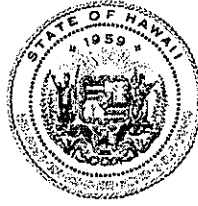
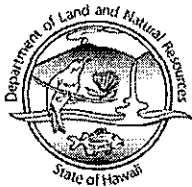


**SB 2421**

LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
LAURA H. THIELEN  
Chairperson**

**Before the Senate Committee on  
ENERGY AND ENVIRONMENT**

**Thursday, February 4, 2010  
3:00 p.m.  
State Capitol, Conference Room 225**

**In consideration of  
SENATE BILL 2421  
RELATING TO RENEWABLE ENERGY**

Senate Bill 2421 would authorize the Department of Land and Natural Resources (Department) to consider including in their administrative rules (rules), allowance of renewable energy facilities in the Conservation District. The Department has established rules allowing for the application of renewable energy facilities via "public purpose" uses. An example of a renewable energy facility already permitted in a conservation district is the Maui Wind Farm project. In addition to this, the Department is proposing new rules that expressly identify various renewable energy projects as potentially permissible in the conservation district. For these reasons, the Department believes this measure is unnecessary, and will only lead to depleting the Department's already limited resources and manpower.

**LAURA H. THIELEN**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**RUSSELL Y. TSUJI**  
FIRST DEPUTY

**KEN C. KAWAHARA**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**LINDA LINGLE**  
Governor



**SANDRA LEE KUNIMOTO**  
Chairperson, Board of Agriculture

**DUANE K. OKAMOTO**  
Deputy to the Chairperson

State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512

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

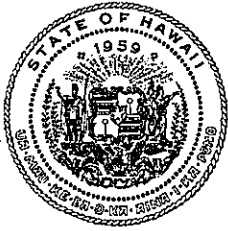
**BEFORE THE SENATE COMMITTEE ON  
ENERGY AND ENVIRONMENT  
THURSDAY, FEBRUARY 4, 2010  
3:00 p.m.  
Room 225**

**SENATE BILL NO. 2421  
RELATING TO RENEWABLE ENERGY**

Chair Gabbard, Vice Chair English and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 2421. The Department of Agriculture offers comments. The amendment to Section 183C-4 (d) adds wind turbines, wind farms, solar energy facilities, and low-impact hydropower facilities as land uses that the Department of Land and Natural Resources may, through its rules, permit on lands within the Conservation District. There are agricultural activities within the Conservation District, such as grazing and pasture for livestock that may or may not be compatible with renewable energy facilities. Adding these renewable energy uses in the Conservation district is acceptable provided that they do not conflict or displace existing agricultural uses.

SB2421\_AGR\_02-1-10\_ENE



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

LINDA LINGLE  
GOVERNOR  
THEODORE E. LIU  
DIRECTOR  
PEARL IMADAIBOSHI  
DEPUTY DIRECTOR

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](http://www.hawaii.gov/dbedt)

Telephone: (808) 586-2355  
Fax: (808) 586-2377

Statement of  
**THEODORE E. LIU**  
Director

Department of Business, Economic Development, and Tourism  
before the  
**SENATE COMMITTEE ON ENERGY AND ENVIRONMENT**

Thursday, February 4, 2010

3:00 PM

State Capitol, Conference Room 225

in consideration of

**SB 2421**  
**RELATING TO RENEWABLE ENERGY.**

Chair Gabbard, Vice Chair English and Members of the Committee.

The Department of Business, Economic Development, and Tourism (DBEDT) would like to comment on the current draft of the SB 2421 because the bill as written does not help the permitting or development of renewable energy projects on conservation district lands since the bill does not amend the requirement for a conservation district use permit for renewable energy projects. The purpose of SB 2421 is to allow the establishment of wind turbines, wind farms, solar energy facilities, and low-impact hydropower facilities on State conservation district land, which already occurs with the granting of a conservation district use permit from the Board of Land and Natural Resources. The bill only allows for the establishment of certain types of renewable energy projects which already occurs on conservation district use lands.

Thank you for the opportunity to offer these comments.

**Testimony before the  
Senate Committees on  
Energy & Environment**

**S.B. 2421 – Relating to Renewable Energy**

**Thursday, February 4, 2010  
3:00 pm, Conference Room 225**

**By Arthur Seki  
Director of Renewable Technology  
Hawaiian Electric Company, Inc.**

Chair Gabbard, Vice Chair English and members of the Committee:

My name is Arthur Seki—I am the Director of Renewable Technology at Hawaiian Electric Company. I am testifying on behalf of Hawaiian Electric Company (HECO) and its subsidiaries, Maui Electric Company (MECO) and Hawaii Electric Light Company (HELCO).

