

**Committee on Agriculture List of Testifiers**

Date: Wednesday February 23, 2011

Time: 9:00am

Room: 312

**AS OF 4:30 PM**

<b><u>HB122 HD 1</u></b> Extends the repeal date of Act 173 (2009), which exempts renewable energy projects from subdivision requirements on State agricultural or conservation lands from July 1, 2013, July 1, 2020.	<b><u>First Primary: MCKELVEY</u></b>
<b>Dept. of Land &amp; Natural Resources, William Aila</b>	<b>Support</b>
<b>Dept. of Business, Economic Development &amp; Tourism, Richard Lim</b>	<b>Support</b>
<b>Land Use &amp; Research Foundation of Hawaii, David Arakawa</b>	<b>Strong support</b>
<b>Castle &amp; Cooke Hawaii</b>	<b>Support</b>
<b>Steven Chiang</b>	<b>Support</b>
<b>HBP Cooperative, Bill Akiona II</b>	<b>Support</b>

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
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**Testimony of**  
**WILLIAM J. AILA, JR.**  
**Chairperson**

**Before the House Committee on**  
**AGRICULTURE**

**Wednesday, February 23, 2011**  
**9:00 AM**  
**State Capitol, Conference Room 312**

**In consideration of**  
**HOUSE BILL 122, HD1**  
**RELATING TO RENEWABLE ENERGY**

The purpose of House Bill 122, House Draft 1 is to extend the repeal date of Act 173, Session Laws of Hawaii, 2009, until July 1, 2020. House Bill 122, House Draft 1 is intended to facilitate the financing and development of renewable energy projects by exempting developers of renewable energy projects from subdivision requirements. The Department of Land and Natural Resources supports the bill.

**WILLIAM J. AILA, JR.**  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**GUY H. KAULUKUKUI**  
FIRST DEPUTY

**WILLIAM M. TAM**  
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



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

**NEIL ABERCROMBIE**  
GOVERNOR

**RICHARD C. LIM**  
INTERIM DIRECTOR

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Statement of  
**RICHARD LIM**  
Interim Director

Department of Business, Economic Development, and Tourism  
before the

**HOUSE COMMITTEE ON AGRICULTURE**

Wednesday, February 23, 2011

9:00 a.m.

State Capitol, Conference Room 312

in consideration of

**HB 122 HD1**

**RELATING TO RENEWABLE ENERGY.**

Chair Tsuji, Vice Chair Hashem and Members of the Committee.

The Department of Business, Economic Development, and Tourism (DBEDT) supports  
HB 122 HD1, which extends the repeal date of Act 173 (2009) to July 1, 2020.

The ability of renewable energy developers to subdivide parcels under the Act for  
renewable energy facilities enables financial security and financing. This in turn aids the  
development of renewable energy projects. Therefore, we encourage your support of this  
measure.

Thank you for the opportunity to offer these comments.



February 23, 2011

Representative Clift Tsuji, Chair and Representative Mark J. Hashem, Vice Chair  
House Committee on Agriculture

**Support of HB 122, HD1 Relating to the Renewable Energy. (Extends repeal date of Act 173 (2009), exempting renewable energy projects from subdivision requirements)**

**Wednesday, February 23, 2011 at 9:00 a.m. in CR 325**

My name is David Arakawa, and I am the Executive Director of the Land Use Research Foundation of Hawaii (LURF), a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF's missions is to advocate for reasonable and rational land use planning, legislation and regulation.

LURF is in **support** of HB 122, HD1 which extends the repeal date of Act 173, Session Laws of Hawaii 2009 (Act 173). Act 173 exempts renewable energy projects from subdivision requirements on State agricultural or conservation lands. Although LURF would strongly support making Act 173 permanent, we also support extending the current July 1, 2013 sunset date to a the date proposed in HB 122, HD1, until July 1, 2020.

