

Honolulu, Hawaii

February 20, 2015

RE: H.B. No. 1273

H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 1273 entitled:

"A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY,"

begs leave to report as follows:

The purpose of this measure is to authorize construction of hydroelectric facilities on agricultural lands.

Specifically, the measure authorizes the construction and operation of such facilities on agricultural lands if the facilities:

- (1) Comply with instream flow standards established by the Commission on Water Resource Management;
- (2) Are accessory to agricultural activities; and
- (3) Do not adversely impact or impede the use of agricultural land or the availability of surface or groundwater for irrigation use on abutting parcels.

Your Committee received testimony in support of this measure from the Collaborative Leaders Network and one individual. Your Committee received comments on the measure from the Department of Agriculture; the Department of Business, Economic Development, and Tourism; the Land Use Commission; and the Hawaii Farm Bureau Federation.



Your Committee finds that the development of hydroelectric energy-generating facilities in Hawaii is vital to the energy security and energy independence of the State. Your Committee also finds that Hawaii's agricultural land is a fundamentally important and diminishing resource that is pivotal to the State's initiatives in food security. Your Committee believes that by authorizing hydroelectric facilities on agricultural lands, subject to certain conditions, this measure promotes both food and energy security.

Your Committee has amended this measure by:

- (1) Establishing an unspecified kilowatt power generation limit on hydroelectric facilities on agricultural lands;
- (2) Clarifying that hydroelectric facilities on agricultural lands shall not impact or impede the availability of surface or groundwater for all uses on all parcels that are served by the ground water sources or streams for which hydroelectric facilities are considered; and
- (3) Making conforming amendments to the final paragraph of the measure's purpose section.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1273, as amended herein, and recommends that it be referred to the Committee on Consumer Protection & Commerce in the form attached hereto as H.B. No. 1273, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,



CHRIS LEE, Chair



State of Hawaii
House of Representatives
The Twenty-eighth Legislature

HSCR 497

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: HB 1273	Committee Referral: AGR, EEP, CPC	Date: 2/17/15		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	✓			
2. LOWEN, Nicole E. (VC)	✓			
3. CULLEN, Ty J.K.	✓			
4. EVANS, Cindy	✓			
5. ING, Kaniela				✓
6. NISHIMOTO, Scott Y.	✓			
7. SAY, Calvin K.Y.	✓			
8. YAMANE, Ryan I.	✓			
9. POUHA, Feki				✓
10. THIELEN, Cynthia	✓			
TOTAL (10)	8	∅	∅	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; margin-left: 100px; font-size: 0.8em;">committee acronym(s)</div>				
Vice Chair's or designee's signature: Nicole E. Lowen				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				