

JAN 21 2010

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# A BILL FOR AN ACT

RELATING TO RENEWABLE ENERGY.

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

1           SECTION 1. Following the 2009 legislative session, the  
2 chairs of the senate committee on economic development and  
3 technology and the house committee on economic revitalization,  
4 business and military affairs convened a technology caucus work  
5 group to bring together industry stakeholders and interested  
6 policymakers to develop recommendations for legislation to  
7 enhance Hawaii's struggling economy. The work group provided a  
8 forum to review the current status of Hawaii's  
9 science/technology industry, identify state or county actions  
10 that impede long-term growth and expansion of technology  
11 companies, and develop recommendations to address these  
12 impediments. The work group also identified best practices  
13 supporting the growth and development of science/technology  
14 industries in other jurisdictions to aid in developing proposed  
15 suggestions for future legislation.

16           The legislature finds that while there is a growing  
17 consensus that Hawaii could greatly reduce its dependency upon



1 fossil fuel by facilitating the development of renewable and  
2 sustainable energy facilities within the State, implementing new  
3 projects is difficult due to restrictions imposed by existing  
4 land use controls. Expanding the uses allowed within the  
5 State's conservation districts, which cover approximately forty-  
6 eight per cent of the State, would greatly expand renewable  
7 energy opportunities at a time when the greatest flexibility and  
8 creativity is needed.

9 The purpose of this Act is to implement recommendations of  
10 the technology caucus work group by allowing certain renewable  
11 energy projects in the conservation district, subject to the  
12 zoning and rulemaking requirements of chapter 183C, Hawaii  
13 Revised Statutes, and the department of land and natural  
14 resources.

15 SECTION 2. Section 183C-4, Hawaii Revised Statutes, is  
16 amended by amending subsection (d) to read as follows:

17 "(d) The department shall establish zones within the  
18 conservation district, which shall be restricted to certain  
19 uses. The department, by rules, may specify the land uses  
20 permitted therein which may include, but are not limited to,  
21 farming, flower gardening, operation of nurseries or orchards,  
22 growth of commercial timber, grazing, recreational or hunting



1 pursuits, establishment of wind turbines, wind farms, solar  
2 energy facilities, and low-impact hydropower facilities, or  
3 residential use. The rules may control the extent, manner, and  
4 times of the uses, and may specifically prohibit unlimited  
5 cutting of forest growth, soil mining, or other activities  
6 detrimental to good conservation practices."

7 SECTION 3. Section 205-2, Hawaii Revised Statutes, is  
8 amended by amending subsection (e) to read as follows:

9 "(e) Conservation districts shall include areas necessary  
10 for protecting watersheds and water sources; preserving scenic  
11 and historic areas; providing park lands, wilderness, and beach  
12 reserves; conserving indigenous or endemic plants, fish, and  
13 wildlife, including those which are threatened or endangered;  
14 preventing floods and soil erosion; forestry; open space areas  
15 whose existing openness, natural condition, or present state of  
16 use, if retained, would enhance the present or potential value  
17 of abutting or surrounding communities, or would maintain or  
18 enhance the conservation of natural or scenic resources; areas  
19 of value for recreational purposes; other related activities;  
20 and other permitted uses not detrimental to a multiple use  
21 conservation concept[-], including the establishment of wind



1 turbines, wind farms, solar energy facilities, and low-impact  
2 hydropower facilities."

3 SECTION 4. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Carole Fideuraga

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**Report Title:**

Renewable Energy; Conservation Districts

**Description:**

Allows certain renewable energy projects in the State's conservation districts.

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