We support S.B. 2421, which allows wind turbines, wind farms, solar energy facilities, or low-impact hydropower development in conservation districts. Land availability for renewable energy development continues to be an issue. We recommend that the renewable resources be broadened to include geothermal, biomass, biofuels, ocean energy and energy storage (i.e., pumped storage hydroelectric).

Thank you for the opportunity to present this testimony.

## COMMITTEE ON ENERGY AND ENVIRONMENT

Senator Mike Gabbard, Chair, Senator J. Kalani English, Vice Chair

---

### I OPPOSE SB 2421 for the following reasons:

- The intent of conservation district zoning is to “conserve, protect, and preserve” important natural resources within the districts. § 183C-1. As such, a thoughtful and detailed approach to establishing sub zones and accompanying permitted uses within conservation district subzones can already be found at HAR §13-5-22 through 25.
- The proposed language to amend §183C-4(d) is both vague and proposes additional uses not in concert with the intent of “good conservation practices.”
- The proposed language would allow “certain renewable energy projects” defined as – but not limited to- facilities providing renewable energy from “wind turbines, wind farms, solar energy, or low-impact hydropower” but is ominously silent with respect to any limitation on size and scale, and does not comport with traditional farming, gardening, grazing, hunting and recreational pursuits now encouraged in these districts.
- The few energy facilities identified would each have vastly different footprints, impacts on the conservation districts in which placed, and effects on the environment. To ignore these distinctions is unwise.
- For example, a “limited” subzone within a conservation district currently “limits uses where natural conditions suggest constraints on human activities.” §13-5-12. Siting a wind power plant in this type of subzone, as opposed to a solar facility, would have a much larger and potentially a more negative impact on the natural resources and open space and, during even a limited construction phase, virtually no “constraints” on human activity. Without careful oversight and regulation, such an outright permitted use could swallow the conservation district as a whole, in the process defeating the legislative intent to providing for regulation in conservation districts.
- Moreover, as written, the proposed amendment is ambiguous and vague with respect to the impact on existing provisions. What is the effect of the proposed amendment on §183C-3(5), which now permits the Board and Department to “[e]stablish categories of uses or activities on conservation lands, including allowable uses or activities for which no permit shall be required” (emphasis supplied), as opposed to §13-5-22 P-6 (and by reference §23) which currently requires “a board permit, and where indicated, a management plan”? Will the amendment make certain undefined, unlimited renewable energy projects outright allowable uses, for which no Board action

is required, or will the Board retain the discretion to consider a conservation district use permit (CDUP)?

- Under Chapter 196, Energy Resources, the Department of Land and Natural Resources is currently tasked with developing and publishing potential sites for renewable energy, see §196-41, rendering the proposed legislation unnecessary and premature.
- Finally, I would note that while the proposed amending language does not address §183C-4 (e), it is unacceptable that any hearing required by a change to the department's rules be held "in the county in which the land is located" and not on the host island.

In sum, the proposed amendment would have a negative impact on existing, well-established state regulatory authority. Providing a license to "allow" disparate, not fully defined and unlimited renewable energy facilities without regard to size or number (should all renewable energy projects be "allowed"?) is unwarranted and would set a dangerous departure from established uses of conservation districts.

I **OPPOSE** SB 2421 and urge this Bill be filed.

Thank you for this opportunity to testify to your Committee.

Sally Kaye  
P.O. Box 631313  
511 Ilima Avenue  
Lanai City, HI 96763



COLLEGE OF SOCIAL SCIENCES

# HAWAII ENERGY POLICY FORUM

UNIVERSITY OF HAWAII AT MĀNOA

Testimony of  
Warren Bollmeier  
Co-Chair – Renewable Energy Working Group  
Hawai'i Energy Policy Forum

Senate Committee on Energy and Environment  
Thursday, February 4, 2010 ~~Tuesday, March 11, 2008~~  
3:00 p.m.  
Conference Room 225

