



State of Hawaii
DEPARTMENT OF AGRICULTURE
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TESTIMONY OF RUSSELL S. KOKUBUN
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEES ON ENERGY AND ENVIRONMENT,
AGRICULTURE, AND WATER, LAND, AND HOUSING
THURSDAY, FEBRUARY 24, 2011
3:20 p.m.
Room 225

SENATE BILL NO. 631
RELATING TO RENEWABLE ENERGY

Chairs Gabbard, Nishihara, and Dela Cruz and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill 631. The Department of Agriculture recognizes that achieving energy security along with food security are priorities of the Abercrombie Administration. We support such efforts to achieve both energy and food security in a manner that is complementary to existing law to the greatest extent possible. The Department of Agriculture has strong concerns that this measure, as written, is inconsistent with current statutes and may adversely impact productivity of agricultural lands in our State.

We are concerned by the statement of purpose found in Section 1 (lines 14 to 17) that allowing renewable energy facilities on agricultural lands "...is consistent with the purposes, standards, and criteria for uses within agricultural lands." Our reading of Chapter 205 is that the primary use of agricultural land is for agricultural production. Section 205-2(a)(3) establishes the boundaries of the Agricultural District with the provision that "...the greatest possible protection shall be given to those lands with a high capacity for intensive cultivation." Section 205-4.5(a), further restricts the use of agricultural lands with "A" and "B" rated soils. While Chapter 205 also lists energy-



related permissible uses including wind energy facilities, biofuel processing facilities, and agricultural-energy facilities, we point out that each of these energy-related permissible uses is required to have a meaningful connection to agriculture, compatibility with agricultural uses, or does not adversely affect agricultural land and activities.

This bill proposes two amendments to Chapter 205.

1. To permit solar facilities, currently restricted to "D" and "E" agricultural lands, on all Agricultural District lands, and
2. To authorize renewable energy production as a permitted use on "A" and "B" rated agricultural lands, regardless whether or not agricultural activity is the primary activity of the renewable energy facility, and not requiring feedstock for this facility to be sourced from production in Hawaii.

Regarding solar facilities, the Department of Agriculture is greatly concerned that allowing such facilities as a permissible use on all agricultural lands regardless of soil classification and without being accessory to agricultural activities, may adversely affect the availability of agricultural lands best suited for intensive agricultural production. We note that Act 231 (SLH 2008) that established solar energy facilities as a permissible use within the Agricultural District, purposefully limited this use for "marginal agricultural lands" with Land Study Bureau "D" and "E" ratings to avoid use of the higher productivity rated agricultural lands.

Regarding renewable energy facilities, the Department is also greatly concerned about the proposed amendment to Section 205-4.5(a) (16) to allow agricultural-energy facilities to be built on "A" and "B" rated agricultural land without the existing requirement that "agricultural production occupy at least 90 percent of the land area owned by the business operating the facility".

We believe there should be a relationship between the renewable energy facility and agricultural production if the facility is to be allowed on the best agricultural lands and request that the ninety percent stipulation be retained.

Thank you, again, for the opportunity to present testimony on this bill.

LATE

Aloha,

Please accept this as testimony, in regards to SB631, to be heard on 2/24/11 at 3:20pm. The bill proposes to allow renewable energy projects to be built on any parcel of land, regardless of the lands status. This bill is full of holes that allow development of land previously reserved as agricultural land. Land is the most important resource on an island and this bill would allow unrestricted growth and development of that land. This is unacceptable, and dangerous for the future. Stop looking to make money for business and development and start thinking logically about the future. Stop being greedy bastards and think about the larger picture. Growth and development on an island is a very tricky process that requires careful planning, not broad sweeping, dangerous strokes.
Mahalo for the time.

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