
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 energy load center is located on another island. Since the
5 benefits and consequences of a statewide systems approach to
6 harvesting renewable energy from one island to another are
7 considerable, serious consideration must be given to the social,
8 economic, and environmental issues that may impact the island
9 hosting a renewable energy facility.

10 The legislature also finds that to ensure that a host
11 island shares in the benefits of a renewable energy project,
12 community benefits agreements should be used. These agreements
13 outline specific commitments that are legally enforceable in
14 exchange for permitting development projects, including
15 renewable energy projects.

16 The purpose of this Act is to require the state energy
17 resources coordinator to:



1 (1) Convene a meeting between a renewable energy facility
2 applicant and stakeholder groups from any host island
3 where the applicant is proposing a renewable energy
4 facility to export the majority of the electricity
5 generated from the facility offshore; and

6 (2) Negotiate a binding community benefits agreement
7 between the applicant and stakeholder groups prior to
8 a project's final approval.

9 The Act also requires representatives from the host island
10 to participate in determining the terms and conditions of any
11 permit plan and permits with respect to community benefits
12 agreements.

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

15 "~~§~~201N-3~~§~~ **General duties of the coordinator.** (a)

16 The coordinator shall:

17 (1) Consult with appropriate state and county agencies to
18 develop and establish a permit plan application format
19 and procedure designed to ensure a timely review to
20 obtain required permits and approvals for renewable
21 energy facilities;



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



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



1 that is the site of the proposed renewable energy
2 facility for the purpose of negotiating a community
3 benefits agreement.

4 (b) For purposes of this section, "community benefits
5 agreement" means a negotiated and enforceable contract executed
6 before the finalization of the permitting process between an
7 applicant seeking to develop a renewable energy facility and
8 stakeholder groups from the island on which the proposed
9 facility will be located; provided that a preponderance of the
10 electricity generated by the facility is sold on another
11 island."

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

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

15

INTRODUCED BY: *Mike Canale*

JAN 21 2011



Report Title:

Renewable Energy Facilities; Community Benefits Agreements

Description:

Requires the state 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 the coordinator to meet with the facility developer and community stakeholder groups to negotiate a community benefits agreement.

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