## Hawai'i Energy Policy Forum

Ms. Stephanie Ackerman, The Gas Co.  
Mr. Robbie Alm, HECO  
Ms. Amy Asselbayer, Office of US Rep. Neil Abercrombie  
Ms. Madeleine Austin, World Business Academy  
Mr. Warren Bollmeier, Hawai'i Renewable Energy Alliance  
Mr. Carlito Caliboso, PUC (Observer)  
Mr. Albert Chee, Chevron  
Ms. Elizabeth Cole, The Kohala Center  
Mr. Kyle Datta, New Energy Partners  
Ms. Laura Dierenfield, People's Advocacy for Trails Hawai'i (PATH)  
Mr. Mark Duda, HI Solar Energy Asst.  
Sen. Kalani English, Hawai'i State Senate  
Mr. Mitch Ewan, UH HNEI  
Mr. Carl Freedman, Haiku Design & Analysis  
Sen. Mike Gabbard, Hawai'i State Senate  
Mr. Mark Glick, OHA  
Dr. Michael Hammett, RCUH  
Dr. Robert Harris, Sierra Club  
Mr. William Kaneko, Hawai'i Institute for Public Affairs  
Mr. Darren Kimura, Energy Industries Holdings  
Ms. Kelly King, Sustainable Biodiesel Alliance  
Mr. Mike Kitamura, Office of US Senator Daniel K. Akaka  
Mr. Kai Kobayashi & Victor Reyes, Maui County Energy Office  
Mr. Laurence Lau, State of Hawai'i DOH  
Mr. Allyn Lee, C&C of Honolulu Dept. of Design & Construction  
Dr. Stephen Meder, UH Center of Smart Building & Community Design  
Dr. Sharon Miyashiro, UH College of Social Sciences Public Policy Center  
Rep. Hermina Morita, Hawai'i State House of Representatives  
Mr. Dean Nishina, Div of Consumer Advocacy  
Mr. Tim O'Connell, USDA-Rural Development  
Ms. Melissa Pavlicek, Hawaii Public Policy Advocates  
Mr. Ted Peck, State of Hawai'i DBEDT Strategic Industries Division  
Mr. Randy Perreira, Hawai'i State AFL-CIO  
Dr. Rick Rocheleau, UH HNEI  
Mr. William Rolston, Hawai'i County Dept. of Research & Development  
Mr. Peter Rosegg, HECO  
Mr. Steven Rymsha, KIUC  
Mr. Riley Saito, PowerLight Corporation  
Mr. Glenn Sato, Kaua'i County Office of Economic Development  
Mr. Bill Short, BIA of Hawai'i  
Ms. Joelle Simonpietri, Simonpietri Enterprises LLC  
Mr. H. Ray Starling, Hawai'i Energy Group LLC  
Mr. Lance Tanaka, Tesoro Hawai'i Corp.  
Dr. Don Thomas, UH Center for the Study of Active Volcanoes  
Ms. Maria Tome, State of Hawai'i DBEDT Energy Office  
Mr. Murray Towill, Hawai'i Hotel Association  
Mr. Joshua Wisch, Office US Representative Mazie Hirono  
Mr. Alan Yamamoto, Office US Senator Daniel Inouye

## IN SUPPORT OF SB 2421– Relating to Renewable Energy

I am Warren Bollmeier, Co-Chair of the Renewable Energy Working Group of the Hawaii Energy Policy Forum (“Forum”). The Forum is comprised of 47 representatives from the electric utilities, oil and natural gas suppliers, environmental and community groups, renewable energy industry, and federal, state and local government, including representatives from the neighbor islands. We have been meeting since 2002 and have adopted a common vision and mission, and a comprehensive “10 Point Action Plan,” which serves as a framework and guide for meeting our preferred energy vision and goals.

The Forum supports passage of SB 2421. It enables the production of renewable energy that will benefit the state by reducing fossil fuel production and carbon emissions, and increasing the public health, safety, and welfare of our citizens.

SB 2421 would amend Section 183C-4(d), Hawaii Revised Statutes, to provide certainty and guidance that specified renewable energy production -- wind turbines, wind farms, solar energy facilities, and low-impact hydropower facilities -- can be considered as a permitted land use within established zones in the conservation district. And, we know that the Department of Land and Natural Resources can determine the value of the project and its impact on natural resources, including controlling and safeguarding against any detrimental uses and activities.

Based on the foregoing, the Forum supports SB 2421 and respectfully urges passage of the bill.

Thank you for the opportunity to testify.

*This testimony reflects the position of the Forum as a whole and not necessarily of the individual Forum members or their companies or organizations.*