
A BILL FOR AN ACT

RELATING TO RENEWABLE ENERGY FACILITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the State's
2 dependence on petroleum for over ninety per cent of its energy
3 needs is more than any other state in the nation. This
4 dependence makes Hawaii extremely vulnerable to any oil embargo,
5 supply disruption, international market dysfunction, and many
6 other factors beyond the State's control.

7 Energy efficiency and the use of renewable energy resources
8 will increase Hawaii's energy self-sufficiency and achieve broad
9 societal benefits, including increased energy security,
10 resistance to oil prices, environmental sustainability, economic
11 development, job creation, and food self-sufficiency.

12 The legislature also finds that achieving Hawaii's
13 renewable energy goals may require the development of renewable
14 energy facilities on conservation and agricultural districts or
15 special management areas. While conservation and agricultural
16 districts and special management areas contain many valuable
17 resources for the State that need special protection, the
18 benefits of energy self-sufficiency and the reduction of our

1 reliance on petroleum-based energy renewable energy facilities
2 warrants those facilities being an allowed use within those
3 districts and areas; provided that there is proper supervision
4 and oversight to protect agricultural resources and activities,
5 the environment, natural resources, cultural resources and
6 activities, and the public health, safety, and welfare.

7 SECTION 2. Chapter 201N, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 **"§201N- Conservation and agricultural districts; special**
11 **management areas; allowed use.** (a) Notwithstanding any law to
12 the contrary, the siting, development, construction, and
13 operation of a renewable energy facility may be allowed within a
14 conservation or agricultural district or special management
15 area.

16 (b) This section shall not:

17 (1) Exempt renewable energy facilities from any permit or
18 approval process under chapter 183C, 205, 205A, or
19 343; or

20 (2) Prevent any agency or authority that issues permits or
21 approvals for renewable energy facilities from
22 imposing reasonable and appropriate restrictions on

1 the type of siting, development, construction, and
2 operation of a renewable energy facility to protect
3 agricultural resources and activities, the
4 environment, natural resources, cultural resources and
5 activities, or the health, safety, and welfare of the
6 State.

7 (c) All agencies and authorities that issue permits or
8 approvals for renewable energy facilities may adopt rules or
9 procedures to:

10 (1) Determine the type of renewable energy facility that
11 may be allowed within a conservation or agricultural
12 district or special management area;

13 (2) Determine criteria for the appropriate siting of
14 renewable energy facilities within a conservation or
15 agricultural district or special management area;

16 (3) Identify mitigation measures applicable to renewable
17 energy facilities to protect agricultural resources
18 and activities, the environment, natural resources,
19 cultural resources and activities, or the health,
20 safety, and welfare of the State; and

21 (4) Allow the energy resources coordinator to give
22 priority to applications issued as a result of this

1 section; provided that the priority shall not mitigate
2 the effect of any law regulating renewable energy
3 facilities.

4 (d) Notwithstanding any law to the contrary, for the
5 purpose of this section, renewable energy facilities within the
6 state agricultural district shall be limited to wind energy
7 facilities pursuant to section 205-2(d)(4) and section
8 205-4.5(a)(14); bio-fuel processing facilities pursuant to
9 section 205-2(d)(5) and section 205-4.5(a)(15);
10 agricultural-energy facilities pursuant to section 205-2(d)(7)
11 and section 205-4.5(a)(16); and solar energy facilities pursuant
12 to section 205-2(d)(6).

13 (e) Nothing in this section is intended to diminish the
14 discretion of any agency or any authority under existing laws to
15 approve or disapprove any permit application."

16 SECTION 3. New statutory material is underscored.

17 SECTION 4. This Act shall take effect on July 1, 2009.

Report Title:

Renewable Energy Facilities; Conservation and Agricultural
Districts; Special Management Areas

Description:

Allows the development of renewable energy facilities on
conservation and agricultural districts and special management
areas; provided that the facilities comply with all applicable
regulatory laws. (SD1)