

STAND. COM. REP. NO. **333D**

Honolulu, Hawaii

APR 05 2016

RE: H.B. No. 2077
H.D. 2
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health, to which was referred H.B. No. 2077, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HYDROELECTRIC POWER,"

begs leave to report as follows:

The purpose and intent of this measure is to permit hydroelectric facilities that are considered small hydropower facilities by the United States Department of Energy on agricultural district lands.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Ulupono Initiative, Hawai'i Fresh Water Council, Hawai'i Community Foundation, and one individual. Your Committee received comments on this measure from the Department of Agriculture and the Office of Hawaiian Affairs.

Your Committee finds that renewable energy is important to the State's energy goals. In recognition of the role hydroelectric energy-generating facilities can play as part of the State's efforts toward energy independence and security, this measure permits hydroelectric facilities that are considered small hydropower facilities on agricultural district lands. This measure also includes provisions requiring compliance with the State Water Code and rules regarding the establishment of instream flow standards, which will help ensure protection of public trust resources and uses.



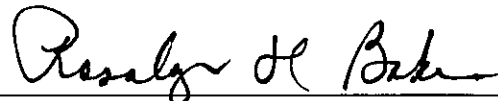
Your Committee has heard the concerns raised by the Department of Agriculture that this measure may not sufficiently address the impact that hydroelectric facilities may have on the uses of agricultural land or availability of surface or ground water. Your Committee understands these concerns and concludes that this measure should be amended to incorporate language from the Department of Agriculture that reinforces the protection of agricultural activities from the construction and operation of hydroelectric facilities.

Your Committee has amended this measure by:

- (1) Clarifying that hydroelectric facilities are permitted on agricultural district lands; provided that the hydroelectric facilities do not impact or impede whatsoever the use of agricultural land or the availability of surface or ground water for all uses on all parcels that are served by the ground water sources or streams for which hydroelectric facilities are considered; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2077, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2077, H.D. 2, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,



ROSALYN H. BAKER, Chair



