and permits and community benefits
16 agreements.

17 SECTION 2. Section 201N-3, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "[+]§201N-3[+] General duties of the coordinator. (a)

20 The coordinator shall:

- 21 (1) Consult with appropriate state and county agencies to
22 develop and establish a permit plan application format



- 1 and procedure designed to ensure a timely review to
2 obtain required permits and approvals for renewable
3 energy facilities;
- 4 (2) Receive a permit plan application, in a form as the
5 coordinator shall prescribe, from an applicant for the
6 approval of the siting, development, construction, and
7 operation of a renewable energy facility, with an
8 appropriate initial application fee as determined by
9 the coordinator;
- 10 (3) Identify all state and county permits necessary for
11 approval of the renewable energy facility;
- 12 (4) Assist in the permit plan application process by
13 coordinating permitting processes, giving technical
14 assistance, overseeing the creation of the permit
15 plan, and providing general oversight to facilitate
16 the timely review and permitting of the siting of a
17 renewable energy facility;
- 18 (5) Gather from the applicant any information the
19 coordinator finds relevant and necessary for the
20 reviewing and processing of a permit application by
21 the federal, state, and county agencies;



- 1 (6) Coordinate public meetings on the island where a
2 renewable energy facility is proposed to be developed
3 to:
4 (A) Allow members of the affected communities to
5 provide input regarding the development of the
6 renewable energy facility;
7 (B) Promote public awareness of the plan for the
8 renewable energy facility in the proposed area;
9 and
10 (C) Allow the coordinator, the applicant, and any
11 applicable agency to gain public sentiment and
12 input regarding the proposed development of the
13 renewable energy facility, and incorporate the
14 public sentiment and input into the planning of
15 the proposed renewable energy facility; [~~and~~]
16 (7) Work with the federal, state, and county agencies and
17 the applicant and representatives from the island
18 where a renewable energy facility is proposed to be
19 developed to determine the terms and conditions of the
20 permit plan and permits that are necessary to
21 effectuate this chapter and to protect the public



1 health and safety and promote the general welfare [-];
2 and
3 (8) Convene an applicant seeking to develop a renewable
4 energy facility and stakeholder groups from the host
5 island for the purpose of negotiating a community
6 benefits agreement when the proposed renewable energy
7 facility exports a majority of the electricity
8 generated from the facility offshore.

9 (b) For purposes of this section, "community benefits
10 agreement" is a negotiated and enforceable contract between an
11 applicant and community stakeholder groups that ensures benefits
12 to the affected host island before the finalization of the
13 permitting process."

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Renewable Energy Facilities; Community Benefits Agreements

Description:

Requires the Energy Resources Coordinator to include representatives from the island where a proposed renewable energy facility will be located to determine the terms and conditions of its permit plan and permits. Requires Coordinator to convene the applicant and community stakeholder groups to negotiate a community benefits agreement. (HB2971 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