**HB 122, HD1.** The purpose of Act 173 was to facilitate the financing and development of renewable energy projects by allowing the transfer of an interest in agricultural or conservation land for a renewable energy project, without the requirement of a subdivision or land court approval. Renewable energy projects require acreage for facilities and access easements in configurations which often times do not coincide with existing, already subdivided lot boundaries or parcels established by the land court system. Current laws generally prohibit the transfer of such interests of land which have not been subdivided or otherwise shown on land court maps. Act 173 was enacted to address this issue, and allows the lands for renewable energy projects to be created, enforced, and recorded, without requiring the landowner to obtain formal subdivision or land court approvals. Since its passage, Act 173 has assisted in expediting the process for renewable energy projects, while still protecting the health, safety and welfare of the public.

**LURF's Position.** LURF and its members support and employ solar energy and other renewable energy devices and we also **support HB 122, HD1**, which would continue to allow and expedite the financing and development of renewable energy facilities by allowing leases and easements pertaining to renewable energy facilities on agricultural and conservation lands to be created for mortgages and other conveyances.

Thank you for the opportunity to express our **strong support for HB 122, HD1.**



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*Harry A. Saunders*  
President

Fax Submittal: 586-6511

Email Submittal: <http://www.capitol.hawaii.gov/emailtestimony>

Testimony by Harry Saunders  
President, Castle & Cooke Hawaii  
February 18, 2011

Before the House Committees on

**AGRICULTURE**

February 23, 2011  
9:30 a.m.  
Room 312

**In Support of HB 122 HD1**  
**RELATING TO RENEWABLE ENERGY**

Chair Tsuji, Vice Chair Hashem and members of the House Agriculture Committee.

We support HB 122 HD1 that would extend the repeal date of Act 173 (2009), which exempts renewable energy projects from subdivision requirements on State agricultural or conservation lands from July 1, 2013 to July 1, 2020.

To develop large scale renewable energy facilities, a site for the facilities and access to the site must often be leased, granted as an easement, or mortgaged to provide financing commitments for the project. The purpose of Act 173 was to facilitate the financing and development of renewable energy projects by allowing leases and easements pertaining to renewable energy projects, together with mortgages and other conveyances as security for finance, to be created, enforced, and recorded, without requiring the landowner to obtain formal subdivision approval. All other applicable regulatory and permit processes still apply before construction can proceed.

We respectfully request your support for HB 122 HD1 that will help to facilitate financing of renewable energy projects.

Mahalo for your consideration of our testimony. If you have questions, please feel free to contact us:

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***Steven N. Chiang***

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Testimony of Steven Chiang

**IN SUPPORT OF HB122**

Renewable Energy; Subdivision Requirements; Exemption

Before the House Agriculture Committee

February 23, 2011

Chairperson Tsuji and Members of the Committee:

In my roles as:

- Director of the University of Hawaii's Agribusiness Incubator Program;
- Program Manager of the U.S. Department of Energy-funded Sustainable Bioenergy Program (UH/CTAHR); and
- Contributor to the State of Hawaii Bioenergy Master Plan,

I am in touch with renewable energy activities and the renewable energy industry.

Very succinctly, I urge you to support HB122 for the following reasons:

1. Hawaii seeks to diversify its economy in fast-growth, high-value industries. Renewable energy is such an industry. Local companies have expanded their businesses out of state due to their success in Hawaii.
2. The renewable energy sector is identified by President Obama as one which America is striving to become a world leader and the military is moving forward in seeking sources of local renewable energy. Thus, Federal support will continue to benefit Hawaii as long as the local industry continues on its current path.
3. Hawaii has gained a national and international reputation for leadership in renewable energy. The Hawaii Clean Energy Initiative and other complementary actions and policies have attracted research, investment, and thus dollars and employment to the state.

The renewable energy sector is a bright spot in Hawaii's economy and the considerable momentum that has gained us an enviable position in this industry should be supported, not undermined.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 21, 2011 8:14 PM  
**To:** AGRtestimony  
**Cc:**  
**Subject:** Testimony for HB122 on 2/23/2011 9:00:00 AM

Testimony for AGR 2/23/2011 9:00:00 AM HB122

Conference room: 312  
Testifier position: support  
Testifier will be present: No  
Submitted by: Bill Akiona II  
Organization: HBP Cooperative  
Address:  
Phone:  
E-mail: \_\_\_\_\_  
Submitted on: 2/21/2011

Comments: